

**Selectmen's Meeting  
Teachers' Lounge, Essex Elementary School**

**November 15, 2010**

Present: Chairman A. Raymond Randall, Selectman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Selectmen's Assistant Pamela J. Witham, Board of Assessors' Chairman Richard Cairns, Assessor Barry Ewing, and Assessor Kurt Wilhelm.

The Chairman called the meeting to order at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School and announced that the meeting was being recorded and that the Board would hear Public Comment. No one offered any comments.

A motion was made, seconded, and unanimously Voted to open a Public Hearing to set this year's residential factor for the Town. Head Assessor Richard Cairns recommended setting the residential factor at 1 and explained that his office has not yet determined the excess levy capacity. The Selectmen reviewed the *Department of Revenue Bureau of Accounts Classification Tax Allocation*. No one had any questions or other comments. A motion was made, seconded, and unanimously Voted to close the hearing. The Selectmen were in agreement and a motion was made, seconded, and unanimously Voted to approve the Assessor's recommendation to set the residential factor at 1 and to sign the electronic copy of the LA5 pending determination of the excess levy capacity. The Assessors thanked the Selectmen and left the meeting.

Mr. Zubricki presented a partial review of his Town Administrator's Report for the period covering October 30<sup>th</sup>, 2010 through November 12<sup>th</sup>, 2010 regarding the following:

Shellfish Constable Work Plan: Mr. Zubricki said that he had received a complaint today alleging the Shellfish Constable's lack of presence on the clam flats and alleging that persons have been digging on the closed winter flats. The Selectmen asked Mr. Zubricki to arrange to have the Constable attend the next Board of Selectmen's meeting on November 29<sup>th</sup> to discuss the scope of work for the Constable's position.

Summer Program Contractor: Mr. Zubricki said that Manchester has declined to take over the Youth Summer Program for Essex. That leaves two options for the summer program: hiring a contractor to provide the program or hiring a staff to operate the program. He is currently exploring the idea of contracting with the Y for the summer program and will be meeting with representatives from Gloucester, Beverly and Ipswich to further discuss the idea.

Teamsters Successor contract: Mr. Zubricki reported that the Teamsters have accepted the Town's offer of cost of living increases for the new three-year contract in the amount of 3%-2%-1%. A motion was made, seconded, and unanimously Voted to sign the contract, which had been reviewed as to form by Town Counsel.

The Essex Policeman's Benevolent Association has signed their new contract and Town Counsel David Jenkins has reviewed as to form. The Selectmen signed the contract per their past vote.

Acceptance of Ambulance Bid: Mr. Zubricki said that only Greenwood Emergency Vehicles of Andover, Massachusetts had submitted a bid for the new ambulance and the Fire Department is in favor of awarding the bid to that company. A motion was made, seconded, and unanimously Voted to award the ambulance contract to Greenwood in the amount of \$152,225.

Conomo Point Planning: Mr. Zubricki reported that Senator Bruce Tarr is still working on coordinating a meeting between the Town and the Department of Environmental Protection. Senator Tarr is also working on devising an incentive to the contractor of the Route 133 reconstruction project to utilize night work as a method of accelerating completion of the project and minimizing daytime traffic delays.

Town Moderator Rolf Madsen stopped into the Selectmen's meeting to say that he would like to have a motion made on the floor of the Special Town Meeting to postpone discussing Article #1 until after Article #16. Mr. Madsen wants to be able to move to Article #16 as soon as Senator Tarr arrives, so as not to keep Senator Tarr any longer than is necessary. The Selectmen were agreeable to Mr. Madsen's suggestion. Mr. Madsen left the meeting.

Mr. Zubricki reminded the Selectmen of their meeting with the Planning Board on Wednesday, November 17<sup>th</sup>. The focus of the discussion with the Planning Board will be initiating the application process for a preliminary subdivision plan of Conomo Point at the optimal time. This will likely be after the May 2, 2011 Town Meeting, after the underlying zoning is considered, but before zoning approval by the Attorney General.

Mr. Zubricki said that he has modified the ***Consolidated Conomo Point Procedures Calendar*** of the sequence of events for the lease transition at Conomo Point to reflect the most recent developments. Mr. Zubricki indicated that the DEP is expecting the Board's final position by December 31<sup>st</sup>, 2010. This calendar will be a handout at the Special Town Meeting.

