

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: Bob Brophy and Mark Gallagher.

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

Bob Brophy, a resident of Western Avenue, came forward and said that he had reviewed a draft of the proposed changes to the Town's Shellfishing Regulations and that he was not in favor of stopping the practice of allowing non-residents to purchase an annual non-commercial shellfishing license. He also said that he didn't approve of the idea of requiring a non-resident to be sponsored by a resident. Mr. Brophy said that it was the duty of the Shellfish Warden to police the flats to make sure the diggers, commercial and recreational, were complying with the existing regulations. The Selectmen thanked Mr. Brophy for his comments and he left the meeting.

Mark Gallagher came before the Selectmen to ask that certain restrictions be removed from the Class II License for Dynamic Auto Brokers and that his name be added to that of Charles Coles on the license. Mr. Coles was unable to attend the Selectmen's meeting, but had previously signed all the paperwork requesting the amended license. After some discussion, a motion was made, seconded, and unanimously Voted to approve the removal of the restriction stating that no cars may be displayed outside the building and to increase the limit of cars for sale at any one time to no more than 16 contingent upon Mr. Zubricki checking the State regulations and the Town's Bylaws to make sure that 16 vehicles would be allowable. Mr. Gallagher thanked the Selectmen and left the meeting.

Town Clerk Christina Wright came before the Selectmen to witness the Chairman's signature on ***March 2010 Flood Reimbursement (FEMA-1895-DR)*** Forms. Superintendent Paul Goodwin had been successful in getting the grant application approved for the maximum amount of \$7,292.21. A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the documents.

A motion was made, seconded, and unanimously Voted to approve the Warrant for State Primary to be held on Tuesday, September 14, 2010. The Chairman's signature was witnessed by Town Clerk Christina Wright.

The Selectmen considered ***a list of suggested replacements*** for a vacancy on the Board of Registrars submitted by the Town Clerk. A motion was made, seconded and unanimously Voted to approve the appointment of David Alger to the Board of Registrars with Kathleen Azadian as a second choice. The Town Clerk left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering July 24th, 2010 through August 6th, 2010 regarding the following items:

Village Corner Parking: Mr. Zubricki explained that he is waiting for the State to prepare the paperwork for the owner of the Village Restaurant to sign that will allow the Village Restaurant to use a portion of the State land on the corner of Martin Street for parking spaces. The planning for the pocket parks project cannot be completed until all parties agree on the design for the corner. Mr. Zubricki said that a letter from MassDOT was received today refusing the Selectmen's recent request to install a pedestrian traffic light in front of the Americana Antiques store on Main Street. The Selectmen were not inclined to pursue that matter further.

Acquisition of Right of Entry Documents: Mr. Zubricki said that out of six abutters, he has signed rights of entry from three and is promised one more. The Chamber of Commerce is working on obtaining the other two. Mr. Zubricki said that the owner of the Essex River House has expressed concerns regarding the raising of the roadbed. Mr. Zubricki reported that National Grid is trying to move the utility poles that are in the way of the construction crew. The construction crew has been focusing on other aspects of the construction until the poles can be moved. Mr. Zubricki has been talking to three top people at National Grid and trying to expedite the move since it is delaying the progress of the project. The Selectmen asked Mr. Zubricki to contact Senator Bruce Tarr for assistance with National Grid if the matter is not resolved immediately.

Curb Design on Eastern Avenue: Mr. Zubricki reported that three properties on Eastern Avenue have complained that the design plans for the curbing have been changed from granite curbing to an asphalt berm. MassDOT has insisted that they will not reinstall the granite curbing that was originally present for safety reasons. Mr. Zubricki has been working with the resident engineer of the project and is hopeful that a compromise can be agreed to by both sides. The compromise would consist of a modified reveal of granite curbing of about 3 to 4 inches. A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to write a letter to MassDOT requesting the modified reveal.

Paglia Park: Mr. Zubricki said that a resident had expressed concern that the Paglia Park area had been mowed and has stated that it was never mowed in the past. To the best of everyone's knowledge, that land used to be mowed. The Selectmen discussed the possibility of moving the ship's wheel monument at Town landing to the Paglia Park. A motion was made, seconded, and unanimously Voted not to move the monument. Mr. Zubricki will inform those interested in moving the monument, that the Selectmen have denied their request.

Potential Automation of Town Hall Clock: Mr. Zubricki said he has discussed the automation of the Town Hall clock with the Chairman of the Historical Commission, a representative from the Town's insurance carrier, and the clock maintenance person. The clock repairman has automated the winding mechanisms of similar clocks in the past and doesn't anticipate any problems with the automation of this one which should cost less

than \$5,000. The Historical Commission is also in favor of the automation, so long as it does not change the clock's normal operation and only involves automating the winding. The insurance representative is very optimistic that the Town may be awarded a grant from the insurance company to pay for the automation. Mr. Zubricki said that he will proceed to prepare the papers for the grant application.

Proposal for Mandatory Alcohol Permit Re-licensure Training: The Selectmen are interested in requiring mandatory training as a license requirement for those Town businesses that hold liquor licenses. Mr. Zubricki reported that the Alcoholic Beverage Control Commission does not offer training courses on a regular basis. The Massachusetts Restaurant Association does offer courses. The Selectmen asked Mr. Zubricki to ask the Police Chief for recommendations regarding the types of training available. The Selectmen would like to announce the new requirement this year and expect that it will go into effect for next year's renewal period.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$298,629.95.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the July 26th, 2010, Selectmen's Open Meeting and the Selectmen's July 26th, 2010, Executive Session.

Mr. Zubricki announced that the new Town Clerk has now completed three months. Everyone has been very pleased with her performance and a motion was made, seconded, and unanimously Voted to approve an increase in the Town Clerk's annual salary to \$50,500 on a prospective, annualized basis.

The Committee for the Town's Annual Clam Fest has requested that one of the Selectmen be a judge at the chowder contest. Selectman Jones agreed to act as judge.

Taintor and Associates will be done with their work by early September. At that time they would like to meet with the Selectmen to review their proposals. Taintor would like to hold the 3rd public meeting sometime in October. The Selectmen asked Mr. Zubricki to convey their agreement with the proposed schedule to Taintor & Associates.

A motion was made, seconded, and unanimously Voted to approve a transfer from various Cemetery Department accounts in the amount of \$14,360.84 towards the budget for FY 2011.

Mr. Zubricki reviewed a letter from PERAC, the entity that monitors all the retirement boards in the State, regarding the Municipal Employees Early Retirement Incentive Program that was recently passed. However, the Town does not currently employ anyone who could benefit from this new legislation. The Selectmen decided not to pursue the idea.

Chairman Randall volunteered to say a few words at the Essex Shipbuilding Museum's event Frame Up! In the Basin – Celebrating the Birth of a Schooner on Monday, September 6, 2010 at the Shipyard on Main Street.

The Selectmen reviewed the list of possible candidates provided by the Planning Board for the vacant seat on the Board of Public Works. A motion was made, seconded, and unanimously Voted to appoint Brian Feener of Eastern Avenue to the BPW for a term of three years.

Board of Public Works members Paul Rullo and Scott DeWitt, Superintendent Paul Goodwin, Finance Committee members Jeff Soulard, Richard Ross and Gordon Martin, and Town Accountant Roxanne Tieri joined the Selectmen to discuss the limitations of the Department of Public Works' budget. The duties and responsibilities of the department are continually expanding, while staffing and budget have remained the same, plus there have been some equipment failures recently. The Finance Committee advised the BPW to put together a list of needs and wishes for the Finance Committee to work on. The Town Accountant and the Finance Committee members left the meeting.

At 9:06 p.m., citing the need to discuss pending litigation regarding the Gloucester Sewer Rate Dispute, collective bargaining, and the value of property at Conomo Point, the Chairman entertained a motion to move to Executive Session. He stated the discussion of these three topics in Open Session would have a detrimental effect on the Town's litigation, bargaining, and negotiating positions, respectively, and said that the Board would be returning to Open Session. He invited Mr. Zubricki, Mark Lynch, Superintendent Paul Goodwin, and Board of Public Works members Paul Rullo and Scott DeWitt to attend the 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 10:07 p.m. Mark Lynch, the Superintendent, and the BPW members had left the meeting during the Executive Session.

