

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 that his application fee for a commercial clamming permit be pro-rated to \$100 based on the remaining months left before a new license is required. A motion was made, seconded, and unanimously Voted to grant the abatement of the fee to Mr. Roundy. Mr. Roundy left the meeting.

Judith Riggs, a resident of Hamilton and Conomo Point, appeared before the Selectmen to request that the lease currently in her husband's name, Burnham Riggs, for 42 and 43 Robbins Island Road (Map 19, Lots 71 and 75) be transferred to herself. Mr. Riggs has recently suffered a decline in health and been moved to a nursing home. The Selectmen ensured that Mrs. Riggs was aware of the impending lease expiration date of December 31, 2011. A motion was made, seconded, and unanimously Voted to approve the transfer of the lease for the properties listed on the Assessor's Maps as Map 19, Lots 71 and 75 to Judith R. Riggs. Mrs. Riggs thanked the Selectmen and left the meeting.

Brendhan Zubricki presented his Town Administrator's Report for the period covering November 29th through December 12th, 2008, regarding the following items:

Review of Corporate Boundary Relative to Shellfish: Mr. Zubricki reported that he has received a map from Shellfish Advisory Chairman Rob Fitzgerald indicating the clam flats which are claimed by both Essex and Ipswich. Mr. Zubricki has also contacted the Metropolitan Area Planning Council and obtained aerial photography of the area which he has compared with the first map. The Selectmen were in agreement that the next step should be for Mr. Zubricki to arrange a meeting between the Town's Shellfish Constable, Ipswich's Shellfish Constable, Ipswich's Town Manager, and Town Administrator Zubricki to review the map and discuss the perceived boundary of each town as it relates to shellfish digging. Hopefully, the towns will be able to reach an agreement on the boundaries.

Analysis of Contracted IT Support Services: Mr. Zubricki has completed canvassing other towns regarding their use of outside IT support services. The average annual cost for outside services would be about \$25,000 to \$30,000. After some discussion about the timeliness and quality of services that could be provided by an off-site company, the Selectmen decided that it is currently more advantageous to continue to have Mr. Zubricki manage the IT services for the Town. Mr. Zubricki will keep this topic on his list for future discussion.

Mr. Zubricki updated the Selectmen on his progress regarding the establishment of an off-site disaster recovery server in Manchester, New Hampshire. He will travel to the site on December 18th to begin the setup of the new equipment.

Causeway Utility Pole Analysis: Mr. Zubricki said that he met with the sub-committee of the Essex Chamber of Commerce and National Grid and Verizon representatives recently to identify any options that may be available for improving the look of the utility poles / equipment on the causeway during the coming Route 133 Reconstruction Project being undertaken by the State. The only options available to the Town would cost several hundreds of thousands of dollars. Selectman Lynch said that poor quality of service continues to be an issue in town. He is in favor of asking Senator Bruce Tarr for assistance in convincing the utility companies to provide better and more modern utility equipment for the Town such as FIOS. Mr. Zubricki said he would research with the Senator the proper procedure for initiation of a formal request for improved equipment.

Police Chief Peter Silva appeared before the Selectmen with Joseph DiCicco, a town ECO dispatcher, to request that the Selectmen agree to sponsor Mr. DiCicco to attend the Reading Regional Police Academy. Mr. DiCicco would be responsible for all costs, transportation, etc. associated with attending the academy and would agree to sign any waivers or release forms required by the Town. Mr. DiCicco would not be attending as an employee of the Town. A person desiring to attend a police academy that is not employed as a police officer of a city or town or employed by another law enforcement agency must be sponsored by the police department of the city or town in addition to meeting all the usual requirements for application and acceptance. Subsequently, a motion was made, seconded, and unanimously Voted to approve sponsorship of Mr. DiCicco to the academy contingent upon Mr. DiCicco signing a standard waiver reviewed by the Chief of Police and the Town Administrator. Chief Silva and Mr. DiCicco left the meeting.

Further Review of Town Building Needs: Mr. Zubricki reported that the Ad Hoc Building Study Committee has not changed their recommendations based on the new interpretations of the public procurement law. Renovation of an existing building is still more expensive than constructing a new one and the recent economic downturn may offer an opportunity to obtain more favorable pricing from contractors. Senator Tarr is strongly behind helping the Town solve its building needs and has offered to schedule a meeting to discuss available options. The Selectmen are in favor of formulating the plan and procedure in order to inform the residents in time for the Annual Town Meeting, at which time it is hoped that the initial steps can be taken towards a solution of the problem.

