

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

Also Present: Town Counsel Gregg Corbo, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham

The Chairman called the meeting to order at 7:30 a.m. in the T.O.H.P. Burnham Public Library and announced that the Board would hear Public Comment. No comments were offered.

Citing the need to discuss matters relative to possible litigation, Chairman Lynch entertained a motion for the Board to move to Executive Session. He said that the Board would be returning to Open Session and asked Town Administrator Brendhan Zubricki and Town Counsel Gregg Corbo to attend. The motion was moved, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session at 7:31 a.m.

The Board returned to Open Session at 7:46 a.m.

A motion was made, seconded, and unanimously Voted to assent to and sign the Determination outlining Kopelman and Paige's disclosure regarding future possible interests with the City of Gloucester. It was acknowledged that the disclosure could be revoked at any time in the future if the Town should become uncomfortable or dissatisfied with the representation being provided by Kopelman and Paige.

Again, citing the need to continue the discussion of matters relative to possible litigation, Chairman Lynch entertained a motion for the Board to move back to Executive Session. He said that the Board would be returning to Open Session and asked Town Administrator Brendhan Zubricki and Town Counsel Gregg Corbo 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 8:28 a.m.

A motion was made, seconded, and unanimously Voted to authorize Attorney Gregg Corbo to file suit in Salem Superior Court regarding the sewer rate dispute with the City of Gloucester.

A further motion was made, seconded, and unanimously Voted to authorize and release the following statement regarding the sewer rate dispute:

Please be advised that the Board of Selectmen has authorized Town Counsel to initiate suit in Superior Court to establish the Town's rights and responsibilities with respect to paying for capital improvements to the Gloucester sewer system and more specifically to determine whether Essex is required to fund a portion of the combined sewer overflow project. This is not a decision that we entered into

lightly and we do not relish the idea of bringing a lawsuit against a neighboring municipality. Despite our best efforts, however, we have been unable to reach an amicable resolution of this issue and, while we appreciate the attention that Mayor Kirk has paid to this matter, we do not believe that the City's response adequately protects the interests of the Essex rate payers. Sewer rates in Essex are already amongst the highest in the Commonwealth and we do not believe that our citizens can or should absorb this extraordinary cost which is not providing any direct benefit to the Town. Although we remain willing to discuss this issue with the City in an effort to resolve this issue in a manner that is beneficial to all parties, at this juncture we believe that this is a matter that will have to be decided by the Court.

In another matter, Mr. Zubricki reported that the Board of Public Works is considering a request to the Selectmen to place two articles on the Annual Town Meeting Warrant. One would seek approval to use Free Cash from the Sewer Enterprise Fund to subsidize and stabilize the Town's fiscal year 2008 sewer rate. The other would seek approval to use any surplus interest funds to subsidize the Town's fiscal year 2009 sewer rate.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 8:30 a.m.

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

Attested by: \_\_\_\_\_  
A. Raymond Randall, Jr.