

Present: Chairman Mark W. Lynch, Selectman A. Raymond Randall, Jr., and Selectman Jeffrey D. Jones.

Also Present: Town Administrator Brendhan Zubricki and Selectmen's Assistant Pamela J. Witham

Chairman Lynch called the meeting to order at 7:00 p.m. in the Senior Center on Pickering Street and announced that the Board would hear Public Comment.

Michael Matheson, a member of the Shellfish Advisory Board, appeared before the Selectmen to request that the Selectmen advertise for candidates to fill the recent opening for the Town's Shellfish Warden. He also said that the Advisory Board would like to be included in the review and selection process for the new warden. The Board said that they would keep that in mind. Mr. Matheson left the meeting.

Robert Perrigo appeared before the Board to contest a citation that was issued against him by the Shellfish Warden for illegally digging on winter flats. Mr. Perrigo said that the flats where he was digging were not posted as a closed area and he was unaware that it was illegal to dig there. The Selectmen told him that they would investigate the matter and get back to him and Mr. Perrigo left the meeting.

There was no other public comment offered.

Brendhan Zubricki presented his Town Administrator's Report for the period covering August 18th through September 4th, regarding the following items:

Settlement of Ground Restoration Claim: Mr. Zubricki reminded the Selectmen that a resident of Story Acres had granted the Town a major sewer easement during the sewer construction project. Since that time the owner has expressed dissatisfaction with the final ground restoration of his property by our sewer contractor. The owner has solicited quotations from private contractors to correct the appearance of his property and would like the Town to pay for the work. Mr. Zubricki felt that the amount of money involved is a reasonable amount. After some discussion, a motion was made, seconded, and unanimously Voted to approve and sign a settlement agreement that had been prepared by Mr. Zubricki. The proposed agreement will be forwarded to Mr. & Mrs. Brian Ball of 7 Story Acres for their review.

Resignation of Shellfish Warden: Mr. Zubricki reported that he has received the resignation of the Shellfish Warden who will be assuming the job of Shellfish Warden for the Town of Ipswich. The Deputy Shellfish Warden, Stephen Hartley, will be acting as warden until a replacement can be found. The Selectmen asked Mr. Zubricki to post the opening. A motion was made, seconded, and unanimously Voted to appoint Mr. Hartley

acting Shellfish Warden in the interim, retroactive from August 27th, 2007, and to pay him the designated Shellfish Warden's salary as approved in the Town's Finance Committee Report of 2007.

At 7:10 p.m., the Chairman entertained a motion to open the Public Hearing for JR's Route 22 all alcoholic restaurant license regarding transfer of stock, change of manager, new directors, and a pledge of license. The motion was moved, seconded, and unanimously Voted to open the meeting. Mr. Sylvester Freitas, Jr., who has recently purchased the business, was present to answer all of the Selectmen's questions. There was no one present to speak either for or against Mr. Freitas. A motion was made, seconded, and unanimously Voted to close the hearing. All of the paperwork was in order and a motion was made, seconded, and unanimously Voted to approve the transfer of stock, change of manager, new directors, and pledge of license for JR's Route 22 restaurant at 233 Western Avenue.

Acting in their capacity as Licensing Board for the Town, a motion was made, seconded, and unanimously Voted to approve the following licenses:

- Richard A. DiFillipo, d/b/a R.A. DiFillipo Auctions for use on Tuesday, October 2nd, 2007, between the hours of 8:30 a.m. and 10:30 p.m. within the confines of 125 Main Street.
- Michael March, d/b/a Blackwood March Auctions for use on Thursday, October 4th, 2007, between the hours of 4:00 p.m. and 11:00 p.m. within the confines of 125 Main Street.

Essex Regional Retirement Board Investment Options: Mr. Zubricki presented a letter from the Town of Ipswich questioning the investment practices of the Essex Regional Retirement Board. The Ipswich Town Manager has also separately asked other communities to support them in requesting that the Retirement Board diversify their investments. The Selectmen agreed to allow the Retirement Board a chance to reply to the Town of Ipswich's letter before taking any action. (The Retirement Board has provided an initial letter of reply to member towns indicating that more information will be forthcoming.)

Proposals Relative to Zoning By-Law Analysis and Recommendations: Mr. Zubricki reported he has received a proposal for analysis of the zoning by-laws from Town Counsel, Kopelman and Paige, and another proposal from Attorney Mark Bobrowski, a noted zoning by-law authority, in the amount of \$25,000. The Selectmen asked Attorney Gregg Corbo from Kopelman and Paige, who was present, to submit a revised estimate based on the wider scope provided in the Bobrowski proposal.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the minutes of the August 20th, 2007 Selectmen's meeting.

The Selectmen decided to reschedule the Offenberger public hearing from September 24th to October 1st, 2007 at 7:15 p.m. in the T.O.H.P. Burnham Public Library since the September 24th BOS meeting has been eliminated from the meeting schedule.

