

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

Also Present: 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 Public Library and announced that the Board would hear Public Comment. There were no comments offered.

The Selectmen reviewed the warrant prepared by the Town Clerk for the February elections. A motion was made, seconded and unanimously Voted to approve and sign the Warrant for the Presidential Primary to be held on February 5<sup>th</sup>, 2008. A copy is attached to these minutes. The signed warrant was returned to the Town Clerk to be picked up by the Constable for posting.

A motion was made, seconded, and unanimously Voted to approve the payment of \$366.00 to Foxhill Heating Service from the Luther Burnham Fund for repair of the furnace in the Town Hall basement.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$610,486.36.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the January 7<sup>th</sup>, 2008 Selectmen's Open Meeting. A motion was also made, seconded, and unanimously Voted to approve and sign the minutes for the January 24<sup>th</sup>, 2008 Selectmen's Open Meeting. And, a motion was made, seconded, and unanimously Voted to approve and sign the minutes for the January 24<sup>th</sup>, 2008 Selectmen's Executive Session.

A motion was made, seconded, and unanimously Voted to re-appoint Ed Perkins to the Board of Appeals. A motion was also made, seconded, and unanimously Voted to re-appoint Gil Guerin, Jr. as an alternate to the Board of Appeals. The Selectmen signed the appointment cards.

A report of the estimated seasonal temporary increased resident population for the Town as requested by the State Alcoholic Beverages Control Commission was reviewed and signed by the Selectmen.

The Selectmen signed the appointment card for Shellfish Warden Paul Thistlewood previously voted on October 1, 2007.

The Selectmen were in agreement and a motion was made, seconded, and unanimously Voted to accept the gift of \$350 from Edward and Patricia Marchetti to the Police Department for the purchase of needed equipment.

The Selectmen were reminded that the Conomo Point Planning Committee will be meeting on Tuesday, January 29<sup>th</sup>, 2008 at 7:30 p.m. in the T.O.H.P. Burnham Public Library.

The First Cape Ann Caucus of 2008 will be held on Friday, February 8<sup>th</sup>, at 7:30 a.m. in Gorton's Conference Room.

Brendhan Zubricki presented his Town Administrator's Report for the period covering January 5<sup>th</sup> through January 25<sup>th</sup>, regarding the following items:

Backup Server Hold-Harmless Agreement: Mr. Zubricki reported that the company (Edgewater Technology), that has offered to provide a backup facility for the Town's computer equipment in case of emergency, has requested a hold-harmless agreement from the Town. Mr. Zubricki used the format from the agreement that he had prepared for the Tewksbury reciprocal agreement and edited it accordingly. The company is now reviewing the draft agreement. A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to submit the draft agreement to Town Counsel for review and comment once it is returned from Edgewater.

Annual Town Meeting Rehearsal: Chairman Lynch said that he has discussed the concept of a rehearsal for the next Annual Town Meeting with the Town Moderator. The rehearsal would be held on the Saturday before the actual ATM and would be a practice session for the moderator and the people chosen to present the articles at the Town Meeting. Chairman Lynch said that the Town Moderator is not generally in favor of a rehearsal. Before making a final decision regarding the rehearsal, Chairman Lynch intends to obtain more information about the idea from the Town of Manchester by the Sea who has held rehearsals in the past for their town meetings.

Dr. Driscoll and Board of Health members Lynn Marchetti and Marlene Saunders appeared before the Board of Selectmen to recommend Dr. Driscoll's appointment to the Board of Health. The Selectmen were already acquainted with Dr. Driscoll and a motion was made, seconded, and per a unanimous Roll Call Vote by the Board of Selectmen and the two members of the Board of Health, Dr. Driscoll was appointed to the vacant position on the Board of Health. The Selectmen signed the appointment card and the Board of Health members (old and new) left the meeting.

