

Present: Chairman A. Raymond Randall, Selectman Mark W. Lynch, Selectman Jeffrey D. Jones, 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. No one offered any comment.

Mr. Brent Roundy came before the Selectmen to request a waiver of the application deadline for a commercial clamming permit. A motion was made, seconded, and unanimously Voted to grant the waiver to Mr. Roundy and the Selectmen signed his application. Mr. Roundy took the application and left for the Town Clerk's Office.

Mr. Zubricki presented his Town Administrator's Report for the period covering November 15th through November 28th, 2008, regarding the following items:

Town Administrator's Performance Review and Goal Setting: Mr. Zubricki handed out a list of suggested goals for the upcoming year. A performance evaluation form had previously been prepared by the Selectmen for use at evaluation time. It was agreed that each Selectman would review the list of goals for discussion at a subsequent meeting. Also, each Selectman will complete the evaluation form and forward their comments to Chairman Randall for his eventual discussion with Mr. Zubricki.

Town Planner Priorities: Mr. Zubricki distributed a revised proposal from the Horsley Witten Group regarding a scope of work and budget that could be performed based on the \$25,000 that was appropriated for planning purposes at the recent November Special Town Meeting. Chairman Randall said that he has been in touch with noted professional planner Mr. Bobrowski and that Mr. Bobrowski is still formulating his ideas regarding a list of suggested areas for the Town on which to focus. It is likely that Mr. Bobrowski will be able to discuss his ideas with the Selectmen after the first of the New Year.

Town Buildings Study: Mr. Zubricki reported that Town Counsel is currently reviewing the Attorney General's interpretation of the procurement laws as they relate to the funding of new town office space using public and/or private partnerships. Presently, it appears that the Town would have to follow a bidding process using only DCAM certified contractors via the standard bidding and prevailing wage procedures. This would greatly increase the cost of a new building to the Town. The Town has just started paying for a new sewer system and a new school building and the Selectmen are interested in exploring creative ways in which to leverage the Town's money as much as possible. They asked Mr. Zubricki to ask the Ad Hoc Building Committee for an update regarding the projected cost of a new building to house the town offices and the police department. They also asked Mr. Zubricki to contact Senator Bruce Tarr about possibly obtaining an

exemption from the procurement laws through special legislation since Essex is a very small town with very limited resources.

Regional Emergency Communications Center Grant Letter of Support: Mr. Zubricki presented a letter of support that he had prepared at the Selectmen's request regarding the Essex County Sheriff's Department's application for a State grant to fund a Regional Emergency Communications Center. A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the letter of support.

Shellfish Constable Paul Thistlewood, members of the Shellfish Advisory Commission (Rob Fitzgerald and Keith Woodman), and clambers Michael Matheson, Jim Haskell, Scott Dunsmore, and Ed Lane joined the Selectmen.

Rob Fitzgerald reported that the Shellfish Advisory Commission had met on November 17th and Mr. Fitzgerald was elected Chairman of the Commission at that meeting. The Commission has made a visit to the Cat Cove Laboratory in Salem and discussed various methods of seeding and preservation of the clam flats, all of which seem to have met with moderate success in other towns. The Commission is still reviewing its recommendations regarding daily shellfish harvest limitations after rainfall closures of the flats, as well as recommendations regarding opening of the winter clam flats. Mr. Fitzgerald asked the Selectmen's Assistant to post the Commission for a meeting on December 8th, at the Fire Station. The Commission will meet again with the Selectmen on January 12th at 7:30 p.m. to discuss their recommendations.

Michael Matheson said that Phil McDougall, Senior, had been responsible for obtaining grants for the City of Gloucester to help fund reseeding and that Mr. McDougall may be able to offer guidance about the grant application process to Essex.

On another matter, Rob Fitzgerald said that there is some confusion regarding which flats belong to Essex and which to Ipswich as the result of the river channels changing each year, especially in the vicinity of the Crane's Beach boathouse across from Hog Island. Mr. Zubricki will investigate whether GIS can be utilized to determine the Town boundaries or whether it will be necessary to involve Town Counsel in this matter. He asked the Commission members to provide him with a map showing the areas in question before he is able to proceed.

Mr. Fitzgerald said that the Commission would like to request that Scott Dunsmore and Jim Haskell be appointed to the Shellfish Advisory Commission. A motion was made, seconded, and unanimously Voted to appoint Mr. Dunsmore and Mr. Haskell to the Commission for a term of three years each, commencing immediately.

The Shellfish Constable, Rob Fitzgerald, Keith Woodman, Jim Haskell, Scott Dunsmore, Ed Lane, and Michael Matheson left the meeting.

Town Treasurer/Collector Virginia Boutchie and Town Accountant Roxanne Tieri joined the meeting. Chairman Randall asked if either foresaw any budget concerns that might arise from the present state of the economy over the next few years.

The Town Accountant said that people might become slower or negligent in paying their bills which would affect the timely receipt of revenues by the Town. She expressed concern about the fiscal status of the Town's accounting software provider. The Selectmen advised obtaining an annual report from the software vendor and suggested that it might be prudent to research other venues providing software support in the event the firm does go out of business. Ms. Tieri also said that the Town should try to hold on to Free Cash as much as possible and instead try to finance special items from the General Fund.

The Town Treasurer/Collector said that hard times offer departments the opportunity to reassess current operations and create better management solutions. She said that, in the future, it could be possible for the Town to become the owner of foreclosed property which the Town would have to insure and manage. The Town of Ipswich has already experienced this in the past and Chairman Randall asked Ms. Boutchie to ask Ipswich if they would share their policies and procedures with Essex. It was suggested that a contingency item for unforeseen property management/insurance might be added to the budget.

Selectmen Lynch asked the Town Accountant to provide the Selectmen with a report of actual vs. projected receipts and expenditures from time to time. Ms. Tieri said she would be happy to provide one for receipts/revenues through the end of November, 2008.

Ms. Boutchie and Ms. Tieri left the meeting.

Planning Board Chairperson Kim Drake and members William Holton, Amy Reilly, Susan Robinson, and Andrew St. John joined the Selectmen to discuss their recommendations for duties to be provided by the planner that will be hired with the \$25,000 recently voted at the November Special Town Meeting. The Planning Board members expressed surprise that the article had been included on the Special Town Meeting warrant and that it was different from the job description that had been drafted earlier by the Planning Board. The Selectmen said that there are several areas in Town that would benefit from the services of a professional planner and that they have reserved the right to oversee the use and management of that person to insure that the most critical needs are met. The Planning Board said that they were hoping that the planner would be able to provide them with technical assistance, target desired zoning changes, provide administrative support, and perform grant research and/or writing. The Selectmen said they envision the planner being shared by the Planning Board, the Conomo Point Planning Committee, and the Long Term Planning Committee. The Planning Board has been approached by an interested planner, but has not pursued the matter because they are waiting to see if the Town will decide to share planning services with Manchester.

It was agreed that the first step is to draft a scope of services for the proposed planner and Mr. Zubricki will work with a sub-committee of the Planning Board on the formulation of the scope of services draft. Once the scope of services is in place, the Selectmen will decide whether to ask three companies to bid on the project or whether to issue a blanket request for proposals.

The Planning Board members asked whether or not certain zoning changes that were passed at town meetings in 2007 and 2008 have been accepted and approved by the Attorney General yet. Mr. Zubricki said that so far, only the Community Preservation Act has been submitted and approved. The Planning Board said that it is difficult to perform their duties without a current certified copy of the Town's Bylaws. A motion was made, seconded, and unanimously Voted to ask Mr. Zubricki to verify with the Town Clerk if the remaining zoning changes passed at previous Town meetings have been filed with the Attorney General and if not, to seek alternative measures open to the Board to ensure that they are filed.

The Planning Board members left the meeting.

Mr. Zubricki resumed discussion of his Town Administrator's Report:

Joint Roundtable Meeting: Mr. Zubricki reported that the Board of Public Works Superintendent is not interested in sharing a fuel depot with the Town of Manchester for various reasons. The Police Department is interested and Mr. Zubricki has not yet heard back from the Fire Department. After some discussion, the Selectmen decided not to pursue the concept of a joint fuel depot, but asked Mr. Zubricki to track fuel costs. They suggested that the Finance Committee may want to investigate the cost of an Essex-owned fuel depot for future discussion.

Fiscal Year 2010 Capital Budget Request: Mr. Zubricki reviewed a draft of the Selectmen's 5-10 Year Capital Plan for FY 2010 and will make the desired amendments and/or changes.

Draft Annual Town Meeting Article Topics: A draft of potential topics for the 2009 Annual Town Meeting was distributed to the Selectmen for review and comment at a future Board of Selectmen's meeting.

In other business, Mr. Zubricki reviewed the procedure for submitting Youth Commission bills for payment and the Youth Commission budget format. It was confirmed that the Selectmen want to fund part of the Youth Commission expense with \$35,000 from the General Budget in FY2010 and that they want to keep the wages separate that are budgeted for the Summer Program Director and the Youth Director. Mr. Zubricki said that he will be meeting with the Youth Director on Wednesday to discuss policies and procedures now that the Selectmen have assumed the responsibilities of the Youth Commission.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$113,926.28.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the November 17th, 2008, Selectmen's Open Meeting. A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the November 17th, 2008, Selectmen's Executive Session. And, a motion was made, seconded, and unanimously

Voted to approve and sign the minutes for the November 24th, 2008, Selectmen's Open Meeting.

A motion was made, seconded, and unanimously Voted to grant permission to close the Fairway Pub from December 15, 2008 to March 15, 2009 for cleaning and general maintenance.

A motion was made, seconded, and unanimously Voted to grant a request for permission to close Tom Shea's Restaurant at 122 Main Street from January 5, 2009 to February 11, 2009 for repairs and renovations.

In their capacity as the Town's Licensing Board, a motion was made, seconded, and unanimously Voted to approve the following licenses as noted:

All Alcohol Restaurant License:

- Blue Marlin Grille, Inc., Allen W. Matthews, Manager at 63 Eastern Avenue pending payment of back taxes and successful completion of inspection by the Fire Department
- Cape Ann Golf Course Corp. d/b/a Fairway Pub, James N. Stavros, Manager at 99 John Wise Avenue pending successful completion of inspection by the Fire Department
- Driftwood of Essex Inc. d/b/a Lewis Oyster House of Essex, John Broderick, Manager, at 234 John Wise Avenue pending successful completion of inspection by the Fire Department
- Essex Fortune Palace, Inc., Fang Liaw, Manager, at 99 Main Street
- Greenbow Corporation d/b/a Tom Shea's Restaurant, David R. Brown, Manager, at 122 Main Street pending successful completion of inspection by the Fire Department
- The Red Barrel, Inc., Joyce I. Wood, Manager, at 171 Eastern Avenue pending successful completion of inspection by the Fire Department
- Towne Landing, Inc. d/b/a Periwinkles, Thomas L. Guertner, Manager, at 74 Main Street
- Village Restaurant of Essex, Inc. d/b/a The Village Restaurant, Kevin Ricci, Manager, at 55 Main Street
- Windward Grill LLC d/b/a Windward Grille, Timothy Kennefick, Manager, at 109 Eastern Avenue
- Woodman's Inc. d/b/a Woodman's Function Hall & Lobster Trap Pub, Lawrence D. woodman, Manager, at 125 Main Street pending successful completion of inspection by the Fire Department
- Woodman's Incorporated d/b/a Lobster Pool, Stephen B. Woodman, Manager, at 119 Main Street pending successful completion of inspection by the Fire Department

All Alcohol Package Store License:

- Chebacco Liquor Mart Inc., John D. Chisholm, Manager, at 201 Western Avenue

- P&B Associates LLC d/b/a Essex Package Store, Robert Ciampi, Manager, at 91 Main Street

Wine and Malt Restaurant License:

- Eben Creek Corporation d/b/a J.T. Farnham's, Joseph K. Cellucci, Manager, at 88 Eastern Avenue

Wine and Malt Package Store License:

- Chanty, Inc. d/b/a Richdale, Peter A. Panagoplos, Manager, at 156 Main Street
- Joseph and Sally A. DiGennaro d/b/a Schooner's Market, Joseph DiGennaro, Jr., Manager at 121 Eastern Avenue

Common Victualler's License:

