

Present: Chairman Jeffrey D. Jones, Selectman Mark W. Lynch, Selectman A. Raymond Randall, Jr., Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also present: Michael Bider, Dana Guanera, Ellen Hull, William Knovak, Francis Burnham, and Chad Whittemore.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Public Library and announced that the Board would hear Public Comment.

Michael Bider and Dana Guanera, antiques dealers at 67 and 69 Main Street, came before the Selectmen to discuss the limited parking on Main Street. Mr. Bider and Mr. Guanera said that certain employees of a restaurant are allegedly parking in the spaces in front of their antiques businesses from approximately 10:00 a.m. until 9:00 p.m. The cars block access and visibility to the shops for the entire business day. They requested that parking in that portion of Main Street be limited to two hours at a time. The Selectmen stated that that part of Main Street is a State road, not a Town road, and, as such, there technically should be no parking allowed at all. It was agreed that either Chairman Jones or Selectman Lynch would speak with the owner of the restaurant in the event the vehicles are associated with his employees and he desires to voluntarily work to change the alleged practice. The Selectmen also suggested speaking with the Chamber of Commerce and/or the Merchants Group. Mr. Bider and Mr. Guanera thanked the Selectmen and left the meeting.

Ellen Hull, a resident of 105 Conomo Point Road, stepped forward and requested permission from the Selectmen in their capacity as the Conomo Point Commissioners, to remove a damaged tree from her leased property. A motion was made, seconded, and unanimously Voted to grant permission for the tree removal pending agreement by the Tree Warden. Ms. Hull thanked the Selectmen and left the meeting.

Chad Whittemore appeared before the Selectmen to request of a waiver of the filing deadline for an interim resident commercial clamming license, as well as permission to have a license until July 1st. Mr. Whittemore has recently moved to Gloucester and will not qualify for a Gloucester license until July 1st. A motion was made, seconded, and unanimously Voted to approve Mr. Whittemore's request and the Selectmen signed his application and noted that the license is only being granted for use through June 30th, 2010. Mr. Whittemore left the meeting.

Deputy Shellfish Constable William Knovak appeared before the Selectmen to apply for an interim resident commercial shellfish license and to request a waiver of the application filing deadline. Mr. Knovak is currently living in Gloucester, but will not be able to qualify for a Gloucester license until next year. A motion was made, seconded, and unanimously Voted to approve Mr. Knovak's request and the Selectmen signed his application. Mr. Knovak left the meeting.

Brendhan Zubricki presented his Town Administrator's Report for the period covering March 20th, 2010 through April 9th, 2010 regarding the following items:

Insurance Advisory Committee (IAC): Mr. Zubricki reported that he had been unsuccessful in finding a retiree who would accept the appointment as the Selectmen's representative to the Insurance Advisory Committee. The Selectmen decided to forego the search for a representative and asked Mr. Zubricki to proceed with the formation of the Committee.

Cape Ann TV Board of Directors: Mr. Zubricki said that the current representative to the Board of Directors at Cape Ann TV has decided to complete her term. Consequently, it is up to the Board of Selectmen to find a new appointee by June 30th. The name of Barry O'Brien had been suggested by the current representative and the Selectmen asked Mr. Zubricki to contact Mr. O'Brien to find out if he would be interested in the appointment.

Town Administrator's Calendar Year 2010 Goals: Mr. Zubricki presented and reviewed a draft of his proposed goals for 2010. The Selectmen had no comments and were in agreement to approve the goals as drafted.

Review of Parking Potential in Main/Martin Intersection Area: Mr. Zubricki reported that he will be meeting on site with the resident engineer of the Route 133 Reconstruction Project and a traffic engineer to view the area in front of the Village Restaurant and to discuss the feasibility of installing parking spaces there instead of a pocket park.

Installation of Pilings Adjacent to Causeway Seawall: Mr. Zubricki will also be attending a site meeting further along the causeway with representatives from local businesses and Mass Highway personnel to discuss coordination of the Town's proposed installation of pilings for a future boardwalk during Mass Department of Transportation's reconstruction of the seawall. At that time, discussion regarding the temporary utility poles will also occur.

Potential Installation of Lightning Protection System, Folsom Pavilion: Mr. Zubricki met recently at the pavilion in Centennial Grove with a contractor who specializes in lightning protection systems. The contractor has estimated that the cost of a protection system for the pavilion will be approximately \$3,000 to \$5,000 and the contractor is in the process of preparing a quotation for submittal to the Selectmen. There is enough money in the Grove Revolving Fund to cover the expense.

Treatment of Town Trees: Mr. Zubricki has spoken with the Town's Tree Warden and a local landscaping firm regarding the advisability of targeting certain critical trees on Town land for pest prevention spraying. The Tree Warden's budget for this fiscal year is depleted. However, there may be Town Hall funds and other DPW funds available. The Selectmen asked Mr. Zubricki to determine which trees to treat based on currently available funding.