Joint Meeting with Essex Finance Committee and Essex School Representatives: Mr. Zubricki said that the Finance Committee and the Essex School Committee Representatives will be at the next Board of Selectmen's meeting to discuss the proposed budget for the coming school year. The new school superintendent and the new school finance manager will also be attending that meeting. Mr. Zubricki will put together a list of possible agenda items for review by the Finance Committee and the Selectmen.

Draft List of Potential Special Town Meeting Topics: Mr. Zubricki handed out a *list of potential items for inclusion on the Special Town Meeting Warrant* for the Selectmen's review and discussion at the next Board of Selectmen's meeting on August 23rd, 2010.

A motion was made, seconded, and unanimously Voted to approve the removal of the name of Lawrence A. Dolph from the lease for 100 Conomo Point Road, Map 19, Lot 57. A second motion was made, seconded, and unanimously Voted to approve the addition of

the names Mary Jane Given, Patricia Fallon, and Sarah Mahan to the lease for 100 Conomo Point Road, Map 19, Lot 57.

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

One-Day Wine and Malt Special License:

- Cape Ann Chamber of Commerce, Robert Hastings, manager, for use on Saturday, August 28, 2010, between the hours of 12:00 noon and 10:30 p.m. at the Music Festival at Centennial Grove pending receipt of a certificate of liability insurance to the Town.

One-Day Entertainment License:

- Cape Ann Chamber of Commerce, Robert Hastings, manager, for use on Saturday, August 28, 2010, between the hours of 12:00 noon and 10:30 p.m. at the Music Festival at Centennial Grove.

A motion was made, seconded, and unanimously Voted to ratify the Assistant's signature on a One-Day Entertainment License for Judith Simmons, Camp Menorah, for use on Thursday, August 5, 2010, between the hours of 5:45 and 7:15 p.m. within the confines of Camp Menorah at 19 Wood Drive.

In other business, a motion was made, seconded, and unanimously Voted to waive the rental fee and approve the use of Centennial Grove by the Chamber of Commerce for the Essex Music Festival on Saturday, August 28, 2010 between the hours of 12:00 noon and 10:30 p.m. A motion was made, seconded, and unanimously Voted to waive the fee and approve the use of the Field of Dreams by the Chamber of Commerce for the Essex Music Festival on Saturday, August 28, 2010 between the hours of 12:00 noon and 10:30 p.m.

The Selectmen were reminded that the Cape Ann Chamber of Commerce Evening Business Exchange will meet on Wednesday, August 18, from 5:00 to 7:00 p.m. at the Inn Magnolia, 18 Norman Avenue, Magnolia. The cost is \$10.00 per member.

There will be a public informational forum to discuss the ending of leases at Conomo Point on Thursday, August 19, 2010 at the Essex Elementary School, beginning at 7:00 p.m.

The next Board of Selectmen's meeting will be held on Monday, August 23rd, at 7:00 p.m. in the T.O.H.P. Burnham Library.

Proposed Changes to Clamming, Sea Worm, and Eel Regulations: Mr. Zubricki said that Town Counsel has reviewed the proposed changes to the Town's Shellfishing Regulations and has said that the Town may only charge a late fee for a late application filing that is in keeping with the Town's actual costs, which would be minimal. Also, the Town may not charge a fee or require labor on the reseeding project, since a license fee

has already been paid by each licensee. The proposed proofs of residency are permissible, and the elimination of annual non-resident recreational permits is permissible.

Mr. Zubricki reported that the *Chebacco Lake Association has sent a letter* requesting that Robyn Kanter be considered for membership on the newly created Centennial Grove Committee. The letter also asked if the Chebacco Lake Task Force could be involved in clearing some of the debris in Alewife Brook. In the past, that matter has been handled by arranging for prison labor and/or volunteers and Mr. Zubricki agreed to talk to the Conservation Commission further.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 10:30 p.m.

Documents used at this meeting include:

March 2010 Flood Reimbursement (FEMA-1895-DR)

List of suggested replacements for vacancy on the Board of Registrars

List of potential items for a Special Town Meeting in November 2010

Letter from the Chebacco Lake Association

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell