

Selectmen 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

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 was no one present from the public to offer any comment.

Mr. Zubricki presented his Town Administrator's Report for the period covering January 26<sup>th</sup> through February 8<sup>th</sup>, regarding the following items:

Route 133 Reconstruction Project Update: Mr. Zubricki said that the Massachusetts Highway Department has asked for a letter from the Town stating that three areas (Woodman's Beach, the Legion Hall, and the Town Landing) owned by the Town and adjacent to Route 133 will continue to be used during the reconstruction project, that the project will not harm the properties, and that the use of the properties will not change as a result of the project. He had prepared the requested letter and a motion was made, seconded, and unanimously Voted to approve the Chairman's signing of the letter.

Mr. Zubricki reported that a couple of residents have expressed concern about a historic granite seawall on the causeway being preserved during the reconstruction project. If the wall needs to be replaced as a result of the project, it is hoped that it will be replaced "in kind". Mr. Zubricki has communicated this concern to the MassHighway project manager who has taken the matter under consideration.

Another resident has asked if the project will provide a remedy for her wet basement. Mr. Zubricki informed her that the project may improve the condition of her basement as a side benefit from the overall project. However, the project is not directed or designed to improve the quality of private property in the area and there is no guarantee of improvement.

Mr. Zubricki also reported that MassHighway has decided to install underground conduit and boxes to provide for the possible future installation of lighting on the causeway as part of the reconstruction project.

Proposed Dental Insurance Provider Switch: Mr. Zubricki said that he has spoken with Town Counsel regarding the procedure to follow in initiating a proposed change of the Town's dental insurance provider. Attorney Jenkins recommended that the three union stewards be contacted and advised of the new provider whose plan will be less expensive and have broader coverage. If there is a favorable union response or no union response after a specified time period, the switch to the new provider may be made by the Town. A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to contact the union stewards and inform them of the opportunity to choose a better dental insurance provider.

Future Use of Town Hall: Mr. Zubricki said that he had met with Stu Pratt, a resident and member of the ad hoc committee that is investigating the needs and solutions for adequate office space for the Town and the Police Department. They compared the operating costs of the present Town Hall to the perceived costs of a new, more efficient building. They also discussed future uses of the present Town Hall, if the Town offices and Library were eventually placed elsewhere. Mr. Pratt said that he has some ideas regarding future use and that he would like to explore those ideas further with some professional real estate friends to develop the options that might be available to the Town. The Selectmen agreed that Mr. Pratt's work could be useful.

Town Hall Exterior Renovations: Mr. Zubricki reported that he has received the final design documents for the exterior renovations and repairs to the Town Hall from McGinley Kalsow Associates. The work has been divided into two parts: Stage One includes most of the repairs and renovations and Stage Two includes re-pointing and repairs to the existing Town Hall masonry. It is anticipated that Stage One would be completed first and that Stage Two would follow as funding became available. The firm has provided the Town with an excellent set of drawings detailing the exterior of the building. The Selectmen agreed that the repairs should be put on hold until a comprehensive plan for Town buildings is developed.

Review of Potential Sewer Betterment Interest Surplus Revenue: Mr. Zubricki said that Town Counsel has advised him that surplus revenue from sewer betterment interest may be used to reduce sewer interest rates. The Surplus could also be spent on capital expenses of the Sewer Enterprise Fund. If the Town can prove that a surplus currently exists, it may begin using the funds. Mr. Zubricki will prepare an analysis to determine and project the possible accumulation of a surplus. If the Town wishes to actually reduce the betterment interest rate, a special act of the legislature will be required.

Fiscal Year 2009 Town & School Operating Budgets: Mr. Zubricki reviewed the latest draft of the FY 2009 budgets. The Selectmen made various suggestions and requested that the Finance Committee be scheduled to meet with them at their March 10<sup>th</sup> meeting.

Senator Tarr's Request for Budget Priorities: Mr. Zubricki reported that every year Senator Tarr's office sends out a request to communities and towns for a list of budget priorities which Senator Tarr uses to focus his efforts to pass favorable legislation. Mr. Zubricki reviewed a list from last year and suggestions were made to update that list. Mr. Zubricki agreed to forward the revised list to the Senator.

Revision of Shellfish Regulations: Mr. Zubricki presented the Selectmen with a new red-lined draft of the amended Shellfish Regulations based on past discussions and suggestions with the Division of Marine Fisheries, the Selectmen and the Town's Shellfish Warden. Mr. Zubricki reviewed the changes he has incorporated and the reasons behind them. The Selectmen were in agreement and asked that the document be forwarded to Town Counsel for review. When Town Counsel has reviewed the amended document, the Selectmen asked Mr. Zubricki to inform the members of the Shellfish Advisory Board of the changes that are being contemplated.

Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed the current draft of the proposed warrant for the upcoming Annual Town Meeting. There are many articles from the Planning Board that deal with changes to the Town's bylaws and it was agreed that Mr. Zubricki would ask the Planning Board for guidance in ordering the sequence of articles dealing with the proposed changes.

Shannon Grant Interagency Task Force Agreement (MOU): The Board had asked Mr. Zubricki to have Town Counsel review the Shannon Grant Agreement before the Selectmen agree to sign it. Subsequently, Town Counsel has informed Mr. Zubricki that they represent another community that is in the Task Force. Town Counsel is presently reviewing the matter to determine the proper course of action by Town Counsel.

Mr. Zubricki reported that the DPW Superintendent has received the paperwork from the Massachusetts Emergency Management Agency that will allow the Town to qualify for \$3,970.70 in grant monies for damage incurred during the May 2006 Floods. A motion was made, seconded, and unanimously Voted to approve the signature of the documents by the Chairman.

Mr. Zubricki reported that the forms nominating Shirley Singleton as an Unsung Heroine of Massachusetts have been submitted to the State for review. A motion was made, seconded, and unanimously Voted to ratify the Chairman's signature on the nominating forms. The Selectmen are hoping to surprise Ms. Singleton with the award.

The Selectmen were given a letter from Edwin Howard, a Main Street business owner, listing some actions that he would like the Long Term Planning Committee to recommend to the Selectmen. Mr. Howard is in favor of hiring a professional town planner and of creating an historic district in Town.

The Selectmen briefly discussed the status of the proposed establishment of an agricultural/residential overlay district on the north side of Town. The group sponsoring the idea has presented the Selectmen with a petition article to be placed on the warrant for the Annual Town Meeting. The Selectmen asked Mr. Zubricki to ask Town Counsel for an opinion on certain matters relating to this article.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$71,541.26.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the January 28<sup>th</sup>, 2008 Selectmen's Open Meeting. A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the January 7<sup>th</sup>, 2008 Selectmen's Executive Session. And, a motion was made, seconded, and unanimously Voted to approve and sign the minutes for the January 28<sup>th</sup>, 2008 Selectmen's Executive Session.

At 8:00 p.m., Town Counsel Gregg Corbo, Board of Public Works members Paul Rullo, Walter Rich, and Scott DeWitt, Superintendent Paul Goodwin, and Assistant Superintendent Michael Galli appeared before the Selectmen.

Chairman Lynch said that he has been meeting with officials from surrounding and nearby towns on a regular basis and that one of ideas that has been discussed is the concept of purchasing and sharing a vactor truck. He asked the Superintendent for his opinion on the usefulness of the idea. The Town currently shares a vacuum trailer with Rockport, but none of the Town employees are qualified to drive it. Whenever the Town uses the trailer, an employee from Rockport drives it and an employee from Essex goes to work in Rockport while the truck is in Essex. The new shared vactor truck would not require special driving qualifications. Mr. Goodwin thought that a decent vactor truck would probably cost in the \$200,000 range. The Town would fund a fraction of that cost, based on the number of towns willing to join in the agreement. Mr. Goodwin was in favor of the idea and the Chairman said he would continue to explore it with the other towns.

Citing the need to discuss strategy with respect to litigation and contract negotiations with non-union personnel, Chairman Lynch entertained a motion for the Board to move to Executive Session. He stated that the Board would be returning to Open Session and invited Attorney Corbo, Paul Rullo, Walter Rich, Scott DeWitt, Paul Goodwin, Michael Galli, and Brendhan Zubricki to attend. The motion was moved, seconded, and per a unanimous Roll Call Vote by the Selectmen and the Board of Public Works, the Boards moved to Executive Session at 8:14 p.m.

The Selectmen returned to regular session at 9:27 p.m. Attorney Corbo and the Board of Public Works, Superintendent Goodwin, and Michael Galli were no longer present since they had left the meeting during the Executive Session.

After review by the Selectmen, a motion was made, seconded, and unanimously Voted to approve and sign a consent to allow the American Lung Association cyclists to pass over Town roads during their X State Challenge, Hills to Harbor, on June 21<sup>st</sup> and 22<sup>nd</sup>, 2008.

A motion was made, seconded, and unanimously Voted to approve and sign a consent for Essex County Velo Cycling Club to pass over Town roads on 5/28, 6/11, 6/25, 7/9, 7/23, 8/6, and 9/3.

A motion was made, seconded, and unanimously Voted to approve the reappointment of Pam Stone as Animal Health Inspector. The Selectmen signed her appointment card.

Selectman Jeff Jones and Chairman Lynch will be attending the School Committee budget meeting starting at 7:00 p.m. on February 12<sup>th</sup> in Manchester.

A motion was made, seconded, and unanimously Voted to proclaim April 27<sup>th</sup> through May 3<sup>rd</sup>, 2008 Holocaust Awareness Week. Chairman Lynch signed the proclamation.

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

Auction Permit:

Michael March d/b/a Blackwood March Antiques for use on Tuesday, March 11<sup>th</sup>, 2008 between the hours of 4:00 and 10:00 p.m. within the confines of 125 Main Street.

Commercial Clamming Permits:

Stephen Aiello	Dale Lowry	John Shields
Jeff Fraser	Michael Matheson	Nick Silva
Ronald Gallant	George Mullin	George Thompson
James Genest	Dean Rossi	Chad Whittemore
Judson Lane		

Student Clamming Permits:

Bryan Shields	Marc Shields
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Senior Clamming Permits:

Robert Brophy	Randall Lane	Everett Reed
Norman Burnham	Richard O'Leary	

The Selectmen were reminded of the following meetings:

- The School Building Committee will be meeting on Wednesday, February 13<sup>th</sup> at 7:00 p.m. in Room 25 at the Manchester Essex Regional Middle/High School.
- The Conservation Commission will be meeting on Tuesday, February 19<sup>th</sup> at 7:30 p.m. in the T.O.H.P. Burnham Library.
- The Evening Business Exchange will be held on Monday, February 25<sup>th</sup> from 5:00 to 7:00 p.m. at Ambiance Hair Design in Gloucester.
- The next Board of Selectmen's meeting will take place at 7:00 p.m. on Monday, February 25<sup>th</sup>, in the T.O.H.P. Burnham Public Library.
- The next bargaining session with the Teamsters will take place at the Senior Center at 7:30 a.m. on Tuesday, February 26<sup>th</sup>, 2008.
- The Long Term Planning Committee will be meeting on Tuesday, February 26<sup>th</sup> at 7:30 p.m. in the Senior Center.

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.