Manchester Essex Conservation Trust Trail Map: Mr. Zubricki said the Selectmen's Office has been approached for permission to include walking trails on Town-owned land in a trail map that the group is publishing. The Selectmen asked Town Counsel, Gregg Corbo, who had joined the meeting, about whether there may be liability issues. After some discussion, the Selectmen asked Mr. Zubricki to issue a verbal OK to the group.

A motion was made, seconded, and unanimously Voted to approve each of the enterprise funds as they appeared on the final draft of the FY11 proposed budget. The draft has previously been reviewed by the Finance Committee, the Selectmen, and the Board of Public Works.

FY11 Finance Committee Booklet: Mr. Zubricki reported that the Finance Committee Booklet is at the printer's, along with an order for 200 copies of the proposed reformatted by-laws, and a Community Preservation Committee handout. He anticipates that the items will be available for pickup later this week.

Vaccination Reimbursement Billing Contract: Mr. Zubricki reported that the Board of Health has requested permission to contract with a billing company to obtain reimbursements for vaccinations by the Public Health Nurse. Currently, there are no legal funds available to review the draft contract and the Selectmen asked Mr. Zubricki to advise the Board of Health to bring the request to them again in the following fiscal year.

At 7:39 p.m., citing the need to discuss current and pending litigation, collective bargaining, and the value of real property, the Chairman entertained a motion to move to Executive Session. The Chairman stated that the Board would be returning to Open Session and invited Town Counsel Gregg Corbo, Police Chief Peter G. Silva, and the Town Administrator to attend. Everyone else present in the library left the building. The motion was moved, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 8:39 p.m. Attorney Corbo left the meeting. Chief Silva had already left the meeting during the Executive Session.

The Selectmen were joined by Francis Burnham, U.S. Army Captain Glenn C. Cardozo Jr., Sergeant First Class Croker, and Civilian Aide to the Secretary of the Army Rob Soeldner.

Captain Cardozo, Sgt. Croker, and Civilian Aide Soeldner discussed the concept of a community covenant with the Selectmen. The purpose of the covenant is an assertion of mutual support by the community and by the military service members and their families. It was agreed that Mr. Zubricki will be the liaison with Sgt. Croker. A motion was made, seconded, and unanimously Voted to endorse the covenant. A final draft will be signed by the Board outside of a meeting. Captain Cardozo, Sgt. Croker and Mr. Soeldner left the meeting.

Annual Town Meeting Motions: Mr. Zubricki reviewed the motions to be made at the Annual Town Meeting and also discussed the order of the motions. It was decided that the Town Building Committee may present an update at Article 2 if advised by the Moderator and that Selectman Lynch, as chair of the Conomo Point Planning Committee, may present an update at that time as well.

Mr. Zubricki said that the Town Clerk has asked if the Selectmen would like to implement a more stringent review of the voters that are registering to vote. The Selectmen were not in favor of changing the policy currently in place.

It was reported that the Long Term Planning Committee will be including a question about Conomo Point on their community survey. The question has been reviewed by the Conomo Point Planning Committee.

Taintor Associates has asked for the names of Conomo Point leaseholders to be invited to their planned focus group meeting. Mr. Zubricki agreed to ask Paul Collins and Brian Healy for suggestions.

The Selectmen reviewed a letter from Essex National Heritage Commission about the significance of Conomo Point.

In other business, a motion was made, seconded and unanimously Voted to approve and sign the weekly warrant in the amount of \$115,733.78, and further, to exempt from Section 20 of Chapter 268A of the General Laws the contract with Ramie Reader contained within the warrant pursuant to subsection (d) of said Section.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the April 5th, 2010, Selectmen's Open Meeting and the Selectmen's April 5th, 2010, Executive Session.

The Selectmen agreed to a future review of summer program recommendations at one of their regular meetings scheduled in May. They also reviewed a request to reconsider allowing the Grove Cottage to be used by the Youth Commission for summer program activities. The Selectmen were agreed that they do not want the cottage used by the program.

The Selectmen reviewed a memo from Shellfish Advisory Commission requesting that the Selectmen consider implementing a moratorium on commercial shellfishing licenses. The Selectmen asked Mr. Zubricki to review the request with Town Counsel and to review records of shellfish licenses from past years.

Shawn O'Donnell has requested permission to participate in clam seeding as his proposed Eagle Scout project. The Selectmen approved the choice and asked Mr. Zubricki to have him contact the Shellfish Advisory Commission for guidance.

The Selectmen reviewed a request by Mr. Holton and a motion was made, seconded, and unanimously Voted to reaffirm appointment of L. William Holton as the Town's representative to the Essex Heritage Scenic Byway Committee.

Mr. Zubricki reported that he has collected information about the Coordinated Family & Community Engagement Grant. He said that Essex would only be able to qualify for about \$2,000 to \$3,000 which would be used to send students to certain designated facilities in other towns such as Ipswich or Gloucester. In any event, Essex would not be able obtain funding under this grant until FY 2012. The Selectmen agreed that any interim assistance from any such facility that would benefit interested Essex families would be happily accepted.

Mr. Zubricki reminded the Selectmen that it is time to schedule the next Department Head meeting. They agreed to the suggested date of April 26th, starting at 7:30 p.m. at the Senior Center. The meeting will begin with a spotlight on public health featuring a joint presentation by Essex Health Agent Wozny and Gloucester Health Agent Vondress.

