

Present: Chairman A. Raymond Randall, Jr., Selectman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, and Town Administrator Brendhan Zubricki.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library. He announced that the meeting was being recorded.

During Public Comment, Mr. Robert Brophy asked about the status of the revisions to the Shellfish Regulations and stated that he had visited the Shellfish Advisory Commission recently. Mr. Zubricki explained to the Board that the Regulations were on the agenda under his report and that he had received a recommendation via Commission member James Haskell that the annual license for a non-resident be retained with a strict deadline. He also explained that both the annual and one-day non-resident license provisions were drafted with a requirement for co-signature by an Essex resident. Mr. Brophy indicated that he agreed with the SFAC recommendation and left the meeting at approximately 7:05.

Mr. Zubricki presented his Town Administrator's Report for the period covering August 21st, 2010 to September 10th, 2010, regarding the following items:

Centennial Grove Committee: Mr. Zubricki announced his intention to discuss the new Centennial Grove Committee. Selectman O'Donnell recused herself and left the room. Chairman Randall and Selectman Jones read the following statement, in turn: "In order to dispel any appearance of impropriety regarding the consideration of James O'Donnell for membership on the unpaid, Centennial Grove Committee, I would like to state that my professional relationship with my fellow Board member, Lisa O'Donnell, does not affect my decision in any way."

Mr. Zubricki indicated that the Planning Board had recommended Susan Robinson for the new Centennial Grove Committee and Selectman Jones indicated that Sue Taylor was willing to serve from the Playing Fields Committee. Chairman Randall entertained a motion to appoint those two candidates. That motion was made and seconded and both were in favor. Both members then discussed the at-large seats and Chairman Randall entertained a motion to appoint Ms. Robyn Kanter and Mr. James O'Donnell to those seats. That motion was moved and seconded and both were in favor. Selectman O'Donnell returned to the meeting. Mr. Zubricki indicated that he would work on a draft Committee charge for review by the Board at the next meeting.

Under the heading of the Personnel Board Quarterly Meeting, Mr. Zubricki recommended that both the Animal Control Officer and the Animal Health Inspector stipends be increased to \$3,500 per year, in recognition of ever-increasing work responsibilities. He stated that the Animal Control Officer was completing some of her own research as well and that he would have a final recommendation for the Board at the next meeting.

Route 133 Reconstruction Project Communication: Mr. Zubricki explained a summary of a set of communication protocols that he had received from the Essex Merchants' Group regarding the Route 133 Reconstruction Project. Chairman Randall confirmed that discussion (he had attended the meeting at which the protocols were generated) and the Board agreed with those steps. Mr. Zubricki will implement them effective immediately. The protocols, as approved by the Board, are as follows: a) biweekly informational reports from Mr. Zubricki to the merchants, based upon updates sought from the Resident Engineer, b) continuation of the dissemination of excerpts from each of Mr. Zubricki's upcoming Town Administrator's reports regarding the project, c) monthly meetings with the Resident Engineer and the Route 133 Task Force (continuing through the end of this construction season and picking back up in the spring), d) immediate dissemination of any new, critical information (as has been the case in the past), and e) the development of a tentative timeline of construction benchmarks for the 2011 construction season.

At 7:15 p.m., the Chairman entertained a motion to open the public hearing for the transfer of the wine and malt license for Schooner's Market. That motion was moved and seconded and the hearing was opened. Present for the hearing were Sally and Joseph DiGennaro, current owners; Tarik Milton, President of the purchasing corporation; Arian Liton, Manager of the purchasing corporation; Tanzila Sharmin, Treasurer of the purchasing corporation; and Attorney Nelson Chang, representing the purchasing corporation. Chairman Randall asked the applicants to briefly summarize their intent and Attorney Chang provided that summary, noting that the Treasurer for the new corporation had changed and he provided evidence of that change for the Town's records. The Chairman asked if anyone present desired to speak for or against the proposed transfer and no one spoke. The Chairman entertained a motion to close the public hearing. That motion was moved and seconded and all were in favor. The Board members asked a variety of questions and, after discussion, the Chairman entertained a motion to grant the transfer. That motion was moved and seconded and all were in favor. The applicants, the present owners, and the applicants' attorney left the meeting.

At 7:30 p.m., Treasurer/Collector Virginia Boutchie presented a new ***Other Post Employment Benefits Trust (OPEB Trust) Investment Policy Statement***. She explained that the policy will carry some risk but that she has sought to minimize the risk by using a sound investment firm and a diversified portfolio. The minimum load for the Trust is \$50,000. The Chairman commented on various aspects of the policy and considered it to be well-written. After further discussion, the Chairman entertained a motion to approve the new policy. That motion was moved and seconded and all were in favor. Ms. Boutchie left the meeting.