After considering a request from the United Nations Association of Greater Boston, a motion was made, seconded, and unanimously Voted to proclaim October 24th, 2007 United Nations Day. Chairman Lynch signed the proclamation.

Mr. Zubricki said he has received a request from the Fire Chief to proclaim the closure of Town forest lands to unauthorized people due to the extended drought conditions in the area. It is perceived that this will give the police more authority to stop the unauthorized presence of people who may unintentionally start a forest fire. The Selectmen agreed to authorize Chairman Lynch to take action once Mr. Zubricki ascertains from the State if further steps are necessary.

The Selectmen were reminded of the following meetings:

- The Cape Ann Chamber of Commerce Evening Business Exchange at Timberline, 4 Pond Street, Gloucester will meet on Tuesday, September 11th, at 5:00 p.m.
- The next BOS meeting will be on Monday, September 17th, at 7:00 p.m. in the Library.
- Cape Ann Breakfast Club will meet on Friday, September 21st at 7:30 a.m. at the Elks at Bass Rocks.
- The Clam Fest will be held on Saturday, October 20th, 2007.
- The Chapter 40 b Workshop will be held on Monday, October 22nd, 2007 in the Senior Center @ 7:00 p.m.

Town Treasurer Virginia Boutchie appeared before the Selectmen to request that the Town be allowed to enroll in a program sponsored by the First National Bank of Ipswich that would automatically resubmit for deposit any bounced check as soon as there are funds available to clear it. A motion was made, seconded, and unanimously Voted to authorize the Town Treasurer to complete the necessary enrollment forms.

The Town Treasurer presented the Pond Street Water Permanent Note for \$197,000 and a ban for \$293,000 for the DPW Barn for the Selectmen's approval and signature. A motion was made, seconded, and unanimously Voted to approve the note in the amount of \$197,000. Another motion was made, seconded, and unanimously Voted to approve the ban in the amount of \$293,000. Town Clerk Sally Soucy was present to witness the signing of both documents by the Selectmen and the Treasurer.

Citing the need to discuss Teamsters collective bargaining issues, sewer related litigation issues, and real property easement issues, the Chairman entertained a motion to move to Executive Session. The Chairman said that the Board would be returning to regular session and invited the Town Administrator and Town Counsel Gregg Corbo 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 regular Session at 7:44 p.m. at which time they were joined by members of the Conomo Point Planning Committee. (Chairman Rolf Madsen, Charles Burnham, Gil Guerin, Kurt Wilhelm, Tony Palumbo, Susan Coviello, Ed Neal, Gordon Martin, Jim Witham, and Selectman Mark Lynch. George Marsh was unable to attend and Kim Jarvis would be joining the meeting later in the evening.) In addition, the reporter from the Gloucester Daily Times and several residents of Essex were present. Selectman Chairman Lynch asked the members of the Planning Committee to join the Selectmen, the Town Administrator and Town Counsel at the table.

Selectman Jones announced that he would have to recuse himself from the discussion about Conomo Point due to a conflict of interest and left the meeting.

Mr. Madsen said that he had requested this meeting with the Selectmen and Town Counsel so that members of the Committee could be brought up to speed regarding all the issues concerning the expiration of the leases for land at Conomo Point in 2011. Chairman Lynch asked each of the Committee members if they had anything that they wanted to ask or say. Tony Palumbo, Ed Neal, and Gil Guerin spoke about actions that the Committee had investigated prior to the 1999 decision at the Annual Town Meeting. The Chairman then announced that the Board would hear comments from others at the meeting, but that the comment period would have to be limited to 15 minutes, since Town Counsel was present and the Town is paying for his time. Bruce Fortier of Southern Avenue, Edward A. Marshall, III of Pickering Street and John Amirault of Conomo Point Road were allowed to speak.

At 8:10 p.m., citing the need to discuss Conomo Point real property purchase, lease, and value issues, Chairman Lynch entertained a motion to move to Executive Session. He invited the Conomo Point Planning Committee, Town Counsel, and the Town Administrator to join the Selectmen and said that the Board would not be returning to regular session. The motion was moved and seconded. Chairman Mark Lynch voted to move to Executive Session, followed by Selectman A. Raymond Randall, Jr. who also voted to move to Executive Session. Committee Chairman Rolf Madsen entertained a motion for the Committee to join the Selectmen in Executive Session for the same purposes. The motion was moved and seconded. The following Roll Call Vote was held: Madsen – yes, Lynch – yes, Neal – yes, Witham – yes, Martin – yes, Coviello – yes, Palumbo – no, Wilhelm – yes, Guerin – no, and Burnham – no. The Committee moved to Executive Session and the room was cleared of spectators.

The Board returned to regular session at 9:15 p.m.

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

Prepared by: _____
Pamela J. Witham

Attested by: _____
A. Raymond Randall, Jr.