

Present: Chairman Jeffrey D. Jones, Selectman Mark W. Lynch, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

The Chairman called the meeting to order at 7:00 p.m. upstairs at the Senior Center on Pickering Street 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 November 28th, 2009 through December 11th, 2009 regarding the following items:

Review of Summer Program Offerings: Mr. Zubricki reviewed a list of the summer activities offered by several Massachusetts communities that was prepared by the Youth Director. He also reviewed the Youth Director's summary of the proposed summer program with and without the use of the Grove Cottage. The Selectmen said that they would review the information and discuss it further at a later date in conjunction with budget discussions.

Town Administrator's Performance Review and Goal Setting: Mr. Zubricki reminded the Selectmen that it is time again for his annual performance review and goal setting. The Selectmen were given worksheets containing this past year's goals to help them focus their thoughts for the review which will be conducted individually and presented to Mr. Zubricki by the Chairman. Mr. Zubricki's report contained his proposed goals for the coming year.

Personnel Board Quarterly Meeting: The Selectmen, acting in their capacity as the Personnel Board, were reminded that Selectman Lynch will be representing them during the Essex Police Benevolent Association's contract renewal negotiations, and that Selectman Randall will be representing the Selectmen during the AFSCME contract negotiations. The first AFSCME meeting is scheduled for December 16.

At 7:05 p.m., the Chairman entertained a motion to open the Public Hearing to discuss the adoption of the Town's Residential Factor. The motion was moved, seconded, and unanimously Voted to open the hearing. Present were Head Assessor Richard Cairns, Assessor Barry Ewing, and Assessor Kurt Wilhelm. Mr. Cairns announced that he would like to recommend that the Selectmen adopt a residential factor of 1. He reported that the Assessors have been working with the Department of Revenue to set the tax rate and that the DOR is almost finished with their review. The Chairman asked if anyone wished to offer any other comments and no one did. A motion was made, seconded, and unanimously Voted to close the hearing. A motion was made, seconded, and unanimously Voted to set the residential factor at 1 and to authorize Mr. Zubricki to sign the tax rate electronically for the Selectmen as soon as the tax rate is set. The Assessors thanked the Selectmen and left the meeting.

Town Planning Consulting Projects: Mr. Zubricki reported that he had met with Nick Cracknell from the Horsley Witten Group and Dave Ferris from the Department of Environmental Protection last week to discuss possible waste water solutions for the

properties south of Robbins Island Road at Conomo Point. The discussion has provided Mr. Cracknell with information to help him proceed with planning of the proposed subdivision of the southern portion of the Point. Mr. Zubricki also reported that he will be meeting with Selectman Lynch and Carolyn Britt on December 16th to review an outline that Ms. Britt has provided for planning services she could perform in association with Taintor Associates regarding the northern portion of Conomo Point.

Regional School District Budget Meetings: The Selectmen reviewed the FY11 tentative school budget that MERSD Business Manager Judy Mulligan had distributed in anticipation of the joint budget meeting that Chairman Jones and Mr. Zubricki will be attending on December 15th.

FY2011 Budget and Town Meeting Discussion: Mr. Zubricki presented his prioritized draft of the FY11 Town Budget, a list of potential Annual Town Meeting articles, and the 5-10 Year Capital/Personnel Plan. The Selectmen are scheduled to meet with the Finance Committee later in the evening to discuss anticipated budget additions or adjustments.

Review of Potential Use of Cemetery Land: Mr. Zubricki said that the Board of Public Works should be approached regarding the use of the land on John Wise Avenue that is part of the Town-owned cemetery land as a site for a new public safety building. Town Counsel is currently researching the correct procedure for splitting the John Wise land off from the cemetery land and changing its designation to land for general Town use.

On another matter, Mr. Zubricki said he has been approached by a resident regarding the Town's possible donation of the old Council on Aging van to a very special needs Essex resident. The Selectmen were in favor of the idea and asked Mr. Zubricki to ask Town Counsel's opinion of the donation. If Town Counsel is in favor of the donation, the Selectmen asked Mr. Zubricki to request a letter of interest.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$112,797.57.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the December 7th, 2009, Selectmen's Open Meeting, the November 30th, 2009, Selectmen's Open Meeting, and the Selectmen's November 30th, 2009, Executive Sessions I and II.

A motion was made, seconded, and unanimously Voted to ratify Mr. Zubricki's signature on a Reserve Fund Transfer request in the amount of \$2,750 to provide additional funding for the deputy shellfish constables.

Mr. Zubricki said that the auditors have asked for a certified copy of the Town's Shellfish Regulations. A motion was made, seconded, and unanimously Voted to authorize the Chairman to sign an attestation that the copy of the Shellfish regulations is a true copy.

A motion was made, seconded, and unanimously Voted to approve a Reserve Fund Transfer request in the amount of \$18,000 for Veterans' Services.

A motion was made, seconded, and unanimously Voted to authorize the Chairman's signature on a letter to the Alcoholic Beverage Control Commission estimating that the temporary increased resident population of the Town of Essex as of July 10, 2010 will be 3,773 (as per the Town Clerk).

Selectman Lynch reported that the Southern Conomo Point Subdivision Committee is scheduled on Thursday, December 17th, at the Senior Center.

Mr. Zubricki said that Dave Roach of the Division of Marine Fisheries has provided some materials for the Selectmen's review regarding anticipated changes to the Shellfish regulations concerning the amount of rainfall necessary to affect a closure of the shellfish flats. Mr. Roach also provided a draft copy of the Memorandum of Understanding between the Division of Marine Fisheries and the municipalities of Gloucester, Essex, and Ipswich that defines the areas of shellfish harvesting and stipulates the conditions of management for those areas. The DMF is asking all three communities to sign the MOU. After a brief review, a motion was made, seconded, and unanimously Voted to approve the signature of the document outside of a Board of Selectmen's meeting once the document becomes available.

A motion was made, seconded, and unanimously Voted to approve a request from James Stavros to close the Fairway Pub for cleaning and general maintenance from December 15, 2009 to March 15, 2010.

At 7:30 p.m., the Selectmen moved downstairs to take part in the Police Commendation Ceremony to honor five people who participated in the rescue of two elderly people from a sinking car that had catapulted from the Periwinkles parking lot into the Essex River. The downstairs meeting room was packed with people, including Senator Bruce Tarr and Representative Ann-Margaret Ferrante, as well as a Channel 7 cameraman and representatives from the Gloucester Daily Times. Police Chief Peter Silva opened the ceremony with a brief summary of the rescue event. Chief Silva then presented awards to James Simpson, David Earle, Teresa Mansfield, Steve Pellegrini, and James Romeos. Following the presentation of awards, Selectman Chairman Jeffrey Jones and Fire Chief Daniel Doucette spoke a few words honoring the rescuers.

The Selectmen returned to the upstairs meeting room and continued with their meeting.

The Selectmen reviewed a reply from the Massachusetts Department of Transportation saying that the largest truck that would be able to make a right hand turn from Route 22 into the Village Restaurant parking lot would be 30-feet in total length, although there is another delivery access available to the restaurant via Willow Court. The letter also stated that MassDOT will agree to substitute a loam and seeded area bounded by curbing instead of the paved zone in front of the Village Restaurant and asked the Town to

coordinate the changes with the on-site field staff. The Selectmen were pleased with the response and asked Mr. Zubricki to follow up with the field staff.

On a related matter, the Selectmen asked Mr. Zubricki to check with the Board of Public Works about whether the left-over granite stones from the rebuilding of the seawall could be stored on Town land until they can be used by the Town.

The Selectmen agreed that the next Department Head Quarterly Meeting will be scheduled during the Selectmen's Meeting of January 25, 2010, from 7:30 – 8:30. Mr. Zubricki said that the Town Building Committee will make a presentation at that time regarding the results of their research into a solution for the Town's building needs.

The Selectmen reviewed a letter from the Council on Aging requesting that the Senior Center Committee be disbanded and that all scheduling for use of the Senior Center go through the Council on Aging Clerk and the Selectmen's Assistant. Currently, the COA Clerk and the BOS Assistant maintain a calendar that is located on the Town's website so that availability can be easily checked by those looking for a place to meet. A motion was made, seconded, and unanimously Voted to disband the Senior Center Committee.

The Chairman entertained a motion to hold the Annual Town Meeting on May 3rd, 2010, at 7:30 p.m. in the Essex Elementary School on Story Street. The motion was moved, seconded, and unanimously Voted.

A motion was made, seconded, and unanimously Voted to open the warrant for the Annual Town Meeting on May 3rd, 2010, and accept articles for inclusion in the Warrant until 3:00 p.m. on Monday, March 1st, 2010.

A motion was made, seconded, and unanimously Voted to accept reports for the Annual Town Report until noon on Wednesday, February 10th, 2010.

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.

A motion was made, seconded, and unanimously Voted to sign the ABCC Renewal Certification for 2010.

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

Auction Permit:

- Kaminski Auctions, Frank Kaminski for use on Monday, December 28, 2009, between the hours of 4:00 and 11:00 p.m. within the confines of 127 R Main Street.

- Kaminski Auctions, Frank Kaminski for use on Tuesday, December 29, 2009, between the hours of 4:00 and 11:00 p.m. within the confines of 127 R Main Street.
- Richard A. DiFillipo, d/b/a R.A. DiFillipo Auctions, for use on Tuesday, January 5th, 2010, between the hours of 8:00 a.m. and 10:30 p.m. within the confines of 125 Main Street.