Seaport Bond Bill Funding: Mr. Zubricki said we are still waiting for technical assistance regarding application for funding from the Seaport Bond Bill. He said that it has been suggested that perhaps the funding could be used, in part, to purchase a property that is for sale in the Town's target waterfront area. This property could then be managed by the Town and leased to small shopkeepers or be modified to provide public tie-ups, access to the Town / riverfront, etc. Ann Margaret Ferrante, the newly elected State Representative, has close ties to the Seaport Bond people and has expressed a desire to help us seek funding from them once she takes office. The Selectmen said that they are in favor of pursuing this idea.

FY2010 Capital Budget Request and Preliminary FY2010 Selectmen's Budget: Mr. Zubricki reviewed his draft of the Capital Budget and the Selectmen's Budget with the Selectmen in preparation for the Board's approval on January 12th, 2009.

Further Review of Draft Town Meeting Article Topics: The Selectmen reviewed the revised list of possible articles to be presented at the coming Annual Town Meeting in May 2009. The Selectmen asked Mr. Zubricki to arrange a meeting with the Town Assessors and Maine Cartographic in the near future to discuss the merits and benefits to be derived from a new flyover of the Town in preparation for a future article to request funding for the flyover.

They also asked Mr. Zubricki to ask Town Counsel to prepare a cost estimate for the legal work necessary to transition from a Town Administrator to a Town Manager using the home-rule and not the charter commission process. Mr. Zubricki has already prepared a draft model that can be reviewed by Town Counsel.

The Selectmen asked Mr. Zubricki to ascertain whether the Planning Board intends to have any articles included in the Annual Town Meeting warrant. If so, they asked that the Planning Board review the preliminary articles with the Selectmen in February to allow plenty of time for refinement, etc.

The requested amount to be funded from the General Fund for Youth Commission operation also needs to be determined. For planning purposes, the Selectmen had instructed Mr. Zubricki to use a \$35,000 figure.

At 8:30 p.m., members of the Finance Committee (Chairman Jeff Soulard, Ed Lafferty, Karen Birch and Jim Horrocks), the Town Accountant, and the Town Treasurer/Collector joined the Selectmen to review the estimated preliminary budgets for FY2010. Mr. Soulard said that the first draft budget provided by the School Committee shows an 8.3% increase over last year's school budget. He said that School Committee members believe that they will be able to reduce that increase ultimately to about 6%. Mr. Soulard handed out a spreadsheet analyzing the impact on the Town Budget based on various increases to the FY2010 school budget. A second spreadsheet tracked projected sources of revenue for FY2010.

It was confirmed that the Selectmen will meet with the Finance Committee on February 9th and March 9th for further review of the FY2010 budget as it develops. The Finance Committee and the Selectmen will meet at the new school in Manchester at 7:30 p.m. on Tuesday, December 16th, for a tour to inspect construction progress before attending a joint meeting with the School Committee to discuss the proposed budget for the coming year.

The Finance Committee members, the Town Accountant, and the Town Treasurer/Collector left the meeting.

Mr. Zubricki resumed his Town Administrator's report:

Quarterly Report: Mr. Zubricki presented the Quarterly Report to the Department of Environmental Protection for the period ending January 1, 2009. A motion was made, seconded, and unanimously Voted to approve and forward the report.

Coastal Pollution Remediation Grant: Mr. Zubricki said that he has received an inquiry from the Horsley Witten Group as to whether the Town would be interested in applying for this grant which would require a 25% match from the Town if approved. The Selectmen said they are not interested in pursuing the grant at this time.

Town Administrator's Calendar Year 2009 Goals: It was agreed that Chairman Randall would collect the Selectmen's evaluation forms and that the Administrator's goals will be discussed at the next Board of Selectmen's meeting which is scheduled for January 12th. Chairman Randall will review with Mr. Zubricki his evaluation by the Board privately at a date to be determined.

The Selectmen are in favor of adding voice mail to the two telephone lines in the Selectmen's Office. The voice mail will be in addition to the answering machines and will only be activated if the lines are busy.

Mr. Zubricki reviewed and updated the Selectmen on his progress assuming the monitoring of the Youth Director now that the Board of Selectmen has assumed the responsibilities of the Youth Commission. He reported that standard office hours have been established for the Youth Director and that the Youth Director has provided an annual list of Youth Commission sponsored activities. She is currently defining the effort required to sponsor each of those activities. The Selectmen were in agreement that an annual review rather than a quarterly review of the Director will be adequate. They would like to meet with the former members of the Youth Commission sometime in February to discuss their views regarding Youth Commission operations past and present.

