

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.

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. He said that the Board would now hear Public Comment. No one was present from the public to offer any comment.

Mr. Zubricki presented his Town Administrator's Report for the period covering August 7<sup>th</sup>, 2010, through August 20<sup>th</sup>, 2010, regarding the following items:

Paglia Park: Mr. Zubricki exhibited a temporary sign that will be placed at Paglia Park. The sign says "The Paglia Park – In memory of Eva and Louis Paglia". Once the final design for the park has been conceived and implemented, a nicer, permanent sign will be erected on the site. A motion was made, seconded, and unanimously Voted to approve the placement of the temporary sign at the site by Superintendent Goodwin and Mr. Zubricki, contingent upon approval by the Conservation Commission's Agent. Mr. Zubricki reported that he has been approached by a resident who would like to donate a bench to be placed at the park in memory of his late wife. After some discussion, the Selectmen said that they may consider the dedication of a granite bench made from recycled stone from the old seawall. The resident could, perhaps, make a donation and/or provide a bronze plaque to be fastened to the bench in memory of the deceased. The Selectmen also discussed the establishment of a memorial fund that would be used to purchase memorial trees and benches for sites around Town.

Chairman Randall reported that he had recently toured the Essex Elementary School site with Dan Mayer, a local landscaper, and they have identified several trees that need to be removed or trimmed. Mr. Mayer has generously volunteered the services of his company for the project.

Centennial Grove Committee: Mr. Zubricki handed out copies of letters of interest from residents who would like to serve on a new Centennial Grove Committee. The members of the committee will include representatives from other Town committees plus 1 former Essex Youth Commission member and 2 At-Large members. Candidates for the former EYC member include Annie Cameron, Kathy Pennoyer, and Jennifer Painter. Candidates for the At-Large positions include Annie Cameron, Scottie Robinson, Thayne Symmes, Keith Symmes, Jim O'Donnell, Robyn Kanter, Kerry Kaplon, and Ronald Hemeon. Selectman O'Donnell recused herself from the discussion and left the building. The Selectmen discussed the candidates and a motion was made, seconded, and unanimously Voted to choose Jennifer Painter for the former EYC member. The two Board members asked Mr. Zubricki to check with Town Counsel regarding further discussion of Jim O'Donnell's interest (from an ethics perspective) before discussion regarding the At-Large seats can continue. Selectman O'Donnell returned to the meeting. A motion was made, seconded, and unanimously Voted to add a representative from the Planning Board to the authorized Committee members. Mr. Zubricki said that so far he has received the following responses for names of representatives from Town committees: Jessica

Yurwitz – PTO, Joe Ahearn – Conservation Commission, and Leslie Burns – Open Space Committee. He is still waiting for a response from the Long Term Planning Committee and the Finance Committee on their choices for a representative. Mr. Zubricki reviewed a letter from the Chairman of the Long Term Planning Committee regarding his perception of what the focus of the new committee should be and the charge that the Selectmen should give the committee.

Phase 2 of Assessors' Mapping Project: Mr. Zubricki reminded the Selectmen that Phase I of the four phase mapping project is now completed. He is in receipt of the new contract for Phase II, but discovered that it does not contain the wording that was approved by Town Counsel for the Phase I contract. A motion was made, seconded, and unanimously Voted to approve and sign ***the Phase II Contract for the Assessors' Mapping Project*** pending the replacement of page 1 with the appropriate wording.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$111,134.36.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the August 9<sup>th</sup>, 2010, Selectmen's Open Meeting and the Selectmen's August 9<sup>th</sup>, 2010, Executive Session.

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

Auction Permit:

- North Country Auctions for use on Sunday, September 19<sup>th</sup>, 2010 between the hours of 7:00 a.m. and 7:00 p.m. within the confines of 16 Laurel Lane.

One-Day Wine & Malt License:

- George McCabe, North Shore Bartending Service, for use on Saturday, September 18, 2010, between the hours of 3:00 p.m. and 9:00 p.m. within the confines of the Essex Conference & Retreat Center at 1 Conomo Point Road.
- George McCabe, North Shore Bartending Service, for use on Sunday, September 19, 2010, between the hours of 3:00 p.m. and 9:00 p.m. within the confines of the Essex Conference & Retreat Center at 1 Conomo Point Road.

Mr. Zubricki said that the attorney representing the Village Restaurant has contacted him regarding the name on the Pedestrian License between the Town and the Village Restaurant. The attorney would like to include the owner of the property on the license rather than just the name of the restaurant (which is technically a tenant). The Selectmen were in agreement and a motion was made, seconded, and unanimously Voted to authorize the signature of the amended ***Pedestrian License for the owner of the Village Restaurant Property*** outside of a regular Selectmen's meeting once the document is in a form acceptable to Town Counsel.

A motion was made, seconded, and unanimously Voted to proclaim October 24<sup>th</sup>, 2010, United Nations Day. The Selectmen signed the proclamation.

Selectman O'Donnell said that she would like to host a professional design charette to brainstorm ideas for solutions to land use at Conomo Point. She requested permission to use the Grove Cottage for the session. A motion was made, seconded, and unanimously Voted to approve the use of the cottage on Saturday, September 25, 2010.

Ruth Montgomery of 79 Pond Street came before the Selectmen with Cindy Cameron to discuss safety issues regarding an overgrown corner on Pond Street near her home, and also to discuss alternative solutions for the disposition of plowed snow. After some discussion, the Selectmen asked Mr. Zubricki to contact the Department of Public Works and ask if the brush could be cut back in the area in question. They also asked Mr. Zubricki to ask the DPW for suggestions regarding a place for the plowed snow. In the past, there has been a problem with plowed snow blocking Mrs. Montgomery's access to her home. Mr. Zubricki also agreed to ask the DPW about an alleged defective drain in the area. Mrs. Montgomery thanked the Selectmen and left the meeting with Mrs. Cameron.

A motion was made, seconded, and unanimously Voted to approve a request to pass over Town roads during the 4<sup>th</sup> Annual Stephen Hancox Memorial Motorcycle Run and BBQ Benefit on Saturday, September 25, 2010.

A motion was made, seconded, and unanimously Voted to approve a request to pass over Town roads during the 3<sup>rd</sup> Annual Breast Cancer Motorcycle Run on Sunday, September 19, 2010.

A motion was made, seconded, and unanimously Voted to ratify the Chairman's signature on the *Statement of Values from MIIA Property and Casualty Group, Inc.* and a second motion was made, seconded, and unanimously Voted to also ratify the Chairman's signature on the *Special Property Coverage Supplement from MIIA*.

A motion was made, seconded, and unanimously Voted to ratify Mr. Zubricki's signature on a line item transfer in the amount of \$10,000 from Workman's Compensation Insurance to Unemployment.

Mr. Zubricki said that now that the Youth Commission Office is empty, that the Planning Board would like to use that office for their clerk, since there is not adequate room for the clerk downstairs. The office used to belong to the Planning Board before it was taken over by the Youth Commission. A motion was made, seconded, and unanimously Voted to approve the Planning Board Clerk's move into the vacated EYC office.

The Selectmen considered a *recommendation from Chief Silva to appoint Robert Hemeon* to the position of Assistant Harbormaster and a motion was made, seconded,

and unanimously Voted to approve his appointment to a three-year term, contingent upon his passage of drug and medical screens.

School Superintendent Pam Beaudoin, School Finance Manager Avi Urbas, School Committee members Greg Carroll, Alva Ingaharro, and Susan Coviello, and Essex Finance Committee member Gordon Martin and Richard Ross came before the Selectmen to begin discussing the proposed school budget for FY2012.

Everyone was in agreement that there should be continuing early discussions of the budget in an effort to avoid the last minute crunch and confusion that occurred last year. Avi Urbas distributed a ***Summary sheet of projected revenue, major expenditures and district reserves*** for discussion purposes. Mr. Urbas reviewed all of the items on the sheet, including the assumptions he used for his analysis. The Superintendent said that school enrollment has increased dramatically over the past two years and that this seems to be a trend. The increased enrollment has cut back on the amount of paying choice students that the school is able to accept.

The Selectmen asked Mr. Zubricki to review the regional school leases and the regional agreement, since a question was raised as to the actual ownership of the school buildings.

Having concluded the preliminary discussion on the school budget and agreeing to meet again on September 8<sup>th</sup> with the Finance Committees from Manchester and Essex, as well as both Boards of Selectmen, Mr. Carroll, Mr. Urbas, Ms. Beaudoin, Ms. Coviello, Ms. Ingaharro, Mr. Martin and Mr. Ross left the meeting. Mr. Zubricki will coordinate the agenda for the 8<sup>th</sup> with Chairman Randall and Manchester officials.

Mark Lynch, chair of the Conomo Point Planning Committee, joined the Selectmen.

At 9:08 p.m., the Chairman entertained a motion to move to Executive Session to discuss the value of real property at Conomo Point and pending litigation. The Chairman stated that discussing these topics in Open Session would have a detrimental effect on the Town's negotiating and litigating strategies. He invited Mr. Lynch and Mr. Zubricki to attend the Executive Session and said that the Board would be returning to Open 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 10:24 p.m. Mr. Lynch had left the meeting during the Executive Session.

