

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

Also Present: William Appeltofft, Zachary Appeltofft, Bradley Atkinson, Virginia Boutchie, Robert Coviello, Susan Coviello, Dan Doucette, Eric Gjerde, Genevieve Guerin, Gil Guerin, Steve Hartley, Jim Haskell, Lori Henderson, Ed Howard, Sue Lufkin, Mark Lynch, Ed Perkins, Ramie Reader, Richard Ross, Andrew St. John, William Sanborn, Pete Silva, Jeff Soulard, Paul Thistlewood, Roxanne Tieri, Leonard Woodman, Keith Woodman, and Christina Wright.

Chairman Randall called the meeting to order at 7:00 p.m. and announced that the meeting was being recorded. No one had any Public Comment.

William Appeltofft and his son, Zachary Appeltofft, came before the Selectmen to request a waiver of the application filing deadline for a student clamming license. Zachary has been unable to find a summer job and would like to go clamming with his father. A motion was made, seconded, and unanimously Voted to waive the filing deadline and approve the application. The Appeltoffts thanked the Selectmen and left the meeting.

Mr. and Mrs. Guerin came before the Board to request use of the cottage at Centennial Grove for a small family gathering of about 25 people on Saturday, September 4th, 2010. They said that they would be responsible for providing tables and chairs, removing their trash, and would leave the cottage in the same condition in which they found it. A motion was made, seconded, and unanimously Voted to approve the Guerins' request to rent the Cottage for the standard resident rental fee of \$300.00. Mr. Zubricki said that he would ask the Police Department to open and close the Cottage and take care of the security alarm for the Guerins on the day of their event. The Selectmen's Office will provide the rental forms to the Guerins. The Guerins thanked the Selectmen and left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering June 19th, 2010 through July 9th, 2010 regarding the following items:

Pocket Park Planning Proposal: Mr. Zubricki reported that Selectman O'Donnell and Robert Coviello from the Long Term Planning Committee have been working with Carolyn Britt to revise the scope of services of the contract for the design of the pocket parks project. A motion was made, seconded, and unanimously Voted to approve an ***Agreement for Professional Services*** between the Town and Community Investment Associates pending Selectman O'Donnell's final review and approval by Ms. Britt. Mr. Zubricki reported that the licensing agreement for the Paglia property, which will be the first pocket park, has been approved by both the Paglia heirs and the Town. Robert Coviello said that they would like to start working on improvements to the property right away. Mr. Zubricki said that the design and permitting process will likely take three months and nothing can be done, even mowing the grass, until the permits and conservation approvals are in place. Mr. Coviello said he would arrange for funding of

the permits, newspaper advertisements, and required notification of the abutters. Mr. Zubricki agreed to contact the Conservation Commission's Agent to ask for suggestions of ways to speed the permitting process. Selectman Jones made a motion that was seconded, and unanimously Voted to proceed with the Conservation Commission permitting for the Paglia Park as long as the costs were not borne by the Town. Mr. Zubricki will begin preparing the Notice of Intent and the Order of Conditions for the Conservation Commission, if necessary.

Seawall Construction Issue: Mr. Zubricki reported that he has been informed that a letter will be coming from MassDOT in response to the Town's concerns for the inadequate design of the new seawall. The letter will say that MassDOT has reviewed their design and intends to proceed with the seawall's construction as designed. The Selectmen agreed that they would like MassDOT to put in writing their expectations regarding the anticipated life of the new seawall. Selectman O'Donnell said that she is going to seek a second professional opinion of the seawall design. Once the pile cap is placed on the seawall, it will be too late to correct the structural design flaws. She has also been working with MassDOT to alter the seawall's design to accommodate supports for a future boardwalk and needs to finish the redesign and forward it to MassDOT for review.

Main Street / Martin Street Parking Appeal: Mr. Zubricki said that he had received a note from the Long Term Planning Committee Chair asking that the Selectmen reconsider working with Congressman Tierney on alternatives to the design for the Main Street / Martin Street area. Unfortunately, the letter to Mr. Tierney has already been sent. Mr. Tierney's office has not yet responded and Mr. Zubricki will keep the Selectmen and the LTPC Chair informed of future developments.