Finance Committee Public Meetings and Draft Survey: Mr. Richard Ross of the Finance Committee joined the meeting and described to the Board the Finance Committee's plan for public outreach regarding the upcoming, FY12 budget cycle. He indicated that two public meetings were planned with guest speakers and that the first was set to occur on September 23, 2010. He also referenced ***a public survey*** that can be made available on-

line and on paper. The Board agreed with the Finance Committee's plans, for immediate implementation. Mr. Ross left the meeting.

Draft List of Potential Special Town Meeting Topics: Mr. Zubricki introduced the need for a Special Town Meeting, perhaps in November. The Chairman entertained a motion to hold a Special Town Meeting on November 15, 2010 at 7:30 p.m. at the Essex Elementary School and to open the warrant for that meeting. That motion was made and seconded and all were in favor. Mr. Zubricki reviewed a *list of potential warrant items* and the Board asked him to develop a draft warrant for review at the next meeting.

Alcoholic Beverage Licensing Regulations: Mr. Zubricki explained that he had made draft revisions to the *Town's alcoholic beverage licensing regulations* by adding an annual training requirement that had been researched by the Chief of Police. After discussion, the Chairman entertained a motion to approve the revised regulations. That motion was moved and seconded and all were in favor. The Board asked Mr. Zubricki to ask the Licensing Clerk to include the revised regulations with the upcoming re-licensure package.

Shellfish Regulation Revisions: Mr. Zubricki explained that he had made draft *revisions to the Town's Shellfish, Sea Worm, and Eel Regulations* per the Board's past discussions and per the most recent recommendation of the Shellfish Advisory Commission (SFAC). After discussion, the Chairman entertained a motion to approve the revised regulations, with an effective date of October 15, 2010. That motion was moved and seconded and all were in favor. Mr. Zubricki will provide the regulations to the SFAC and the Town Clerk.

OUI "Last Drink" Information: Mr. Zubricki provided the Board with *a notice that could be sent to all on-premises alcoholic license holders* regarding a new State program that monitors where the "last drink" was consumed for those convicted of OUI offenses. Chairman Randall entertained a motion to approve the notice and to include it with the upcoming re-licensure package. That motion was moved and seconded and all were in favor.

MIIA Loss Control Grant Program: Mr. Zubricki indicated that the Town had received a grant award of \$2,500 to help defray the automation of the Town Hall clock winding mechanisms. The Board agreed that the work should proceed using the grant, the Town Property maintenance line, and the Luther Burnham Fund, as appropriate.

Chairman Randall entertained a motion to approve the warrant in the amount of \$131,483.65. That motion was moved and seconded and all were in favor.

Selectman Jones moved to approve the minutes as they appeared on the agenda. That motion was seconded and all were in favor. Minutes included: the August 30th, 2010, Selectmen's Open Meeting, the Selectmen's August 30th, 2010, Executive Session, the

Selectmen's September 8th, 2010 Open Meeting, the Selectmen's September 10th, 2010 Open Meeting, and the Selectmen's September 10th, 2010 Executive Session.

The Board signed *letters of thanks to Senator Bruce Tarr and Representative Ann-Margaret Ferrante* regarding their efforts to help secure Special Legislation ratifying the actions of the 2010 Annual Town Meeting.

The Chairman signed the appropriate paperwork for the *second allotment of 2010 flood reimbursement funding* from FEMA in an amount of \$1,655.27.

Chairman Randall entertained a motion to approve both the *fiscal year 2010 annual report and the fiscal year 2011 application associated with the Council on Aging Formula Grant*. That motion was moved and seconded and all were in favor.

The Board reviewed a request to perambulate the Town boundary with Hamilton and decided to instead offer Hamilton a copy of our new, digital boundary map, as soon as that map has been completed.

Mr. Zubricki explained that the Town's volunteer driving policy required re-testing annually when Department of Transportation medical cards were generally good for two years. After discussion, the Chairman entertained a motion to revise the policy to require re-testing only after the expiration of a driver's medical card. That motion was moved and seconded and all were in favor.

Selectman O'Donnell will attend the DLTA Planning Grant kickoff meeting in Ipswich on September 21, 2010, on behalf of the Board.

Mr. Zubricki indicated that Mr. Russell Harnish may be interested in discussing consulting to help design the 2011 Summer Program or participating as manager in some fashion. The Board asked Mr. Zubricki to discuss Mr. Harnish's potential involvement further with him.

