

Present: Chairman A. Raymond Randall, Jr., Selectman Mark W. Lynch, Selectman Jeffrey D. Jones, and Town Administrator Brendhan Zubricki.

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 present offered any comment.

Brendhan Zubricki presented his Town Administrator's Report for the period covering December 13th, 2008, through January 9th, 2009, regarding the following items:

Proposed Increase to Town Accountant's Clerk Wage Range: Mr. Zubricki said that the Town Accountant would like to increase the wage range for the Town Accountant's Clerk's position. Mr. Zubricki said he had a list of salary ranges for a variety of towns in Massachusetts with comparable positions and has narrowed that list down to ranges from towns similar to Essex. The Town Accountant is recommending that the new increased range be [\$17.06 - \$21.50] per hour which is similar to other ranges offered. The Selectmen agreed that Mr. Zubricki should take the Accountant's request to the Personnel Board in March for review and possible inclusion in the FY2010 Wage and Salary Scale to be approved at a future town meeting.

Conomo Point Subdivision Update: Mr. Zubricki presented a large color plan of Conomo Point that he had received from Horsley Witten today. They also delivered one for the Conomo Point Planning Committee. He said that the Town has never had a detailed engineering map of the Point before. The map shows all the wells, septic systems, building footprints, property lines, etc. and has been corrected to include only the properties leased by the Town. Mr. Zubricki reported that he had participated in a telephone conversation among Horsley Witten representatives, Tom Noble and Scott Horsley, and Dave Ferris from the Department of Environmental Protection. Mr. Ferris was able to furnish Horsley Witten with the information that they needed.

Mr. Cracknell, from Horsley Witten, is preparing a bulleted list for each of the three options for disposition of the Point being developed. Currently, he is working on the list for the first option and has noted where houses/septic systems are across the property lines, structures are within buffer zones, etc. along with a list of suggested remedies for each conflict. He also has a list of questions for the Selectmen. There will be discussion between the Selectmen and the Conomo Point Planning Committee regarding the three options once they are formulated, then informational meetings with the public before a vote at Town Meeting.

Joint School Budget Kickoff Meeting: The Selectmen had nothing to discuss about the recent budget meeting that they attended. Selectman Lynch said that School Committee members are aware that they need to furnish information packages in advance to facilitate discussion at the meetings.

Final Selectmen's Operating and Capital Budget Request: Mr. Zubricki reviewed the highlights of the revised budget request with the Selectmen. After some discussion, the Selectmen agreed to submit the capital budget and the operating budget without a new IT

Services budget item. Also, the Board asked Mr. Zubricki to pull together names for potential appointment to a Town Building Committee based upon the Ad Hoc Building Committee's past membership with representation from the Finance Committee and the Planning Board.

Speed Limit on Southern Avenue: Mr. Zubricki said that a resident of Southern Avenue had again requested that the speed limit be lowered on Southern Avenue in the general area of Both Ways Farm. The resident has expressed concern over safety issues since the road is used and crossed by people on horseback on a regular basis. The Selectmen asked that the resident be referred to Police Chief Peter Silva who is also the Town's Safety Officer and responsible for setting speed limits in Town.

The Shellfish Advisory Commission came before the Selectmen. Robert Fitzgerald, the Shellfish Advisory Commission Chairman, said that they have prepared a grant application to request funding for reseeded of the clam flats and would like to leave it with the Selectmen for their review. The application deadline is January 30th and the grant would be used to pay for netting, buoys, and other supplies needed for the reseeded project. At the request of the Selectmen, Mr. Zubricki reviewed the application and suggested that the Commission include a detailed budget breakout as requested in the application. He also requested that the Commission forward a copy of the final application to the Selectmen for their records. The Selectmen support the grant application.

The Commission has been discussing events in other communities. Ipswich has recently leased a portion of their clam flats to private individuals for approximately a three-year period, but has since decided not to renew the lease when it expires. The Commission has decided that they are not in favor of doing that in Essex. They would like to see all the Essex clam flats remain open to the public.

The Commission is in the process of organizing a workshop that would be attended by associates in neighboring towns to discuss common industry practices, problems, and solutions. They are hoping to schedule a representative from the Division of Marine Fisheries to speak at the workshop. Each Commission member has been assigned a different town to contact and the workshop is expected to take place sometime within the next two months.

Parking at Front Beach is crowded during the winter. The Commission wondered if the parking could be limited, as it is at Town Landing, to parking for vehicles with trailers only, from approximately October 1st to May 31st. The Selectmen said they would review the Commission's request with the Conomo Point Association. Mr. Zubricki will review the history associated with the new ability to chain off the ramp to the beach.

The Commission discussed the creation of an informational package to be given to clam license applicants that would include a map of the Town's clam flats, a hot-line telephone number to call concerning flat closure, the Town's shellfish rules and regulations, rainfall closure rules, etc. The Selectmen asked the Commission to provide Mr. Zubricki with a list of items they would like included in the package. Mr. Zubricki agreed to provide a copy of the current regulations for the package.