Roadbed Elevation Update: Mr. Zubricki said a letter from MassDOT arrived today with a proposed *Design Plan dated July 12, 2010* to elevate the road bed at an increased level from the original plan. The Town has requested this higher elevation to prevent the flooding of the causeway during storm surges and flood tide levels. MassDOT has agreed to the request and asked the Town to secure rights of entry from the property owners. The rights of entry will allow MassDOT access to the property owners' land so MassDOT can construct ramps and grading from the higher elevation. Mr. Zubricki, with the help of the Merchants Group and the Chamber of Commerce, will approach each of the abutters, show them the new plans, explain what is planned, and obtain the rights of entry from the six properties that are involved. In addition, MassDOT has asked that the Town acknowledge that the proposal was made by the Department after the Town and various, private abutters in the area requested this additional work in order to support future flood mitigation efforts. MassDOT has requested that the Town be willing to be responsible for negotiating and providing the necessary right of entry forms from the six owners and has offered to let the Town use the plans obtained from the Department to do so. Further, MassDOT would like confirmation that the Town understands that any work outside of the State Highway Layout will be limited to that shown on the revised plans and that any future issues or concerns expressed by any abutters regarding work outside of the State Highway Layout will be the responsibility of others, as opposed to MassDOT. The

Selectmen were agreeable to MassDOT's stipulations and a motion was made, seconded, and unanimously Voted to ask Mr. Zubricki to prepare a letter to MassDOT accepting their requests.

Shellfish Advisory Commission members Keith Woodman, Leonard Woodman, Jim Haskell and Brad Atkinson, Shellfish Constable Paul Thistlewood, Shellfish Deputy Constable Steve Hartley, and Town Clerk Christina Wright came before the Selectmen to discuss Shellfish Regulation Planning. Mr. Zubricki said that items for discussion will include methods used to determine Town residency, methods used to post the winter flat areas, ways to delineate the boundaries of the rainfall areas, reductions in the penalties for violations of the shellfishing regulations, elimination of the winter flats, discontinuance of the one-year residency requirement, discontinuance of the reciprocity agreement with Ipswich and Gloucester, establishment of a late fee for failing to submit a license application by the deadline date, and mandating a contribution to the shellfish reseeding project either through volunteer work or the payment of a fee.

Christina Wright said that she has researched the methods used by other towns to determine town residency and that the primary method used is the town's street listing which is based on an annual census. Unfortunately, there hasn't been an annual census taken in Essex since the 1990's. Christina is in the process of conducting a new census for a comprehensive street listing and is working with the ECO and the Assessors to iron out discrepancies. In addition to using a street listing, at least three other items with the same name and address will be required to prove residency: a driver's license, car registration, boat registration, real estate tax bill, a lease, utility bill, or voter registration.

Christina said that some towns have also stopped issuing recreational permits to out-of-staters and out-of-towners. The Shellfish Advisory Commission agreed with the Selectmen that if an individual is not an Essex resident, they need to be sponsored by a resident for a recreational permit. An Essex resident would still be able to get a one-day or annual recreational permit.

Mr. Zubricki said that if the 1-year residency requirement is eliminated because it may be unenforceable (based upon a past letter from the Division of Marine Fisheries), there would be no need to have a reciprocity agreement with Gloucester or Ipswich. The number of commercial permits issued is currently limited to 94, not including those issued to people over 65 years of age, student permits, or hardship permits.

The group discussed penalties for shellfishing violations. The Selectmen said that they would like feedback from the SAC regarding the degree of importance for different violations. Everyone agreed that it is a good idea to allow the Selectmen discretion when meting out penalties on a case by case basis, but felt that it is important to provide guidelines.

The discussions continued and everyone agreed that it is important to continue the policy of having winter flats for safety and conservation reasons. The Shellfish Constable agreed to set out additional stakes to better mark the winter flats.

It was also agreed by all that the rainfall closure areas are too large to be marked and parties will continue to rely on major landmarks.

There was interest expressed in instituting a late fee for late application filings and the Selectmen asked Christina to canvas other towns regarding late fees. Funds collected from late fees and fees received instead of volunteer help with the reseeding project could be used to offset the seeding project expenses. The Selectmen thanked the Shellfish Advisory Commission and the Shellfish Constable and his Deputy for their ideas and comments. The Selectmen said that they would consider the matters discussed and would make a decision on whether or not to change the regulations at a future meeting. The shellfish people left the meeting.

The Chairman welcomed everyone to this quarter's Quarterly Department Head Meeting. Mr. Zubricki began the session with a review and update of the new open meeting law that went into effect on July 1st, 2010. The new law affects all town boards and committees and even "ad hoc" unofficial groups. Primary changes to the law include attaching an agenda to the posting for a meeting, attaching a list of documents used during the meeting to the minutes, attaching a note as to where the documents may be found to the minutes, announcing that the meeting is being recorded, and announcing that the conducting the business of an Executive Session would have a detrimental effect on the Town's strategic position if conducted in Open Session, for some purposes.