Tennis Court Design Contracts: Mr. Zubricki reported that H.L. Graham has exceeded the cost estimate for some of the contract tasks performed during the design of the proposed tennis courts adjacent to Memorial Park by a few dollars. In addition, a change order to the original scope of work involved has been requested by the engineering firm. Also, the Department of Public Works has approved a contract with DeRosa Environmental Consulting to prepare a notice of intent for the Conservation Commission,

but the contract needs to be approved by the Selectmen, as well. Mr. Zubricki said that the Town Accountant has verified that there is enough money in the special tennis court account to fund the change orders, past overages, and to hire DeRosa. After some discussion, the following motions were made: A motion was made, seconded, and unanimously Voted to approve payment to H.L. Graham for past additional charges; a motion was made, seconded, and unanimously Voted to approve the change order and to allow future small task overages to be billed at the contract hourly rate; and, a motion was made, seconded, and unanimously Voted to approve and sign a contract and issue a retainer to DeRosa Environmental Consulting in the amount of \$1500.

Proposal to Switch Dental Insurance Plans: Mr. Zubricki reported he had met with Kevin White, a representative from MIIA, and a new Dental Insurance Carrier who offers a better dental plan for town employees at a better price than the existing carrier. He requested permission to ask Town Counsel David Jenkins about the advisability of informing the Town union employees and regular employees about the availability of a new dental plan in an informational meeting. A motion was made, seconded, and unanimously Voted to ask Town Counsel about the procedure for allowing employees to choose a new dental program.

Rapid Response Team Building Use Request: Mr. Zubricki said that he has received a request from Sergeant Francis who is part of the Rapid Response Team to use the Centennial Grove Cottage for a training session. The group would assume all responsibility for the training operation and perform any necessary clean up afterwards. A motion was made, seconded, and unanimously Voted to approve the use of the cottage by the Rapid Response Team.

Additional Snow/Ice Budget Approval: Mr. Zubricki said that the DPW Superintendent has informed him that the department will need an additional \$50,000 for snow and ice removal. The Finance Committee has already approved the request. A motion was made, seconded, and unanimously Voted to approve the request for an increase of \$50,000.

Review of Essex Shellfish Issues: Mr. Zubricki and Shellfish Warden Paul Thistlewood met with the Department of Marine Fisheries on January 8<sup>th</sup>.

Concerning the proposed changes to the Town's clamming and shellfish rules regarding digging limits, Mr. Zubricki reported that the DMF did not recommend changing them to allow digging only on one tide per day since with two tides per day it would be difficult to make sure that each shellfisherman was only digging one of the tides. Also, if the Selectmen designated the single tide per day that could be dug, it might limit the hours that some of the clammers could work by interfering with other jobs the clammers may have. They also were not in favor of increasing the harvested weight allowed at each digging since they felt that would ultimately result in greater and longer "bust" periods in the harvesting cycle.

Mr. Zubricki also asked again about the possibility of using the slips that the dealers get from the diggers registering the amounts purchased. He explained to the DMF that there

are at least 7 launch ramps in Town and as a result it is impossible to patrol each ramp and weigh every catch to make sure that it conforms to the legal limits. The DMF was sympathetic to the situation and will continue to consider the idea.

The DMF has verified through their own water sampling data that the pollution in the river has been greatly reduced since the implementation of the new sewer system in town. They will be undertaking a two-year study to evaluate and assess the effect on the shellfish beds which may result in the reclassification and reopening of some of the shellfish beds.

The DMF will also be creating a new harvesting area map that will be divided into zones and show closure lines. It is anticipated that the new map will be available on line, posted in strategic places, and distributed with new and renewal clamming licenses. When combined with the shellfish phone hotline, all clammers will be able to know which areas are open or closed to digging at any time.

The last topic discussed with the DMF concerned the enforcement of violations. The DMF feels that a review of the Town's regulations may be necessary to ensure that all the enforcement options are mentioned and correctly stated. The violation tickets and clamming licenses will also need to be examined to make sure that the wording conforms to the existing regulations.