Leonard Woodman, a Commission member, presented some information for the Selectmen's review, relating to the establishment of weight limits for daily digging. Recent research during the last several years has discovered some of the reasons as to why cycles in the available harvest are influenced by different weather patterns. The establishment of weight limits has not been proven to be an effective conservation measure and the Commission is questioning the need to have weight limits. They would like to have continuing conversations with the Selectmen about improving the Shellfish regulations based on the new research. It was suggested that perhaps a Selectman would attend the regular Commission meetings on the first Tuesday of every month. Chairman Randall commended the Commission for their diligent efforts spent working towards resolution of the concerns affecting the shellfish industry.

Sheila Carter spoke against the elimination of weight limits. Ms. Carter agreed to the request of Chairman Randall and will prepare a list of her reasons and supporting research for the Selectmen and the Commission to review.

A motion was made, seconded, and unanimously Voted to accept the recommendation of the Shellfish Commission to appoint Dean Rossi to the Commission.

The Shellfish Advisory Commission and interested parties left the meeting.

Members of a Planning Board sub-committee appeared before the Selectmen to discuss Mr. Zubricki's draft scope of services for a consulting planner that was funded at the November Special Town Meeting. Bill Holton distributed his sub-committee's comments for review by all. Everyone was in agreement as to the basic revisions requested. The Planning Board will provide the names of three parties to which Mr. Zubricki will send out the requests for quotation with a two-week turn-a-round once names are received. The quotations will be based on the scope of services provided by the Town and the Town will be required to accept the lowest bid.

It was mentioned that Manchester has said that they are not interested in sharing a town/city planner at this time.

The Planning Board inquired as to the progress that has been made since their last meeting with the Selectmen regarding the acceptance by the Attorney General of certain items that were passed at recent Town Meetings. Mr. Zubricki reported that about half of the total outstanding items have been submitted and that the Town Clerk is working on the remainder. The Selectmen advised the Planning Board members to check with the Town Clerk on their way out as to the progress that she has made, specifically which items have been submitted and which items haven't. They also advised checking with her on a regular basis for a status update. The Planning Board stressed the seriousness of the situation which was duly noted by the Selectmen.

The Planning Board members left the meeting.

Youth Commission FY10 Budget Request: Mr. Zubricki presented the Youth Commission's Budget as prepared by the Youth Director along with comments for changes suggested by former Commission members that he had just received. The Selectmen discussed the activities sponsored by the Youth Commission, both summer

and winter. They asked Mr. Zubricki to analyze the time spent by the Youth Director on various projects throughout the year and to seek to determine if the duties of the Summer Program Director and the Youth Director during the summer program have any overlap. They agreed to go forward with the present operating budget which includes the self-funding summer program and \$35,000 from Town funds pending review of the comments offered by the former Commission members. Mr. Zubricki will note the potential for changes in the budget memo.

Town Charter: The Selectmen agreed that there will be no articles at the Annual Town Meeting regarding the establishment of a Town Charter until the Board of Public Works has been contacted. Chairman Randall has volunteered to discuss the idea with members of the BPW. The Board is, however, in favor of an article to move from an elected to an appointed Town Clerk when the current Clerk retires.

Draft Town Meeting Warrant: Mr. Zubricki reviewed the latest draft of the Annual Town Meeting Warrant. He mentioned that the Planning Board expects to furnish a draft to the Selectmen of their proposed articles by the first week in February.

Selectman Lynch reported that he had met with the Treasurer/Tax Collector for her annual review. She has recently passed her state certification test and met all her goals. He recommended giving her a 3% cost of living increase as well as a 2% merit increase. A motion was made, seconded, and unanimously Voted to approve the 3% cost of living increase and the 2% merit increase for the Treasurer/Tax Collector.

In other business a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$918,710.77. Selectman Jones abstained from voting.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the January 6, 2009, Selectmen's Open Meeting and the minutes for the January 6, 2009, Selectmen's Executive Session.

A motion was made, seconded, and unanimously Voted to approve an Auction License requested by Frank Kaminski, d/b/a Kaminski Auctions for use on Saturday, January 31, 2009 and Sunday, February 1, 2009 between the hours of 10:00 a.m. and 6:00 p.m. within the confines of 125 Main Street.

The Selectmen were reminded that the next Board of Selectmen's meeting will be held at the Essex Elementary School on Monday, January 26th, 2009, commencing at 7:00 p.m.

The Selectmen reviewed the Board of Public Works' request for additional FY09 funding for the snow budget in the amount of \$30,000. A motion was made, seconded, and unanimously Voted to approve the BPW's request for an additional \$30,000 for snow removal.

At 8:55 p.m., citing the need to discuss strategy concerning pending litigation and the value of real property, 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. Gloucester Daily Times Reporter Bobby

Cann left the meeting. The motion was made, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to regular session at 9:28 p.m.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting.

Prepared by: _____
Brendhan Zubricki

Attested by: _____
Jeffrey D. Jones