Next, Lori Henderson gave a presentation regarding the results of the recent community survey that she had helped the Long Term Planning Committee formulate, administer and interpret. She distributed copies of the ***Town of Essex Long Term Planning Survey, dated June 2010*** to those present to illustrate her presentation. Over 200 surveys were completed and returned. This is double the response from the last survey that was taken three years ago. The survey determined, among other things, that the majority of residents consider the unique and natural beauty of Essex the most important aspect of the town. Ms. Henderson went on to talk about the focus areas of the survey and explained how the results should be interpreted. The survey results will be posted on the Town's website. Ms. Henderson thanked Mr. Zubricki for providing her access to the materials she needed to create the survey. Discussion continued regarding ways to inform and motivate residents to take part in what's going on in Town.

Fire Chief Dan Doucette spoke next. He said that the summer is a busy time and that there are fewer people around to help. He said that since the spring, efforts have been made to find and provide places that can be used for shelter during future emergency situations. Plans are going forward to install a generator at the elementary school and cots and portable shelters have been purchased with a State grant, along with a trailer filled with emergency supplies that can be taken to emergency sites. Everyone present

commended the Fire Department, the Police Department and DPW Superintendent Paul Goodwin for the great job that was done recently saving a house on Southern Avenue after an air conditioner started a fire.

Sue Lufkin from the Essex Division of the Chamber of Commerce reported that the Chamber continues to work with the Merchants Group to promote business in town in spite of the disruption caused by the ongoing Route 133 Reconstruction Project.

Bob Coviello said that the Merchants Group will be meeting again in two weeks with the publisher of the Gloucester Times and two magazines with the intention that Essex may be featured in the fall edition of one of the magazines.

Treasurer/Tax Collector Virginia Boutchie said that she is very pleased that they have already collected all but \$105,000.00 of last year's budget. In other years, it has taken longer to collect less. Her department has worked with the software provider to perfect their software program which has enabled their department to be more efficient.

Jeff Soulard reported that the Finance Committee has managed to avoid an over-ride for the past several years, but that they are predicting that there will be one this coming year. In an effort to better educate Town departments and residents, FinCom member Richard Ross has been organizing a series of Finance Committee Forums that will begin in September. The FinCom will also begin working with the school earlier this year on the school budget in order to help get that budget under control in a timely manner.

Conomo Point Planning Committee Chairman Mark Lynch reported that the plan for the subdivision of Southern Conomo Point has been completed and the next step will be to have the zoning by-law amended at Town Meeting. An application for the amendment must first be filed with the Planning Board before it can be voted at Town Meeting. However, the process has been put on hold, pending completion of a plan for Northern Conomo Point. The Committee has also held public informational forums. Mr. Lynch said that the Committee will be meeting on August 5th with the planning consultant, the Police Department, the Fire Department and the DPW Superintendent to work on specific issues.

Building Inspector William Sanborn said that the building department has been quite busy. There are seven to eight new houses being planned for Low Land Farms. He has been working on creating a small pamphlet to give to people to help them know which departments they need approval from in the permitting process, as well as the documents they need to provide for the approval. Mr. Sanborn hopes to have the pamphlet available in the fall.

Police Chief Peter Silva thanked the Fire Department and Paul Goodwin again for the fine job they did fighting the house fire on Southern Avenue. Chief Silva said the police department has been very busy. He said that there has been a lot more complaints about

motorcycle and car noise lately. Mark Lynch and Bob Coviello thanked Chief Silva for his help to make the recent Essex River Day a success.

Appeals Board Chairman Ed Perkins said that the Appeals Boards hasn't been very busy lately and that the Planning Board has been doing a good job.

Town Accountant Roxanne Tieri said she is in the process of closing out the last fiscal year. All the departments stayed within their budgets this past year. The auditors have begun the preliminary work on the audit.

Town Clerk Christina Wright is working on a comprehensive street listing and database. She is also working with the Dog Control Officer to establish a data base for dog licenses. Currently, there are only about 125 licenses issued and there are 800-900 dogs in Town. Ms. Wright has sent notices to the delinquent owners and has subsequently given out about 40 more licenses. She is also working on a parking ticket data base and will try to collect \$14,000 in unpaid parking ticket revenue. Most of the money due is from out-of-state violators.

Sue Lufkin said that someone had talked to Congressman Tierney who said that river dredging is a very serious possibility in the near future and that Essex needs to be making sure that Essex is included in the program. Mr. Zubricki said that he would be talking to Congressman Tierney's Office about the parking issue and that he would bring the dredging issue up at that time.