The Board discussed a suggestion that the Town participate in the Mum's the Word campaign by ordering flowers (\$70) to be placed in front of Town Hall. The Chairman entertained a motion to that effect. That motion was made and seconded and all were in favor.

The Board discussed a request for the formation of a new committee to assist with the development of celebrations and events associated with the eventual completion of the Route 133 Reconstruction Project. The Board preferred to have such happenings be coordinated by existing groups, in an ad-hoc fashion.

The Board signed an *amendment to the Pedestrian License with the Village Restaurant* per a past vote.

Mr. Zubricki indicated that an abutter to a gas station had complained about tanker truck noise late at night. The Police Department does not consider this type of operation to constitute a breach of the peace, zoning does not prohibit the practice, and neither the local or State licensing provisions prohibit the practice. Mr. Zubricki indicated that he was willing to call the owner to see if the owner might voluntarily work out a different schedule for the benefit of the neighborhood. The Board agreed with that approach.

Selectman Jones moved to approve the licenses as they appeared on the agenda and that the Licensing Clerk be authorized to sign on the Board's behalf any license documents that had not yet been generated (due to the fact that the Licensing Clerk was on vacation). That motion was seconded and all were in favor. Licenses were as follows:

Auction Permit:

- Robert E. Landry, L.A. Landry Antiques, for use on Tuesday, September 28th, 2010, between the hours of 11:00 a.m. and 9:00 p.m. within the confines of 125 Main Street.
- Kaminski Auctions, for use on Saturday, October 30th, 2010, between the hours of 8:00 a.m. and 6:00 p.m. within the confines of 125R Main Street.
- Kaminski Auctions, for use on Sunday, October 31st, 2010, between the hours of 8:00 a.m. and 6:00 p.m. within the confines of 125R Main Street.
- R.A. DiFillipo Antiques & Auctions, for use on Tuesday, October 5th, 2010, between the hours of 8:00 a.m. and 10:30 p.m. within the confines of 125 Main Street.
- Blackwood March Antiques, for use on Wednesday, September 29th, 2010, between the hours of 4:00 p.m. and 11:00 p.m. within the confines of 125 Main Street.

One-Day Entertainment License:

- Cynthia Schlaikjer, the Essex Historical Society & Shipbuilding Museum, for use on Saturday, September 18th, 2010, between the hours of 11:00 a.m. and 4:00 p.m. within the confines of the Shipyard at the Essex Shipbuilding Museum at 66 Main Street.

One-Day Liquor License:

- Scott McIsaac, Professional Pour, for use on Saturday, September 25th, 2010, between the hours of 4:00 p.m. and 6:00 p.m. within the confines of the Essex Conference Center and Retreat at 1 Conomo Point Road.

At 9:05 p.m., citing the need to discuss the value of real property at Conomo Point and Collective Bargaining, the Chairman entertained a motion to move to Executive Session. He said that discussing the value of real property and collective bargaining in Open Session would have a detrimental effect on the Town's negotiating and bargaining positions and invited Mr. Zubricki to attend. He said that the Board would be returning to Open 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 approximately 9:25 p.m.

The Chairman entertained a motion that the content of the September 10, 2010 executive session involving remarks from Mayor John Harkins of Stratford, CT, including the minutes of said session, be released to the public. The motion was seconded. The Chairman explained that the benefit to the public from the content of the session, although properly called, outweighed the potential impact on the Town's negotiating position. He stated that this specific situation could impart tremendous value to the public, other boards and commissions, and Town departments, since it perhaps represents the only other real-life experience of a local government under circumstances remarkably similar to those at Conomo Point. After further discussion, all voted in favor.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at approximately 9:30 p.m.

Documents used during this meeting include:

- *Other Post Employment Benefits Trust (OPEB Trust) Investment Policy Statement*
- *Public Survey by the Finance Committee*
- *List of Potential Warrant Items*
- *Town's Alcoholic Beverage Licensing Regulations*
- *Revisions to the Town's Shellfish, Sea Worm, and Eel Regulations*
- *Notice that could be sent to all on-premises alcoholic license holders*
- *Letters of thanks to Senator Bruce Tarr and Representative Ann-Margaret Ferrante*
- *Second Allotment of 2010 Flood Reimbursement Funding*
- *Fiscal year 2010 annual report and the fiscal year 2011 application associated with the Council on Aging Formula Grant*
- *Amendment to the Pedestrian License with the Village Restaurant*

Prepared by: _____
Brendhan Zubricki

Attested by: _____
Lisa J. O'Donnell