- Blue Marlin Grille, Inc., Allen W. Matthews, Manager at 63 Eastern Avenue pending payment of back taxes and successful completion of inspection by the Fire Department
- Cape Ann Golf Course Corp. d/b/a Fairway Pub, James N. Stavros, Manager at 99 John Wise Avenue pending successful completion of inspection by the Fire Department
- Chanty, Inc. d/b/a Richdale, Peter A. Panagoplos, Manager, at 156 Main Street
- Chebacco Liquor Mart Inc., John D. Chisholm, Manager, at 201 Western Avenue
- Joseph and Sally A. DiGennaro d/b/a Schooner's Market, Joseph DiGennaro, Jr., Manager at 121 Eastern Avenue
- Driftwood of Essex Inc. d/b/a Lewis Oyster House of Essex, John Broderick, Manager, at 234 John Wise Avenue pending successful completion of inspection by the Fire Department
- Eben Creek Corporation d/b/a J.T. Farnham's, Joseph K. Cellucci, Manager, at 88 Eastern Avenue
- Essex Fortune Palace, Inc., Fang Liaw, Manager, at 99 Main Street
- Greenbow Corporation d/b/a Tom Shea's Restaurant, David R. Brown, Manager, at 122 Main Street pending successful completion of inspection by the Fire Department
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- Village Restaurant of Essex, Inc. d/b/a The Village Restaurant, Kevin Ricci, Manager, at 55 Main Street
- Windward Grill LLC d/b/a Windward Grille, Timothy Kennefick, Manager, at 109 Eastern Avenue

- Woodman's Inc. d/b/a Woodman's Function Hall & Lobster Trap Pub, Lawrence D. woodman, Manager, at 125 Main Street pending successful completion of inspection by the Fire Department
- Woodman's Incorporated d/b/a Lobster Pool, Stephen B. Woodman, Manager, at 119 Main Street pending successful completion of inspection by the Fire Department

Weekday Entertainment License:

- Blue Marlin Grille, Inc., Allen W. Matthews, Manager at 63 Eastern Avenue pending payment of back taxes and successful completion of inspection by the Fire Department
- Greenbow Corporation d/b/a Tom Shea's Restaurant, David R. Brown, Manager, at 122 Main Street pending successful completion of inspection by the Fire Department
- Towne Landing, Inc. d/b/a Periwinkles, Thomas L. Guertner, Manager, at 74 Main Street
- Windward Grill LLC d/b/a Windward Grille, Timothy Kennefick, Manager, at 109 Eastern Avenue
- Woodman's Inc. d/b/a Woodman's Function Hall & Lobster Trap Pub, Lawrence D. woodman, Manager, at 125 Main Street pending successful completion of inspection by the Fire Department
- Woodman's Incorporated d/b/a Lobster Pool, Stephen B. Woodman, Manager, at 119 Main Street pending successful completion of inspection by the Fire Department

Sunday Entertainment License:

- Woodman's Inc. d/b/a Woodman's Function Hall & Lobster Trap Pub, Lawrence D. woodman, Manager, at 125 Main Street pending successful completion of inspection by the Fire Department

Automatic Amusement Device License:

- Cape Ann Golf Course Corp. d/b/a Fairway Pub, James N. Stavros, Manager at 99 John Wise Avenue pending successful completion of inspection by the Fire Department

The Selectmen were reminded of the following items:

- The Chamber of Commerce will hold its annual Essex Christmas Party on Wednesday, December 3, from 5:00 p.m. to 7:00 p.m. at the Windward Grille.
- The Cape Ann Breakfast Club will meet on Friday, December 5 at 7:30 a.m. at the Gloucester House Restaurant. Senator Tarr will moderate a discussion of what is going right with public schools. "Focus on Education"
- The next Board of Selectmen's meeting will be held in the T.O.H.P. Burnham Public Library at 7:00 p.m. on Monday, December 15th, 2008.

Citing the need to discuss strategy concerning collective bargaining and real estate, the Chairman entertained a motion to move to Executive Session. He said that the Board would not be returning to Open Session and invited Town Administrator Brendhan Zubricki to attend. The motion was made, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 9:45 p.m.

The Selectmen further discussed the scope of services for the proposed planner. It was agreed that the goal should be to allocate approximately \$12,500 to general and overlay districting and related by-law recommendations, approximately \$5,000 to grant writing, and the remainder of the \$25,000 towards interaction with other committees.

It was also agreed that in the spirit of better communication, Mr. Zubricki will send out targeted information from his reports from time to time to committees/boards that may be interested.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 9:55 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Jeffrey D. Jones