It was decided that the Board would review the information from the DMF for further discussion at their next meeting.

In other business, Chairman Lynch distributed the final job performance evaluation form for the Town Administrator that consists of two parts. The first part will be used to measure yearly goals and will determine the level of achievement attained on which annual merit increases will be based. The second part will help the Town Administrator with feedback concerning professional development.

At 7:30 p.m. Finance Committee Chairman Jeff Soulard and committee members: Mark McKenna, James Horrocks, and Ed Lafferty; Town Accountant Roxanne Tieri; and Essex School Committee Representatives: Annie Cameron, Susan Coviello, and Karen Gaudiano; and Town Treasurer/Collector Virginia Boutchie met with the Selectmen to discuss the proposed FY09 budgets for the Town and the Manchester Essex School District.

Susan Coviello reported that the School Committee is presently on their third edition of the proposed budget for FY 2009. The current edition represents only a 5.15% increase in funding, as opposed to the last edition which had a 6.5% increase in the overall budget. The current projections are based on, among other things, level-funding Chapter 70 funds and a stabilization fund contribution of \$130,000. The School Committee will continue to work on their budget proposal, looking for areas to cut costs. Ms. Coviello announced that the School Committee would be meeting tomorrow, on Tuesday, January 29.

Chairman Jeff Soulard of the Finance Committee presented a summary of the proposed FY 2009 budget for the Town and said that at present, they are projecting a \$400,000 increase in costs over the past year. The projections do not take into account any Cost of Living increases that may be awarded to the non-union employees or negotiated by the Teamsters. ACFSME and the Police union have already successfully negotiated for a 3% increase. One solution offered was an across the board decrease of 4% and another was to seek funding for certain items at a Special Town Meeting in the Fall from free cash. Mr. Soulard said that the Finance Committee will now talk to individual departments in an effort to determine which areas may be adjusted downward.

The Finance Committee, the Essex School Committee Representatives, the Town Accountant, and the Treasurer/Collector left the meeting.

There followed a discussion of the budget items. Mr. Zubricki said that he would prepare a special spreadsheet that will more clearly present the proposed changes to the budget items and facilitate the Selectmen's analysis.

A motion was made, seconded, and unanimously Voted to award the Town's non-union employees a 3% Cost of Living increase for FY 2009.

Draft Annual Town Meeting Warrant: Mr. Zubricki distributed and reviewed his working draft of the proposed articles to be included in the Annual Town Meeting Warrant.

Mr. Zubricki reported that Mr. Kellerman was undecided whether the group that was proposing the establishment of an agricultural/residential overlay on the north side of Town would be petitioning to have an article on the warrant reflecting that desire or whether they would be asking the Selectmen to place it on the warrant.

Mr. Zubricki said that Town Counsel, the Building Inspector and he had completed the Cease and Desist letter to the Pallazola's outlining their options. The letter has been sent by regular mail and return/receipt-requested mail. A copy has been placed in the BOS reading file.

Mr. Zubricki reported that he had been approached by Ed Neal, a resident of Town and a former Selectman, with an idea regarding reduction of the betterment interest rate that could potentially save the betterment payers money. The Selectmen authorized Mr. Zubricki to discuss the idea with Town Counsel to assess whether the concept could be legally implemented and to determine the steps necessary for successful implementation. They also asked Mr. Zubricki to investigate whether the surplus predicted by Mr. Neal was actually present.

The Selectmen agreed to postpone further discussion of the Calendar Year 2008 Police Chief's goals until they have finished discussing his proposed contract.

A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to forward the Shannon Grant Interagency Task Force Memorandum of Understanding to Town Counsel for review.

Chairman Lynch entertained a motion to move to Executive Session for a discussion relative to negotiating the renewal contract for the Chief of Police's. He said the Board would not be returning to Open Session and invited Town Administrator Brendhan Zubricki to attend. 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 9:15 p.m.

There being no further 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.