Chairman Randall thanked everyone and the department heads left the meeting at 9:30 p.m.

Town Clerk Christina Wright reported to the Selectmen that she has been unable to verify the practice of charging out-of-town individuals over 65 years of age only half-price for recreational clam permits. It is not mentioned in the Town By-laws or the Shellfishing Regulations. The Selectmen agreed with her decision to discontinue the practice.

Christina also discussed the idea of issuing resident parking stickers for non-resident property owners, particularly owners of undeveloped land. Chairman Randall asked Christina Wright to research the sticker policy in other towns and make a proposal to the Selectmen.

Christina left the meeting.

Mr. Zubricki resumed his Town Administrator's report.

Main Street Crosswalk Concern: Mr. Zubricki said that he has discussed the Police Chief's concerns regarding the crosswalk proposed by Mass DOT that crosses Route 133 at Martin Street with MassDOT and that MassDOT has recommended that the Selectmen send a letter to MassDOT requesting that a pedestrian traffic light be installed at this

location as part of the Route 133 Reconstruction project. The Selectmen felt that the safety concerns would be reduced with the installation of a traffic light and a motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to send a letter on their behalf to the Director of MassDOT requesting the traffic signal.

Roadway Reconstruction Update: MassDOT has offered one of two options to the Town for when they begin stripping the pavement. The first option would be that they work on one lane at a time, with the other lane open to alternating directions of traffic at all times. The lane being worked on would be about 12 inches lower than the other and the lanes would be separated by Jersey barriers to prevent traffic on the higher lane from derailing. The second option is termed "parallel construction". Under this method, both lanes are kept at the same level during the construction process. The Selectmen are agreed that they prefer the parallel method (which is the method supported by Town public safety officials). The construction company would also like the option of using Pickering Street as a detour route (only for cars) (with police officers at each end) from time to time when traffic gets too backed up. The Selectmen concurred that Pickering Street could be used as a safety valve for rerouting traffic during peak travel times.

Licensing and Registration of New Senior Mini-Bus: Mr. Zubricki asked the Selectmen to ratify the Chairman's signature on the *Memorandum of Understanding* for the new mini-bus which is required in order to get the registration and license for the vehicle. The MOU requires that van drivers receive Sensitivity training and CPR and first aid training. There is a 60-day grace period for completion of the training. A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the MOU.

Additional Option for Disposal of Surplus Tangible Supplies: The Chief of Police has requested that the Town amend the policy for the disposition of tangible supplies that was adopted by the Town on December 16, 2009 to allow disposition of items valued at less than \$5,000 by public auction. Mr. Zubricki presented the *Town of Essex Written Procedures Under G.L. c. 30b, §15 Disposition of Tangible Supplies – Less Than \$5,000* that had been drafted by Town Counsel to the Selectmen. A motion was made, seconded, and unanimously Voted to approve the amended version of the Town's disposition policy.

Homeland Security Regional Equipment Cache: Both the Police Chief and the Fire Chief have recommended that the Selectmen authorize a subscription to the Homeland Security Regional Equipment Cache. The nearest facility is in Beverly which has various items available that might be needed during an emergency. There is no charge unless the equipment is used, and the daily fee is based on the period of use. A motion was made, seconded, and unanimously Voted to approve submittal of the *Subscription Form to NERAC*.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the FY2010 weekly warrant in the amount of \$61,542.22 and the FY2011 weekly warrant in the amount of \$76,932.12.

A motion was made, seconded, and unanimously Voted to ratify the approval of a Line Item Transfer in the amount of \$500.00 from Town Report to Legal Expense.

A motion was made, seconded and unanimously Voted to ratify the approval of a Line Item Transfer in the amount of \$4,000.00 from Blanket Liability Insurance to Legal Expense.

A new law went into effect on July 1, 2010, that would allow liquor licensing authorities in certain communities to allow Section 12 license holders to open one hour earlier on Sundays. Each license holder would have to submit a request to the licensing authorities, who in turn may or may not grant the request at their discretion on a case by case basis. Each request that is approved by the local licensing authorities must have a completed and approved Form 43 submitted to the Alcoholic Beverages Control Commission. Only those communities that have already accepted G.L. c.138 §33B may authorize the earlier opening on Sunday and Town Counsel has determined that Essex qualifies as one of those communities. The Selectmen decided to take no action at this time, since no-one has requested the earlier opening and will consider such requests, if made, on a case by case basis in the future.

The Selectmen discussed a request from the Conservation Commission regarding parking at the Town Hall for their meetings. A motion was made, seconded, and unanimously Voted to have a sign placed in the parking lot on the library-side of the Town Hall stating that that lot is for library parking only.

The Selectmen accepted the resignation of Robert Fitzgerald from the Shellfish Advisory Commission and signed a thank-you letter to him for his generous contribution of time and effort to the Commission.

The Selectmen signed a thank-you letter to Lori Henderson for the help and guidance with the town-wide survey that she provided to the Long Term Planning Committee.

The Selectmen signed a thank-you letter to Thayne Symmes for his assistance in obtaining the Council on Aging's first mini-van.

A motion was made, seconded, and unanimously Voted to approve and sign the appointment card for Virginia Boutchie as Treasurer/Tax Collector.

At the recommendation of Fire Chief Dan Doucette, a motion was made, seconded, and voted by Chairman Randall and Selectwoman O'Donnell to approve the appointment of Barron Leeds to the Auxiliary Fire Department. Selectman Jones abstained from the vote.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the June 21st, 2010, Selectmen's Open Meeting and the Selectmen's June 21st, 2010, Executive Session.

A motion was made, seconded, and unanimously Voted to approve the rental of Centennial Grove on Saturday, July 17, 2010, for a Reunion of the Grown-Ups Cast pending complete payment of the rental fee.

The Selectmen made a motion to approve the following permits and licenses:

Auction Permit:

- Michael March, d/b/a Blackwood March Antiques, for use on Tuesday, July 20th, 2010, between the hours of 4:00 and 10:00 p.m. within the confines of 125 Main Street.

One-Day Wine and Malt:

- George McCabe, North Shore Bartending Service, for use on Saturday, August 7th, 2010, between the hours of 3:00 and 10:00 p.m. within the confines of the Essex Conference and Recreation Center at 1 Conomo Point Road.
- George McCabe, North Shore Bartending Service, for use on Saturday, August 28th, 2010, between the hours of 3:00 and 10:00 p.m. within the confines of the Essex Conference and Recreation Center at 1 Conomo Point Road.
- Michael Fallen, Essex Bay Sailing Club, for use on Saturday, July 24th, between the hours of 7:00 and 10:00 p.m. within the confines of the Conomo Point House.

One-Day Entertainment:

- Michael Fallen, Essex Bay Sailing Club, for use on Saturday, July 24th, between the hours of 7:00 and 10:00 p.m. within the confines of the Conomo Point House.

The motion was seconded and unanimously Voted.

The next Board of Selectmen's meeting will be held on Monday, July 26th, at 7:00 p.m. in the T.O.H.P. Burnham Library.

On September 8th, 2010, the Manchester and the Essex Boards of Selectmen and Finance Committees are scheduled to meet to discuss the school budget.

The Selectmen will be meeting with the Finance Committee and the Board of Public Works on August 9th, to discuss challenges to the BPW budget and their increasing list of responsibilities.

Mr. Zubricki said that he will begin holding staff meetings at the Town Hall from time to time in order to facilitate better communication.

Mr. Zubricki said that the Dog Control Officer will be showcased at the next Quarterly Department Head meeting in October.

The Selectmen agreed to purchase the tent that is on loan from Mr. Harnish for the Youth Summer Program if he offers it to the Town.

The Chairman asked Mr. Zubricki to arrange for a report from the EYC Director concerning the progress of the summer program at one of their next meetings.

The Selectmen discussed establishing a Centennial Grove Cottage Committee to oversee use of the Cottage. The Committee could be composed of a representative from the Finance Committee, the Long Term Planning Committee, the Conservation Commission, the Open Space Committee, and Annie Cameron.

Mr. Zubricki requested permission from the Selectmen to seek advice from Town Counsel regarding the Town's liability risk in relation to town buildings if unforeseen problems occur in the future. The Selectmen were in agreement.

At 10:20, citing the need to discuss strategy with respect to collective bargaining, the Chairman entertained a motion to move to Executive Session. He declared that conducting the discussion in Open Session would have a detrimental effect on the Town's strategic position and that the Board would not be returning to Open Session. Chairman Randall invited the Town Administrator to attend. The motion was moved and seconded and per a unanimous Roll Call Vote the Board moved to Executive Session.

The Board returned to Open Session at 10:30 p.m.

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

Documents used in this meeting are:

Agreement for Professional Services

Design Plan dated July 12, 2010

Town of Essex Long Term Planning Survey, dated June 2010

Memorandum of Understanding

*Town of Essex Written Procedures Under G.L. c. 30b, §15 Disposition of
Tangible Supplies – Less Than \$5,000*

Subscription Form to NERAC

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell