

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

Also Present: Tom Shea's owner David Brown, Attorney John Guerin, and several members of the public.

At 7:00 p.m., the Chairman called the meeting to order in the T.O.H.P. Burnham Library and announced that the Board would hear Public Comment. No one offered any comment.

David Brown came forward to request a change of d/b/a for his restaurant from Tom Shea's to Shea's Riverside Restaurant & Bar. His purchase agreement with the former owner of the restaurant had only allowed him to use the name Tom Shea's for three years after his purchase. The paperwork was in order and a motion was made, seconded, and unanimously Voted to approve and sign the request. The documents will now be forwarded to the Alcoholic Beverage Control Commission for their approval. Mr. Brown left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering May 15<sup>th</sup>, 2010 through June 4<sup>th</sup>, 2010 regarding the following items:

Town Building Committee Update: Mr. Zubricki reported that the Town Building Committee had held a public forum on May 24<sup>th</sup> at the Fire Station and he reviewed some of the questions that had been asked at the forum:

*Can the Town sell the land on John Wise Avenue and purchase land for a public safety building somewhere else that is not in a residential neighborhood?* Mr. Zubricki exhibited a map of Essex showing a radius of the area that is the same distance away from the current Fire Station as is the proposed site and a second, larger radius that is as far as the Fire Chief is willing to relocate. There is no other property that is as well situated as the property on John Wise Avenue; and, none that is not also in a residential area. John Wise Avenue is a State road. Use of the school property on Story Street would crowd the school facilities and would present a safety issue for the children, and Story Street is a smaller, residential street.

*Would the Town be able to purchase land abutting the present property on Martin Street?* That is not likely, since there is no vacant land abutting the property and the abutting, developed land would be very expensive to purchase.

*Would it be possible to put an addition on the existing Town Hall?* An addition and rehabilitation of the Town Hall would cost more than constructing and maintaining a new building that can more adequately address the needs of both groups, especially when long-term maintenance is considered.

*Could the Town regionalize with other towns to provide services such as police, fire, etc. and remove the need for new public space in Essex?* Regionalization of

the Fire Department is not practical, and the response vehicles would have to be stored in Town somewhere in order to ensure a quick response.

The Selectmen asked that the Town Building Committee study and respond to each of the questions at a future meeting.

Finance Committee Public Survey Review: The Selectmen said that they have reviewed the draft of a proposed public survey by the Finance Committee and have no comments. Mr. Zubricki will advise the Finance Committee that it is OK to proceed with the survey.

Drug and Medical Testing Waiver, Summer Program: Mr. Zubricki reminded the Selectmen that every year, they waive drug and medical testing for the staff hired for the Summer Youth Program due to financial considerations. A motion was made, seconded, and unanimously Voted to waive the testing for this year's summer program.

Successor Ambulance Billing Agreement: Mr. Zubricki presented the Comstar renewal agreement for the ambulance contract for the Selectmen's review. The Town continues to be happy with the service provided by Comstar. A motion was made, seconded, and unanimously Voted to approve and sign the renewal agreement.

Attorney John Guerin appeared before the Selectmen with Brian Setzer and Colleen Malik to discuss a Chapter 61A property on Choate Street that is owned by the Rway Realty Trust of which the Maliks and Mr. Setzer are trustees. Selectman Jones is a resident of Choate Street. He recused himself from the discussion and left the meeting. The Rway Realty Trust property is being offered for sale and because it is Chapter 61A property, the Town has the right of first refusal on the property. The property consists of 16.04 acres and there is an interested buyer who is proposing to build six new houses on the site. The purchaser of the site would also pay approximately \$50,000 in past roll-back taxes to the Town at the time of purchase. Mr. Guerin said he has drafted a Notice of Nonexercise for the Town to sign based on the document used for the 61A Story property a few months ago. A motion was made, seconded, and unanimously Voted to refuse the offer to purchase the Choate Street property for the Town and to sign the Notice of Nonexercise pending successful review of the document by Mr. Zubricki and Town Counsel. Mr. Guerin, Mrs. Malik and Mr. Setzer left the meeting.

Selectman Jones returned to the meeting.