A motion was made, seconded, and unanimously Voted to approve a request for a Line Item Transfer to move \$15,222.50 from Wastewater Legal to General Legal.

A motion was made, seconded, and unanimously Voted to approve a request for a Line Item Transfer to move \$16,500.00 from Health Insurance to Unemployment.

A motion was made, seconded, and unanimously Voted to approve a request from the Board of Health to hold a Triathlon Clinic on Saturday, July 24th, 2010 at Centennial Grove.

A motion was made, seconded, and unanimously Voted to approve a request from the LEAP School in Concord to hold an End of the School Year BBQ at Centennial Grove on Saturday, June 5th, 2010.

A motion was made, seconded, and unanimously Voted to approve a request from the American Diabetes Association to pass over Essex roads during their 16th Annual North Shore Tour de Cure on Saturday, May 22, 2010.

A motion was made, seconded, and unanimously Voted to approve a request from the Essex Elementary PTO to pass over Town roads during their 3rd Annual Happy as a Clam 5K Run/Walk and Wellness Fair on Friday, May 7th, 2010.

The Selectmen reviewed a request for a proposed motorcycle event fundraiser to pass over Town roads on Sunday, June 27th, 2010. The American Lung Association has already been granted permission for runners to pass over Town roads during their annual Cross Trek/Hills to Harbor fundraiser on June 26th and 27th. The motorcycle group had been advised of the conflict but had replied that it was too late to change their plans. After some discussion, a motion was made, seconded, and unanimously Voted to approve

the request from Kelly Colanto for participants in A Ride to Remember to pass over Essex roads on Sunday, June 27th. The fundraiser will be in memory of Michael J. MacDonald and will benefit the Michael J. MacDonald Memorial Scholarship to be awarded to a Danvers High School student.

A motion was made, seconded, and unanimously Voted to approve the following requests for permits, licenses, and license renewals:

Auction Permit:

- Richard A. DiFillipo, d/b/a R.A. DiFillipo Auctions, for use on Tuesday, April 27th, 2010, between the hours of 8:30 a.m. and 10:30 p.m. within the confines of 125 Main Street.
- Michael March, d/b/a Blackwood March Antiques, for use on Wednesday, April 28th, 2010, between the hours of 4:00 and 11:00 p.m. within the confines of 125 Main Street.

Gasoline Storage License Renewal:

- Chanty, Inc., d/b/a Richdale for the underground storage of 24,000 gallons of gasoline at 156 Main Street.
- Edwin C. Perkins, Perkins Marine, Inc. for the above-ground storage of 7,500 gallons gasoline and 2,500 gallons diesel at 82 Main Street.
- Nieberle's Service Station, Ernie's Service Station for the underground storage of 14,000 gallons gasoline at 8 Main Street.
- Wheelworks, Inc., Gaybrook Garage for the underground storage of 16,000 gallons gasoline at 152 Western Avenue.

One Day Entertainment License:

- Essex Board of Health, for use during the Essex Youth Triathlon on Saturday, August 7th, 2010, between the hours of 6:00 a.m. and 1:00 p.m. within the confines of Centennial Grove. Consider waiving the fee.
- Victoria Kunzer, for use on Saturday, May 1st, 2010, between the hours of 7:00 and 11:00 p.m. within the confines of the Waterline Center at 66 Main Street.

One Day Wine and Malt License:

- Robin Shapiro, LEAP School, for use on Saturday, June 5th, 2010, between the hours of 2:00 and 6:00 p.m. within the confines of Centennial Grove.
- Bryanne Hall, Hall Wedding, for use on Saturday, June 12th, 2010, between the hours of 3:00 and 10:00 p.m. within the confines of the Essex Conference Center and Retreat at 1 Conomo Point Road.
- Victoria Kunzer, for use on Saturday, May 1st, 2010, between the hours of 7:00 and 11:00 p.m. within the confines of the Waterline Center at 66 Main Street.

- Scott McIsaac, d/b/a Professional Pour, for use on Sunday, July 4th, 2010, between the hours of 4:00 and 9:30 p.m. within the confines of the Essex Conference Center & Retreat at 1 Conomo Point Road.
- Cynthia Schlaikjer, Essex Historical Society and Shipbuilding Museum, for use on Wednesday, April 21st, 2010, between the hours of 3:00 and 6:00 p.m. within the confines of the Waterline Center at 66 Main Street.

Paraffin Storage License:

- Glass Dimensions, Inc. for the inside, above-ground storage of up to 7,000 gallons of bulk storage plus finished goods inventory of liquid bottled paraffin.

The Selectmen will meet in the T.O.H.P. Burnham Library at 7:00 p.m. on Tuesday, April 13, 2010 to interview candidates for the Town Clerk position.

The next regular Board of Selectmen's meeting will be held on Monday, April 26th, at 7:00 p.m. in the Senior Center.

There being no further business before the Selectmen, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 9:37 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
A. Raymond Randall, Jr.