Mr. Zubricki presented photos taken of one of the Town Hall chimneys by the contractor prior to removing the bricks from that chimney down to the roofline and capping it with bluestone. Several very serious cracks were visible in the photos.

Mr. Zubricki asked if any of the Selectmen were interested in attending a holiday brunch in Wenham. No one will be available to attend.

Mr. Zubricki confirmed that the Selectmen wish Town Counsel Gregg Corbo to be present in person at the joint meeting of the Conomo Point Planning Committee and the Selectmen that is scheduled for Thursday, January 8th.

Mr. Zubricki said he has had no comment from the Planning Board sub-committee regarding his draft for the scope of work to be required of a professional planner that will be funded by the \$25,000 that was recently voted at the Special Town Meeting. It was agreed to postpone professional planner Bobrowski's meeting with the Selectmen until comments from the Planning Board are received.

Mr. Zubricki informed the Selectmen that the tax rate has been officially set at \$11.90 for FY2009.

Mr. Zubricki said that the Town has applied for a \$4,600 grant to fund the purchase of trench boxes and it is very likely that the grant will be approved.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the minutes for the December 1st, 2008, Selectmen's Open Meeting. A motion was also made, seconded, and unanimously Voted to approve and sign the minutes for the December 1st, 2008, Selectmen's Executive Session.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$57,178.14.

A motion was made, seconded, and unanimously Voted to approve the following licenses as noted:

Auction License:

- Michael March, d/b/a Blackwood March Auctions for use on Wednesday, January 7th, 2009, between the hours of 4:00 p.m. and 11:00 p.m. within the confines of 125 Main Street.
- Frank Kaminski, d/b/a Kaminski Auctions for use on Saturday, December 27th, 2008, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of 125 Main Street.
- Frank Kaminski, d/b/a Kaminski Auctions for use on Sunday, December 28th, 2008, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of 125 Main Street.

Antiques License:

- Richard Bevilacqua, d/b/a Essex Antiquarians @ 165 Main Street
- Debbie Brosch & Alfred Brosch, d/b/a Brosch Antiques @ 143 Main Street
- Patricia Carter, d/b/a Antiques, Etc. @ 2 R Martin Street
- Vincent W. Caravella, d/b/a The Scrapbook @ 34 Main Street
- Robert C. Coviello, d/b/a Main Street Antiques @ 44 Main Street
- Robert C. Coviello, d/b/a Robert C. Coviello Antiques @ 155 Main Street
- Susan Coviello, d/b/a Joshua's Corner @ 2 Southern Avenue
- Joseph Danna, d/b/a Conomo Point Antiques @ 166 R Eastern Avenue
- Priscilla J. Doucette @ 22 Eastern Avenue
- William S. Friend, d/b/a Friendship Antiques @ 55 John Wise Avenue
- Edna Goudreault, d/b/a Essex Upholstering @ 235 John Wise Avenue
- Fred Grobe, d/b/a White Elephant Shop @ 32 Main Street
- Fred Grobe, d/b/a White Elephant Outlet @ 101 John Wise Avenue
- Dana Guarnera, d/b/a Ro-Dan Antiques @ 69 Main Street
- Robert W. Hanlon, d/b/a Walker Creek Furniture, Inc. @ 57 Eastern Avenue

- Channing Howard, d/b/a Howard's Visual Merchandise @ 165 Eastern Avenue
- Edwin M. & Laura B. Howard, d/b/a Howard's Flying Dragon Antiques @ 136 Main Street
- Robert Landry, d/b/a L.A. Landry Antiques @ 164 Main Street
- James P. Lower, d/b/a New England Joinery @ 85 Southern Avenue
- Michael March, d/b/a Blackwood March Antiques @ 3 Southern Avenue
- Kenneth P. Monroe, d/b/a Americana @ 48 Main Street
- Ellen Neily, d/b/a Ellen Neily Antiques @ 157 Main Street
- David Neligan, d/b/a David Neligan Antiques @ 38 Main Street
- Andrew Spindler Roesle, d/b/a Andrew Spindler Antiques @ 163 Main Street
- Donna-Lee Young Rubin, d/b/a Ruby Manor Antiques & Fine Arts Gallery @ 144 Main Street
- Eric Villa, d/b/a Prado Antiques @ 163 Main Street
- A.P.H. Waller, d/b/a Essex Antiques Exchange @ 134 Southern Avenue
- A.P.H. Waller, d/b/a A.P.H. Waller & Sons @ 140 Main Street
- Alexander Westerhoff, d/b/a Alexander Westerhoff @ 18 Eastern Avenue
- Gardiner Wonson, d/b/a Gardiner Wonson Antiques @ 166 Eastern Avenue
- Nicholas & Barbara M. Zakas, d/b/a Zakas Antiques @ 149 Western Avenue

Class II License:

- Stephen Pascucci, Cape Ann Auto Body, Inc. @ 19 Grove Street
- Charles F. Coles, Jr., Dynamic Auto Brokers @ 4 Laurel Lane
- John Heath, d/b/a Essex Falls Auto Body @ 1 Moses Lane
- Stephen Monell, d/b/a Foreign Auto Enterprises @ 171 Eastern Avenue
- Stanley E. Collinson III, Wheelworks, Inc. d/b/a Gaybrook Garage @ 152 Western Avenue
- Gullwing Service Company, Inc., d/b/a Paul Russell and Company @ 106 Western Avenue
- Scott Woodward, d/b/a Pike Marine, Inc. @ 80 Main Street
- Eric Holdsworth, d/b/a Portside Auto @ 166 Eastern Avenue
- Scott Savory, d/b/a Scott's Auto Clinic, Inc. @ 6 Scot's Way

Common Victualler License:

- DVR Corp., d/b/a Cape Ann Pizza and Subs, James Roumeliotis, Manager, @ 65 Eastern Avenue
- Essex Pizza & Restaurant, Dimitrios Tegos, Manager, @ 235 Western Avenue
- Essex Conference & Recreation Center, Stephan Gersh, Manager, @ Conomo Point Road
- Essex River Cruises & Charters, Clifford Amero, Manager, @ 35 Dodge Street

- Essex Seafood, Howard Lane, Manager, @ 143 R Eastern Avenue
- MAIA LLC, d/b/a Dunkin Donuts, Roy Serpa, Manager, @ 127 Main Street
- Village Market, Nelson Emmons, Manager, @ 1 Martin Street

Innholder's License:

- Essex Conference & Recreation Center, Stephan Gersh, Manager, @ Conomo Point Road

Municipal Street License:

- Robert A. Marquis, d/b/a Coastal Visits @ 121 Eastern Avenue

One-Day Entertainment License:

- Jay Sweet IV for use on Friday, December 12, 2008, between the hours of 7:00 and 11:00 p.m. within the confines of the Essex Waterline Center at 66 Main Street.

One-Day Wine & Malt License:

- Jay Sweet IV for use on Friday, December 12, 2008, between the hours of 7:00 and 11:00 p.m. within the confines of the Essex Waterline Center at 66 Main Street.

The Selectmen reviewed a letter from a Conomo Point resident regarding poor drainage at the Point. Chairman Randall reported that another resident who was previously admonished for placing leaf debris in a drainage area had called him to apologize and to say that the placement had not been intentional and would not continue.

The Selectmen reviewed a request from a Conomo Point resident to change the name on a Conomo Point Lease. A motion was made, seconded, and unanimously Voted to deny the request since the resident is not the executor of the estate and therefore has no authority to make the request. The Chairman signed a letter to that effect.

The Board considered the recommendation of the Shellfish Advisory Commission and a motion was made, seconded, and unanimously Voted to open the winter flats on January 12th, 2009.

A motion was made, seconded, and unanimously Voted to accept the gift of an Eye-D-Tech fraudulent license detector to the Essex Police Department from Jack and Paul Chisholm.

A motion was made, seconded, and unanimously Voted to accept the donation of \$100 to the Essex Police Department from Mr. Albert Stewart.

The following motions were made regarding the anticipated 2009 Annual Town Meeting:

- A motion was made, seconded, and unanimously Voted to hold the Annual Town Meeting on May 4th, 2009, at 7:30 p.m. in the Essex Elementary School on Story Street.
- A motion was made, seconded, and unanimously Voted to open the warrant for the Annual Town Meeting on May 4th, 2009, and accept articles for inclusion in the Warrant until 3:00 p.m. on Monday, March 2nd, 2009.
- A motion was made, seconded, and unanimously Voted to accept reports for the Annual Town Report until noon on Wednesday, February 11th, 2009.
- A motion was made, seconded, and unanimously Voted to send a memo to all Town Departments and Committees regarding the opening and closing dates for the Annual Town Meeting Warrant and the due date for the Annual Town Reports.

The Selectmen were reminded that 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, January 12th, 2009.

Citing the need to discuss strategy concerning pending litigation, 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 at 9:45 p.m.

The Board returned to Open Session at 9:50 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: _____
Jeffrey D. Jones