Bradley Adkinson, manager and owner of the Farm restaurant on Western Avenue, joined the Selectmen to request a One-Day Entertainment License for Wednesday, November 24<sup>th</sup>, the day before Thanksgiving, between the hours of 11:00 a.m. and 12:00 midnight, within the confines of the restaurant at 233 Western Avenue. The license shall contain the stipulation that noise coming from live or recorded music shall not be audible beyond the property limits of the Farm. A motion was made, seconded, and unanimously Voted to approve the request and the Selectmen signed the license.

Keith Woodman, Chairman of the Shellfish Advisory Commission, joined Bradley Adkinson, also a member of the SAC, to recommend that the Selectmen consider opening

the winter clam flats (except for America's Bank) on December 15<sup>th</sup>. Consequently, a motion was made, seconded, and unanimously Voted to open the winter clam flats, effective December 15<sup>th</sup>, excepting America's Bank. America's Bank is the site of ongoing reseeding efforts. Mr. Woodman said that the Commission would also like to recommend that the clam flat located from Big Rock to the front end of Esker's Nub be designated and set aside for digging only by recreational clammers. The Selectmen were in agreement with the SAC recommendation and a motion was made, seconded, and unanimously Voted to that effect. Mr. Woodman and Mr. Adkinson thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously Voted to approve an expenditure in the amount of \$220.00 from the Luther Burnham Fund to Whitmarsh Lock & Safe Co. for repair to the Tax Collector's door lock.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$59,308.94.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the November 1<sup>st</sup>, 2010, Selectmen's Open Meeting and the Selectmen's November 1<sup>st</sup>, 2010, Executive Session.

The Selectmen reviewed a *letter from Bill Bradford* regarding placement of the Ship's Wheel Monument. Chairman Randall had responded based on Board discussion at a prior meeting.

The Selectmen reviewed a *list from the PTO requesting certain items* that could be auctioned at their Essex PTO benefit auction. The Selectmen agreed to allow the PTO to include in their auction the use of the Town Hall sign for a birthday message.

A motion was made, seconded, and unanimously Voted to grant permission to J.T. Farnham's to close from November 29, 2010 through February 28, 2011 for cleaning and painting.

A motion was made, seconded, and unanimously Voted to grant permission to the Lions Club to hold their annual Turkey Trot benefit and pass over Town roads on Sunday, November 21, 2010. Chairman Randall signed the letter to MassHighway to request permission to pass over State roads during the benefit.

The Selectmen reviewed and signed thank you letters to the volunteers that worked to organize the recent Halloween event at Centennial Grove.

Mr. Zubricki presented for the Selectmen's review the revision to the Town's Alcohol Regulations that will allow package stores to elect either TIPS or SafeServe training for their annual training requirement. The TIPS training has previously been approved by Chief Silva.

Mr. Zubricki showed the Selectmen a copy of a *Notice of Public Meeting* that was prepared by the School Committee Chairman about the joint meeting on December 1<sup>st</sup> of both town's finance committees, boards of Selectmen, and the School Committee.

The next Board of Selectmen's meeting will be on Monday, November 29<sup>th</sup>, at 7:00 p.m. in the T.O.H.P. Burnham Library.

Mr. Zubricki reviewed the list of *Special Town Meeting Motions*, their corresponding monetary amounts, who will present the motions, and whether or not the Finance Committee will be recommending the articles. Five of the articles will be indefinitely postponed.

Mr. Zubricki said that the new Town Moderator has a different procedure for allowing persons to speak at town meeting. Unless a person is unable to come forward and raises a read card to request the portable microphone, people wishing to speak must go to either of the two microphones at the front of the meeting or to the one in the back and announce their name and address.

Mr. Zubricki said that there are two corrections that need to be made to the handouts. One is on the Conomo Point Calendar: The date for petitioning the legislature for 30b relief should be November 2010 and the other was on the *Summary of Monetary Articles*, article number 22, to change the funding source from General Free Cash to Indefinitely Postpone.

At 7:23 p.m., there being no other business before the Board a motion was made, seconded, and unanimously Voted to adjourn to the Special Town Meeting being held in the gymnasium.

Documents used in this meeting include the following:

*Department of Revenue Bureau of Accounts Classification Tax Allocation*  
*Consolidated Conomo Point Procedures Calendar*  
*Letter from Bill Bradford*  
*List from the PTO requesting certain items*  
*Notice of Public Meeting*  
*Special Town Meeting Motions*  
*Summary of Monetary Articles*

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

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