Mr. Zubricki resumed his Town Administrator's report regarding Pocket Park Permitting and Planning: Mr. Zubricki said that it will be necessary to revise the original plan to include environmental compliance work and that will cost an additional \$2,650 over the amount recently approved at Town Meeting. The Selectmen agreed that Selectman O'Donnell will work with Taintor Associates and Mr. Zubricki to perfect the contract language and define the contract scope. Mr. Zubricki and the Selectmen's Assistant will work together to draft the requests for various line item transfers to Town Property Maintenance in the amount of \$2,650 and an encumbrance in that amount to fund the additional cost of the project into the next fiscal year. A motion was made, seconded, and

unanimously Voted to authorize signature of the contract outside of a Selectmen's meeting once the contract language, the scope, and the approval of all sources of funding is finalized.

The Long Term Planning Committee and the National Grid arborist are continuing to search for the most appropriate variety of tree to plant along the causeway based on the site, the utility poles, and the proximity of the buildings.

Seawall Design Discussions: Mr. Zubricki reported that the cost of the new design for the seawall with the additional rebar has not yet been received from Mass DOT. He said that there may be residual State money available to help with the funding since a lot of times there are small amounts of money left over from finished projects and Mr. Zubricki will ask Senator Tarr if any is available to assist with this project. Mass DOT may also be able to assist with the funding. Otherwise, the Town will have to use the Reserve Fund.

At 7:30 p.m., Chairman Randall announced that the Board would hear evidence regarding infractions allegedly made by six different licensed, commercial clammers. Chairman Randall reviewed the procedure that will be followed for the hearings. Each alleged violator will be heard in a separate hearing for a total of six hearings. Mr. Randall also said that he is a direct abutter of one of the alleged violators and that he will recuse himself from all discussions in which Mr. Mullin is concerned. The alleged violators will be taken in alphabetical order.

That being said, Chairman Randall proceeded to read a letter that was sent to William Appeltofft by certified mail on May 27, 2010, informing him that he was observed by the Shellfish Constable to be allegedly digging clams in a closed area on May 27, 2010 and asking him to attend a hearing by the Board of Selectmen on June 7<sup>th</sup> to consider the suspension or revocation of his commercial clamming permit. A motion was made, seconded, and unanimously Voted to open the hearing for Mr. Appeltofft, who came forward, along with George Mullin and Wayne Savoie.

Chairman Randall recused himself from the discussion and left the room. Selectman Jones proceeded to conduct the hearing.

Selectman Jones asked everyone who wished to speak at Mr. Appeltofft hearing to raise their right hands and swear to tell the truth during their testimony at this hearing. Constable Thistlewood, William Appeltofft, George Mullin, and Wayne Savoie did swear to tell the truth. Constable Thistlewood began the discussion by relating that since the Constable's boat was in for repairs on May 27<sup>th</sup>, he had been observing the flats from a land position at Conomo Point using a pair of binoculars. He had observed Mr. Appeltofft and 3 other individuals digging on the wrong side of the line and had proceeded to alert the Town Administrator to the alleged infractions. Mr. Appeltofft, Mr. Mullin and Mr. Savoie, who were there at the time, said that they had not been digging in the wrong place and that they were too far away from Conomo Point for anyone to be exactly sure of where they were digging. They exhibited a map of the flats to illustrate their point. No one else wished to offer any comment and a motion was made, seconded, and

unanimously Voted to close the hearing. Selectman Jones and Selectman O'Donnell conferred and a motion was made, seconded, and unanimously Voted to take no further action regarding the alleged violation of Mr. Appeltofft on May 27<sup>th</sup>, 2010.

Chairman Randall rejoined the meeting and proceeded to read a letter sent to Michael Jacobs, Jr. by certified mail on May 26<sup>th</sup>, 2010, saying that the Shellfish Constable had reported that both he and an Environmental Police Officer had allegedly found Mr. Jacobs with a percentage of small clams in his bags on May 21<sup>st</sup>, 2010. The letter requested Mr. Jacob's presence at a formal hearing to consider the suspension or revocation of his shellfish license on June 7<sup>th</sup>. A motion was made, seconded, and unanimously Voted to open the hearing for Mr. Jacobs. The Chairman asked all those persons wishing to testify to raise their right hands and swear to tell the truth during their testimony. Mr. Jacobs took the oath. Constable Thistlewood recounted that on May 21<sup>st</sup>, both he and the EP officer had sampled the clams dug by Mr. Jacobs and had determined that the clams were below the size allowed by State law. The EP officer had confiscated two bags of clams and issued a \$50.00 ticket to Mr. Jacobs. They also took pictures of the clams. Mr. Jacobs said that he had forgotten to bring his ring (clam measuring device) with him that day and thought that the clams he had were within the limit allowed. The Chairman asked Mr. Jacobs, if, subsequently, he agreed with the findings of the Constable and the EP officer that he did take short clams. Mr. Jacobs said he did, but he did not do it on purpose. No one else wished to speak and a motion was made, seconded, and unanimously Voted to close the hearing. After deliberating on the findings and the penalties available to them, the Selectmen determined that a violation had occurred. A motion was made, seconded, and unanimously Voted to suspend Mr. Jacob's license for a period of 7 days, commencing on June 8<sup>th</sup> and proceeding through June 14<sup>th</sup>, 2010. Mr. Jacobs may begin clamming again starting on June 15, 2010.

The Chairman next proceeded to read a certified letter sent to Rocco Manzi on May 26<sup>th</sup>, 2010, informing him that the Shellfish Constable, along with an Environmental Police officer, had reported that they had found Mr. Manzi with short clams on May 21<sup>st</sup>, 2010 and requesting Mr. Manzi's appearance at a public hearing to consider suspension or revocation of his shellfishing license on June 7<sup>th</sup>. A motion was made, seconded, and unanimously Voted to open the hearing and the Chairman asked all those interested in testifying to raise their right hands and swear that what they were about to say at the hearing was the truth. Mr. Manzi and Timothy Marshall swore to tell the truth during the hearing. Constable Thistlewood stated that on May 21<sup>st</sup>, 2010, he was with an EP officer when the officer sampled Mr. Manzi's clams and found that they included a percentage of clams below the legal size allowed. Two bags of clams were confiscated and the EP officer issued a \$50.00 ticket to Mr. Manzi. The Shellfish Constable said that he and his deputy had buried all the clams that were confiscated from everyone that day on the flats again. After some discussion, the Chairman asked Mr. Manzi if he agreed that on May 21<sup>st</sup>, he had dug small clams. Mr. Manzi said that he had, although he had done so unknowingly. No one else had any comments and a motion was made, seconded, and unanimously Voted to close the hearing. The Selectmen agreed that a violation had occurred, and mindful of the need to be consistent, a motion was made, seconded, and unanimously Voted to suspend Mr. Manzi's shellfishing license for a period of 7 days,

commencing on June 8 and ending on June 14<sup>th</sup>. Mr. Manzi may resume fishing on June 15<sup>th</sup>.

It was noted that the Selectmen have the option of suspending a license for as long as 30 days following a first violation. However, the Selectmen felt that 30 days was too stringent and that 7 days was a severe and sufficient penalty. In the event of a second violation, the Selectmen said that they would not be inclined towards the same leniency.

The next hearing was concerning George Mullin, and Chairman Randall recused himself and left the room. Selectman Jones read a certified letter sent to Mr. Mullin on May 27<sup>th</sup>, 2010, informing him that the Shellfish Constable had reported Mr. Mullin digging on the closed winter flats on May 27<sup>th</sup>, 2010. The letter asked Mr. Mullin to be present for a public hearing on June 7<sup>th</sup>, 2010 to consider the suspension or revocation of his shellfishing license. A motion was made, seconded, and unanimously Voted to open the hearing. Selectman Jones asked everyone wishing to speak at this hearing to raise their right hands and swear to tell the truth during the hearing. Mr. Mullin, Mr. Savoie, and Mr. Appeltofft took the oath. The Shellfish Constable repeated that he had been without his boat at Conomo Point on May 27<sup>th</sup> and had observed Mr. Mullin digging clams on the closed winter flats through his binoculars. Mr. Mullin again referenced the map of the clam flats and stated that he did not agree that he had been digging on the wrong side of the line separating the closed flats from the open ones. There were no other comments and a motion was made, seconded, and unanimously Voted to close the hearing. After discussion, the Selectmen agreed that it was inconclusive whether or not a violation had occurred. A motion was made, seconded, and unanimously Voted to take no further action concerning the alleged violation by Mr. Mullin on May 27<sup>th</sup>, 2010.

Wayne Savoie came forward and Selectman Jones read a certified letter sent to Mr. Savoie on May 27<sup>th</sup>, 2010, to inform him that it was reported by the Shellfish Constable that Mr. Savoie had been seen digging clams on the closed winter flats on May 27<sup>th</sup> and requesting Mr. Savoie's presence at a hearing to be held on June 7<sup>th</sup>, 2010, to consider the suspension or revocation of his shellfishing license. A motion was made, seconded, and unanimously Voted to open the hearing for Mr. Savoie. Selectman Jones asked those interested in speaking during the hearing to raise their right hands and swear to tell the truth during the testimony. Mr. Savoie, Mr. Mullin and Mr. Appeltofft swore the oath. The Constable said that on May 27<sup>th</sup>, he had observed Mr. Savoie through binoculars to be digging clams on the closed winter flats. The map of the flats was again referred to as an exhibit and Mr. Savoie stated that he had not been digging on the winter flats. There was no further discussion and a motion was made, seconded, and unanimously Voted to close the hearing. The Selectmen concurred that there was a possibility that an infraction had not taken place. A motion was made, seconded, and unanimously Voted to take no further action regarding the alleged violation by Mr. Savoie on May 27<sup>th</sup>, 2010.

Mr. Manzi, Mr. Jacobs, Mr. Marshall, Mr. Savoie, Mr. Mullin, and Mr. Appeltofft left the meeting. Chairman Randall rejoined the meeting.

Chairman Randall announced that the next hearing would concern Chad Whittemore who was reported to allegedly be digging illegal short clams on May 21<sup>st</sup>, and to be allegedly digging on the closed winter flats on May 27<sup>th</sup>, 2010. Mr. Randall read each of the certified letters sent to Mr. Whittemore informing him of the alleged offenses and requesting his presence at a hearing to consider the suspension or revocation of his license on June 7<sup>th</sup>. A motion was made, seconded, and unanimously Voted to open the hearing. The Chairman asked that those who wished to speak during the hearing raise their right hands and swear to tell the truth during the proceedings. Mr. Whittemore swore the oath. Constable Thistlewood stated that on May 21<sup>st</sup> he was with Officer Griffin of the Environmental Police when he sampled Mr. Whittemore's clams and discovered that they were below the regulation size. Officer Griffin had confiscated 2 bags of Mr. Whittemore's clams and written him a \$50.00 ticket. On May 27<sup>th</sup>, the Constable said he had seen Mr. Whittemore with three other clammers digging on the closed winter flats through binoculars from his position on Conomo Point. After some discussion, Mr. Whittemore said that he had not intentionally dug the small clams, but agreed that some of the clams in his possession were too small. He did not agree that he had been digging on the closed winter flats. There was no further comment and a motion was made, seconded, and unanimously Voted to close the hearing. The Selectmen said that there had clearly been a violation of the shellfishing regulations on May 21<sup>st</sup> with the taking of below size clams, but that the evidence proving that digging occurred on the closed flats on May 27<sup>th</sup> was inconclusive. Therefore, a motion was made, seconded, and unanimously Voted to suspend Mr. Whittemore's shellfishing license with regard to the May 21<sup>st</sup> violation, for a period of 7 days, commencing on June 8<sup>th</sup>, and continuing through June 14<sup>th</sup>. Mr. Whittemore will be able to resume shellfishing in Essex on June 15<sup>th</sup>, 2010. A motion was made, seconded, and unanimously Voted to take no further action regarding the alleged offense on May 27<sup>th</sup> by Mr. Whittemore.

Mr. Whittemore left the meeting with his family, as well as other clammers who had been present for the hearings. Shellfish Constable Paul Thistlewood, Deputy Constable Hartley, and Dean Rossi remained and continued the discussion with the Selectmen regarding ways to mark the boundaries of the winter flats. Also discussed, was the need to clarify the difference between the boundaries of the winter flats and the boundaries of the rain closure areas.

Mr. Thistlewood, Mr. Hartley, and Mr. Rossi left the meeting.

The Selectmen resumed discussion of the Seawall Design Discussions which they had started before the hearings began. Selectman O'Donnell said that she estimated that the additional expense for the rebar required for the new design to increase the strength of the Seawall to support a cantilevered boardwalk would be about \$5,000. On a related matter, Mr. Zubricki said that Mr. Perkins is advocating that the Town also pursue the permitting process needed to install pilings as an alternative to the cantilevered supports. It was estimated that the pilings will cost about \$50,000 and that they can be installed at any time in the future if the need arises; whereas, there is only a small window of time now in which the seawall can be strengthened to receive the supports for a future boardwalk. The

Selectmen agreed to take no further action at this time regarding the installation of pilings.

Route 133 Reconstruction Project Informal Discussion: Mass DOT has responded to the Town's request to have an informal get-together with the Route 133 Reconstruction Project contractor, Mass DOT, local businessmen, and assorted Town personnel. Mass DOT is willing to participate and they have already been meeting with everyone. The contractor is not willing. Mass DOT has said that the contractor will be coming to town when he is ready to begin work on the project and will agree to participate in a "kick-off" meeting at that time. The Selectmen asked Mr. Zubricki to inform Mass DOT that they would definitely like to participate in the kick-off meeting.

Utility Pole Relocation Update: Mr. Zubricki said that Mass DOT is willing to seek alternative plantings of an equal or lesser value that can be substituted for placement around or under the utility poles on the causeway. The Selectmen said the substitution is acceptable.

Proposed Pay-as-You-Throw Solid Waste Program: Mr. Zubricki reported that the contract with Covanta for disposal of solid waste will be ending in a couple of years and that the Superintendent is anticipating that the renewal contract will be for a greatly increased price. The Selectmen asked Mr. Zubricki to work with the Superintendent to formulate a plan to combine a new contract with Covanta and another with WasteZero for the maximum savings to the Town.

Northern Conomo Point Planning Update: Mr. Zubricki presented a revised schedule for work by Taintor and Associates. After a short review, a motion was made, seconded, and unanimously Voted to approve the new schedule.

Expansion of Dependent Eligibility: Mr. Zubricki said that in conjunction with recent reform legislation, the Town's health insurance provider will be increasing the age at which children may be carried on their parent's insurance and has offered the Town the chance to opt out of the increased coverage which will be provided at no extra charge. The Selectmen agreed to decline the offer to opt out.

Posting of Centennial Grove Closing Time: Mr. Zubricki confirmed that there is no sign at Centennial Grove stating the hours that the Grove is open to the public. The current Grove regulations state that the Grove closes at 10:00 p.m. The Selectmen discussed the matter and a motion was made, seconded, and unanimously Voted to set the hours that Centennial Grove is open to the public from sunrise to sunset. The regulations will be changed and posted on the Town's website and new signs will be made for installation at the Grove.

Public Restroom Hours of Operation: Mr. Zubricki reported that several people have requested to have the public restrooms open for use 7 days a week starting in April rather than waiting until Memorial Day. Use of the ball fields starts in April. Opening earlier in the year will require more supplies and additional time spent by the Town Custodian

cleaning the facilities. A motion was made, seconded, and unanimously Voted to change the hours of operation for the public restrooms at Memorial Park to be open 7 days per week starting in April on a trial basis. It was also suggested that the FY 2012 budget contain an item to fund a part-time trainee/helper for the Town Custodian.

Summer Program Physical Audit: Mr. Zubricki reported that Mr. Harnish had met recently with Mr. Zubricki and the Youth Director to conduct an audit of the physical features at the site of the Summer Youth Program. Mr. Zubricki reviewed the list of Mr. Harnish's comments and suggestions. The Selectmen agreed that they did not want the summer program using the Grove Cottage porch and that the tent should be placed away from the cottage grounds. The Selectmen also do not want the Cottage Garage being used for programming because of safety issues, however, it may still be used for storage. It was agreed that no summer program attendees would be allowed beyond the stone pillars at the end of the driveway to the Cottage.

Proof of Residency for Clamming Permits: The Selectmen decided to review the findings of the Town Clerk regarding various methods employed by other towns to prove residency at their next meeting.

Emergency Generator Installation, Essex Elementary School: School officials have approached Mr. Zubricki about splitting the installation cost of a used emergency generator from the old high school. The used generator would be installed at the Essex Elementary School, which presently has no generator. A motion was made, seconded, and unanimously Voted to approve a Reserve Fund Transfer Request to fund ½ of the installation cost of the generator when the school officials give the project the go ahead.

Surveyor of Bark and Lumber; Pound Keeper: Mr. Zubricki reviewed his research regarding the history of the Town appointments for Surveyor of Bark and Lumber and for Pound Keeper. The appointments originated many, many years ago when the local economy was agrarian based and no longer have relevance today. The Selectmen agreed that there is no need to fill those appointments unless a specific reason should arise.

Proposal for Summer Student Intern Program: At the request of one of the Selectmen, Mr. Zubricki has been looking into creating a program for high school students that would be combined with their community service requirements. The two-week program would allow the students to rotate through the different town departments to gain an understanding of how town government works. Mr. Zubricki agreed to call the high school guidance department to discuss coordination of the proposed program.

Mr. Zubricki said someone suggested placing a plaque on the new boardwalk thanking the people who gave easements for the boardwalk. The Selectmen decided to take no action at this time regarding this matter, since the boardwalk is still in the discussion stage and has not been funded.



Mr. Zubricki asked the Selectmen how many hours they wanted the Youth Director to spend per week as the summer program director. The Selectmen agreed that 40 hours should be sufficient.

Mr. Zubricki reported that Mass DOT has informed him that they will not have enough of the old stone from the old seawall to face the new seawall. Rather than have two different types of stone, they would prefer to buy new stone for the entire seawall. Mr. Zubricki showed the Selectmen a sample of the stone that Mass DOT would like to use. A motion was made, seconded, and unanimously Voted to delegate Selectman O'Donnell to discuss the matter with Mass DOT and decide on the materials to use for the new seawall.

Mr. Zubricki said he had received an email from someone who had been talking to Nelson Emmons about affordable housing in town and wanted to meet with Mr. Zubricki to discuss it further. Selectman O'Donnell suggested that the person be referred to the Long Term Planning Committee as the place to start affordable housing discussions.

In other business, Chairman Randall moved to approve and sign the weekly warrant in the amount of \$103,871.05, 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 sign a letter of appreciation to Juergen Dietrichson upon his resignation from the Planning Board and the Building Committee.

A motion was made, seconded, and unanimously Voted to sign letter of recognition to Jared Pike.

A motion was made, seconded, and unanimously Voted to approve the following appointments as they appear on the Agenda:

Action Board of Directors, Robert Cameron, 1-year term  
ADA Coordinator, William Sanborn, 1-year term  
Building Inspector, William Sanborn, 1-year term  
Assistant Building Inspector, L. William Holton, 1-year term  
Burial Agent, Blake Story, 1-year term  
CATV Representative, Barry O'Brien, 1-year term

Civil Defense/Emergency Management Director, Daniel Doucette, 1-year term  
Assistant Civil Defense/Emergency Management Director, Glenn Boutchie, 1-year term

Council on Aging (3-year term):

Harold Addison	Robert Cameron	Rosemarie Carr
Priscilla Doucette	Marlene Sanders	

Dog Control Officer, Amelia Reilly, 1-year term

Electrical Inspector, Ramie Reader, 1-year term  
Assistant Electrical Inspector, John Shields, 1-year term  
Essex Cultural Council, Peggy Duff, 3-year term  
Essex Heritage Scenic Byway Committee, L. William Holton

Finance Committee (3-year term):

James F. Horrocks      Gordon Martin      Mark W. McKenna

Fire Department, Auxiliary (1-year term):

Eian Woodman, Captain	Daniel Bruce	Josh Butler
Anthony Dragonetti, Jr.	Christopher Grant	Warren Grant, Jr.
Anthony Lafata	Matthew McGrath	Joan Perrigo
Dennis Pyburn	Sally Rich	Nick Silva
Jonathan Tiplady		

Fire Engineers, Board:

Daniel Doucette, Chief	Paul Doucette, Deputy
Ramie Reader, Deputy	

Fire Department (1-year term):

Edward Akerley	James Albani	Daniel Ball
David Barrett	Glenn Boutchie	Westley Burnham
Samuel Crocker	Dexter Doane	Richard Dort, Jr.
Bruce Figurido	Daniel Fialho	Ronald Gallant
Warren Grant III	Jason Heath	Cory Jackson
Chris Maxfield	Ivan Muise	Heather Osborn
Nicholas Ouellette	David Pereen	Sean Reed
Scott Savory	Michael Soucy	Kevin Sousa
George Stavros	Gordon Thompson	Eian Woodman

Firefighter, Captain, Timothy P. Lane, 1-year term  
Firefighter, Lieutenant, Keith Carter, 1-year term  
Firefighter, Lieutenant, Travis Good, 1-year term  
Firefighter, Lieutenant, Joseph Lafata, 1-year term  
Firefighter, Lieutenant, Ernest Nieberle, Jr., 1-year term  
Firefighter, Lieutenant, David Thompson, 1-year term  
Firefighter/Arson Investigator, Michael French, 1-year term

Forest Fire Warden, Dan Doucette, 1-year term

Harbormaster, Assistant, Westley Burnham, 3-year term  
Harbormaster, Assistant, Paul Thistlewood, 3-year term  
Historical Commission, Kurt Wilhelm, 3-year term  
Historical Commission, Richard Southgate, 3-year term  
Hazardous Waste Advisor, Edward Akerley, 1-year term

**Local Emergency Planning Committee (1-year term):**

Dan Doucette	Jeffrey Jones	Elaine Wozny
Peter Silva	Paul Goodwin	

**Long Term Planning Committee (3-year term):**

Westley Burnham	John Corcoran	Robert Coviello
Michael Dyer	Michael French	Eric Gjerde
Edwin Howard	Peter Kellerman	Tom Lang
Susan Lufkin	Eamon McGilligan	Lisa O'Donnell
Andrew St. John	Christine Woodman	Wallace Bruce
Gordon Martin	Peter Silva	

MAPC Representative, Peter Phippen, 3-year term

**Open Space Committee (1-year term):**

Julie Scofield	Maria Burnham	Leslie Burns
Tamson Gardner	Lysa Leland	

Personnel Board, Mark Osburn, 3-year term

**Playing Fields Committee (1-year term):**

Jeffrey D. Jones	James O'Neil	Susan Taylor
Richard Trembowicz	Jessica Lamothe (Alternate)	

Plumbing & Gas Inspector, Richard Corriere, 1-year term

Assistant Plumbing & Gas Inspector, David Pereen, 1-year term

**Police Officers, Full-time (3-year term):**

Ryan Davis	Sgt. Paul Francis	Inspector Michael French
Robert Gilardi	Mark Larivee	James Romeos
Thomas P. Shamshak		Justin Zwicker

**Police Officers, Part-time (1-year term):**

Gregory Brown	Daniel Bruce	Matthew Doucot
David Earle	Alexander Edwards	Steven Grant
Nicholas Hamilton	David Kent	Mariko Weston

Ranger, Crane Wildlife Refuge, Donald A. Paquin, 1-year term

Regional Emergency Planning Com. Emergency Response Coordinator (1-year term):

Daniel Doucette

Shellfish Advisory Commission, Bradley Atkinson, 3-year term

Shellfish Warden, Paul Thistlewood, 3-year term

Shellfish Warden Deputy, William Knovak, 3-year term

Shellfish Warden Deputy, Stephen Hartley, 3-year term

Mr. Zubricki said that the Planning Board has forwarded two recommendations for the vacant seat left by Walter Rich on the Board of Public Works: Bill French and Joe Ginn. He said that Bill French may actually be interested in the vacant Planning Board seat. Mr. Zubricki said that Joe Ginn is a local contractor who does a lot of work in Town. Discussion followed regarding concerns about the frequency of possible conflict of interest issues. The Selectmen asked Mr. Zubricki to request additional names from the Planning Board Chair and to call Mr. French to find out if he does prefer to be appointed to the Planning Board.

Robyn Lafata has requested permission to use the Town seal on flags for sale at the Clam Fest. A motion was made, seconded, and unanimously Voted to approve the use of the seal for this specific request only, pending approval by Town Counsel.

A motion was made, seconded, and unanimously Voted to approve the revised Governor's Bill language regarding the Annual Town Meeting and election held in Essex during the month of May 2010 and to have the approved language transmitted to Senator Tarr by Mr. Zubricki.

It was agreed that Chairman Randall would make the presentation of the Small Businessman's Award to Mark and Kevin Ricci on Thursday, June 10<sup>th</sup> at 5:00 at the Village Restaurant.

A motion was made, seconded, and unanimously Voted to approve a request by the Police Department to an MGL Chapter 44, Section 33B transfer of \$5,000 from ECO F.I.C.A. to F.I.C.A. General.

A motion was made, seconded, and unanimously Voted to approve a line item transfer request to the Finance Committee for \$9,000 from Workman's Compensation to General Legal. Another motion was made, seconded, and unanimously Voted to approve a line item transfer request to the Finance Committee for \$1,000 from Blanket Liability Insurance to General Legal. A third motion was made, seconded, and unanimously Voted to approve a line item transfer request to the Finance Committee for \$4,580 from Health Insurance to Unemployment.

Mr. Zubricki said that the Manchester Town Manager Wayne Melville has requested joint meetings, beginning immediately, to discuss the proposed FY2012 School District Budget. The Selectmen said that they would like to begin discussions in the fall. Mr. Zubricki said that he will inform Mr. Melville and the Finance Committee Chair of the Selectmen's decision.

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

Auction Permit:

- Robert Landry, d/b/a Landry Antiques, for use on Thursday, June 24, 2010, between the hours of 4:00 and 8:00 p.m., within the confines of 125 Main Street.

- Richard DiFillipo, d/b/a R.A. DiFillipo Antiques & Auctions, for use on Tuesday, June 29<sup>th</sup>, 2010, between the hours of 8:00 a.m. and 10:30 p.m., within the confines of 125 Main Street.

Antiques License:

- Ann C. Orcutt, d/b/a AnnTiques at 2 Martin Street.

One-Day Licenses (Request to Waive Fees):

- One-Day Entertainment License for the Cape Ann Chamber of Commerce for use on Saturday, June 19, 2010, between the hours of 12:00 noon and 10:30 p.m. within the confines of Memorial Park.
- One-Day Wine and Malt License for the Cape Ann Chamber of Commerce for use on Saturday, June 19, 2010, between the hours of 12:00 noon and 10:30 p.m. within the confines of Memorial Park contingent receipt of a liability insurance certificate.

Mr. Zubricki said that Robert Coviello is working directly with the Fire Chief to obtain permitting for the Essex River Day bonfire.

A motion was made, seconded, and unanimously Voted to approve a request from a group of 5<sup>th</sup> grade students and their families, represented by Annie Cameron, to use Centennial Grove for a graduation cookout on Wednesday, June 16<sup>th</sup>, between the hours of 5:00 and 9:00 p.m., as well as a request to waive the associated rental fee.

The Selectmen reviewed information regarding a Town-owned property acquired through foreclosure on Southern Avenue, Map 10, Lot 10. A buyer who is purchasing the adjacent land would like to reclaim this piece and put it back on the tax roles. The buyer has agreed to pay back taxes and attorney's fees. A motion was made, seconded, and unanimously Voted to ask the Town's Tax Title Attorney to vacate the judgment and return the property to the property owner, pending payment of the back taxes and fees by the buyer.

Planet Aid has requested permission to place their clothing donation bins behind the Fire Station or in Memorial Park. The Selectmen were in agreement that they did not want bins behind the Fire Station. Currently, there are bins at the transfer station.

Mr. Zubricki has received a request from a resident to post the parking regulations along every road at Conomo Point to avoid confusion. After some discussion, the Selectmen asked Mr. Zubricki to have one sign posted at the beginning of Conomo Point stating that sticker parking only is permitted beyond that point.

The Selectmen reviewed a notification from the Massachusetts State Lottery Commission that an application had been made by Essex Wine and Spirits at 91 Main Street for a KENO To Go License. The Selectmen had no comment regarding the application.

The Selectmen reviewed a request to carry over 31.7 hours vacation time to November, FY2011 by Brian C. O'Neil of the Department of Public Works. A motion was made, seconded, and unanimously Voted to approve the request.

The Selectmen were reminded of the Small Business Week Luncheon on Friday, June 11, at 12:00 noon at the Gloucester House Restaurant. The Essex reception will be on Thursday, June 10<sup>th</sup>, at 5:00 p.m. at the Village Restaurant to honor Mark and Kevin Ricci.

The Essex Fire Department will be holding our Annual Firefighter Memorial Sunday Parade and Service on Sunday, June 13<sup>th</sup>, 2010, beginning at 8:45 a.m.

Essex River Day is Saturday, June 19<sup>th</sup>, 2010, as well as, the nature trail dedication to Sally Lord Soucy at Centennial Grove.

The next Board of Selectmen's meeting will be held on Monday, June 21<sup>st</sup>, at 7:00 p.m. in the T.O.H.P. Burnham Library.

At 10:38 p.m., citing the need to discuss the value of real property and pending litigation, the Chairman entertained a motion to move to Executive Session. He said that the Board would be returning to Open Session and invited Mr. Zubricki to attend the Executive Session. 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 10:45 p.m.

A motion was made, seconded, and unanimously Voted to sign a letter to the Department of Environmental Protection regarding the proposed schedule of events following the expiration of the leases at Conomo Point in December of 2011.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting.

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Lisa O'Donnell