Revised Shellfish Regulations: Mr. Zubricki reviewed the ***latest changes to the Shellfishing Regulations*** based on discussion of the previously suggested changes with Town Counsel. Mr. Zubricki reminded the Selectmen that one resident continues to express dissatisfaction regarding the proposed elimination of an annual recreational clamming license for non-residents and the requirement for resident countersignature of day permits. The non-resident annual permit allows the holder to dig 1 peck of clams per

day, four days per week. The Selectmen were in agreement that they would like to only issue daily digging permits to non-residents with countersignatures. The Selectmen asked Mr. Zubricki to provide the Shellfish Advisory Commission with the latest revision of the regulations and request their comments on the proposed changes.

**Draft List of Potential Special Town Meeting Topics:** Mr. Zubricki provided the Selectmen with a current list of proposed items for this November's Special Town Meeting. The Selectmen said that they would review the list and be prepared to discuss it at the next Selectmen's meeting.

Mr. Zubricki reported that the Dog Control Officer is being approached more and more often and asked to deal with other types of animals. The Selectmen asked Mr. Zubricki to research increasing the stipend to allow for the increased responsibilities.

**Alcoholic Beverages Licensing Rules and Regulations Revision:** Mr. Zubricki said that he has received *information from Police Chief Silva regarding potential sources for training programs* for establishments licensed by the Town to sell alcohol. The Chief provided three sources, but is recommending that the training be provided by Mass Restaurant Association. The cost per person is only \$35.00 and if there are more than 15 participants, the training would be provided at an in-Town location. After some discussion, the Selectmen asked Mr. Zubricki to draft an amendment to the Town's alcohol bylaws to include a stipulation that licensees must participate in and pass an annual training program. It is anticipated that the new regulation would go into effect in time for the 2012 renewal season.

Mr. Zubricki said that he has been notified that the *Attorney General's Office is now providing information* to cities and towns, on a monthly basis, regarding licensed establishments where defendants convicted of operating under the influence had their last drink. This month's list included one conviction of a patron of one Essex establishment. The Selectmen asked Mr. Zubricki to check with Town Counsel and the ABCC regarding the sharing of this information with the establishments and others in the community.

**District Local Technical Assistance Grant (DLTA):** Mr. Zubricki announced that, thanks to the efforts of planning consultant Carolyn Britt, the Town has been successful in qualifying for this grant. The Planning Board will administer the grant.

**Safe Routes to School Infrastructure Grant Design Review:** Mr. Zubricki said that *MassDOT has provided a plan* for review regarding their proposed improvement to the intersection of Western Avenue, Story Street, and Winthrop Street along with improvements to the rear entry of the school. The plan has been favorably reviewed by the school, the Police department, the DPW, and the Selectmen. Mr. Zubricki had prepared a letter of support for the project and a motion was made, seconded, and unanimously Voted to sign and return the letter to MassDOT. The project will now compete with other projects in this program to receive funding.

Cape Ann Emergency Planning Team Meeting: Mr. Zubricki informed the Selectmen of an upcoming comprehensive session featuring training and drills on September 8<sup>th</sup> and 9<sup>th</sup> and an emergency tabletop drill scheduled for October 29, 2010. The first event will include a segment geared towards executive level staff. The sessions are open to the Selectmen and certain Town staff members. The Selectmen said that they would let Mr. Zubricki know if they would like to attend any of the sessions.

The Selectmen discussed the end of the Summer Youth Program and asked Mr. Zubricki to compose a letter to each of this year's participants thanking them for their contributions and inviting them to take part again in next year's program.

The Selectmen were reminded that the Initial School Budget Planning Meeting with the School Committee, both Boards of Selectmen and both Finance Committees will take place on Wednesday, September 8<sup>th</sup>, 2010 at 7:30 p.m. in the MERHS Library.

The next regular Board of Selectmen's meeting will be held on Monday, September 13<sup>th</sup>, at 7:00 p.m. in the T.O.H.P. Burnham Library.

A Conomo Point informational meeting sponsored by Taintor & Associates is scheduled for Thursday, October 14, 2010, at 7:00 p.m. in the cafetorium at the Essex Elementary School.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 10:52 p.m.

Documents used during this meeting include:

- *Phase II Contract for the Assessors' Mapping Project*
- *Pedestrian License for the owner of the Village Restaurant Property*
- *Statement of Values from MIIA Property and Casualty Group, Inc.*
- *Special Property Coverage Supplement from MIIA*
- *Recommendation from Chief Silva to appoint Robert Hemeon*
- *Summary sheet of projected revenue, major expenditures and district reserves*
- *Latest changes to the Shellfishing Regulations*
- *Draft List of Potential Special Town Meeting Topics*
- *Information from Police Chief Silva regarding potential sources for training programs*
- *Attorney General's Office is now providing information*
- *MassDOT has provided a plan*

Prepared by: \_\_\_\_\_

Pamela J. Witham

Attested by: \_\_\_\_\_

Lisa J. O'Donnell