Antiques License Renewal:

- Michael Bider, d/b/a Bider's Antiques, Home, Camp & Cottage at 67 Main Street
- Debbie Brosch & Alfred Brosch, d/b/a Brosch Antiques at 143 Main Street
- Vincent W. Caravella, d/b/a The Scrapbook at 34 Main Street
- Patricia Carter, d/b/a Antiques, Etc. at 2 Rear Martin Street
- Susan Coviello, d/b/a Joshua's Corner at 2 Southern Avenue
- Dana Guarnera, d/b/a Ro-Dan Antiques at 69 Main Street
- Edwin M. & Laura B. Howard, d/b/a Howard's Flying Dragon Antiques at 136 Main Street
- James P. Lower, d/b/a New England Joinery at 85 Southern Avenue
- Michael March, d/b/a Blackwood March Antiques at 3 Southern Avenue
- Ellen Neily, d/b/a Ellen Neily Antiques at 157 Main Street
- David Neligan, d/b/a David Neligan Antiques at 38 Main Street
- Andrew Spindler Roesle, d/b/a Andrew Spindler Antiques at 163 Main Street
- Donna-Lee Young Rubin, d/b/a Ruby Manor Antiques & Fine Arts Gallery at 144 Main Street
- A.P.H. Waller, d/b/a Essex Antiques Exchange at 134 Southern Avenue
- A.P.H. Waller, d/b/a A.P.H. Waller & Sons at 140 Main Street
- Nicholas & Barbara M. Zakas, d/b/a Zakas Antiques at 149 Western Avenue

Class II License Renewal:

- Gullwing Service Company, Inc., d/b/a Paul Russell and Company at 106 Western Avenue
- Stanley E. Collinson III, Wheelworks, Inc. d/b/a Gaybrook Garage
- Eric Holdsworth, d/b/a Portside Auto at 166 Eastern Avenue
- Scott Woodward, d/b/a Pike Marine, Inc. at 80 Main Street

Common Victualler's License Renewal:

- Blue Marlin Market, Lisa Norris, Manager, at 63 Eastern Avenue
- Essex Conference & Recreational Center, Stephan Gersh, Manager, at 1 Conomo Point Road
- Village Market, Nelson H. Emmons, Manager, at 1 Martin Street

Innholder's License Renewal:

- Essex Conference & Recreational Center, Stephan Gersh, Manager, at 1 Conomo Point Road

One-Day Entertainment License:

- Jay Sweet IV, Essex Shipbuilding Museum, for use on Saturday, December 12th, 2009, between the hours of 7:00 and 10:30 p.m. within the confines of the Waterline Center at 66 Main Street.

The Selectmen were reminded that the next Board of Selectmen's meeting will be held on Monday, December 28th, 2009, at 7:00 p.m. in the T.O.H.P. Burnham Public Library.

At 8:10 p.m., citing the need to discuss pending litigation, the value of real property, the deployment of security devices, and union negotiation, the Chairman entertained a motion to move to Executive Session. He said that the Board would be returning to Open Session and asked Mr. Zubricki to attend the Executive Session. 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 8:30 p.m. and welcomed members of the Finance Committee: Chair Jeffrey Soulard, Karen Birch, Richard Ross, and Mark McKenna, as well as Town Accountant Roxanne Tieri and Gloucester Daily Times Reporter Jonathan Phelps.

FinCom Chairman Soulard said that the Town still has surplus cash from the movie revenue that will help to carry the Town through the remainder of FY2010 and into FY2011, despite State funding cutbacks.

Mr. Zubricki reviewed certain reserve fund transfers that have become necessary due to unforeseen events. Those present discussed the need to increase the funding for the Shellfish deputies and the Town Clerk. A new budget item needs to be created to fund medical screening of potential drivers for the Council on Aging van and about \$50,000 is needed to fund a feasibility study of the proposed new Town buildings. The Town has several equipment leases that will need funding, the Town Hall copier will need to be replaced soon, and the computer equipment has reached the end of its useful life. The Assessors will be embarking on a four-year remapping of the entire Town. The Town also has planning needs that can only be addressed by a professional planner. In the future, it may be desirable to add other features using GPS to the new Town maps.

It was noted that in the past, the ambulance fund has been used for other items. The Fire Department would like to coordinate with the Finance Committee, the Town Accountant, the Selectmen, and the Town Administrator to make sure that the balance in the ambulance fund account never falls below the actual amount needed to buy a new ambulance.

Everyone was reminded that tomorrow (December 15th) is the joint meeting to discuss the preliminary school budget.

The Town's Health insurance carrier has not yet forecast what the increase may be for insurance in FY2011. Selectman Lynch asked Mr. Zubricki to find out if MIIA offers a wellness program that might result in reduced premiums.

There being no further business before the Selectmen, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 9:15 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
A. Raymond Randall, Jr.