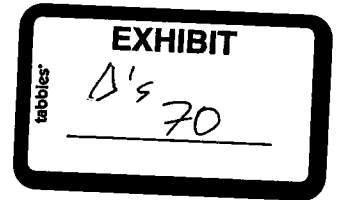


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**I. SCHOOL COMMITTEE PRESENTATIONS****B. OCTOBER 19, 2009, FALL TOWN MEETING****WARRANT ARTICLES REVIEW AND ASSIGNMENTS****1. Article 2: FY2010 Town Budget Amendments (#5 - #10)**

Mr. Loeb explained that the Finance Committee at its meeting last night voted to oppose the use of free cash for the purchase of a police cruiser (#7) and the reserve fund (#9) and to support the use of free cash for the software purchase (#6). As a result, the problems the School Committee had at its last meeting have been resolved. Dr. O'Flynn moved, seconded by Mr. Traverso, to support the Finance Committee's position on Article 2. UNANIMOUS.

2. Article 3: FY2010 School Budget Amendments

Mrs. Dietz will present at Town Meeting.

3. Article 5: Feoffees Trust Agreement

Deferred until 6:30 p.m., October 19, 2009, Ipswich Middle/High School.

C. RECAP OF OCTOBER 6, 2009, LEGISLATIVE HEARING

Mr. Loeb began by describing the legislative hearing at the State House on October 6. For one and one-half hours, a fascinating process took place with Brad Hill, Representative, and Bruce Tarr, Senator, speaking along with attorneys and spokespersons for the Feoffees, the School Committee, and the Tenants Association.

Mr. Traverso wanted all to know that Jeff Loeb had done a superb job in speaking. Mr. Howard (Finance Committee) felt, from what he had heard, that a long time would elapse before a decision comes down.

D. DISCUSSION RELATED TO NEWLY FILED LAWSUIT (COMPLAINT FOR DEVIATION) BY FEOFFEEES

A lawsuit was filed by Attorney Sheehan of the Feoffees the first thing that October 6 morning. Mr. Loeb's opinion was that it was filed so that Mr. Sheehan could make a separation of powers, and the suit did not appear to have a lot of substance. The dynamics of the speakers were interesting, he said. The Finance Committee, School Committee and Selectmen spoke in favor of the legislation; those opposed were the ones with the vested interests: Feoffees and tenants.

Mr. Loeb felt that the naming of the Superintendent as a co-defendant was reprehensible, and Mr. Loeb explained that he has protection through insurance which the Town carries.

Mr. Loeb, referring to Page 9, the WHEREFORE clause of the Complaint for Deviation, asked for consensus on the three named "permissions" which the Feoffees request: "to sell the land...", "to grant and receive mortgages...", and "to borrow funds to defend the Superior Court Action..." and was given consensus by the Board as opposed to all "relief" mentioned in the Complaint.

Once the School Committee is served with the lawsuit, twenty days are allowed for a response. With the consensus and direction, the School Committee Chair will go to Atty. Allen with all due haste, the Complaint will be responded to, and the allegations will be divided and disputed.

Mr. Loeb commented that it has been learned that the Feoffees have borrowed money. The four life Feoffees met alone and voted. Mr. Traverso mentioned that, while Feoffees say they borrowed for electrical conduit and he, Traverso, specifically requested that they not borrow for that purpose, the 2006 fiscal report shows their spending cash for the conduits.

Mr. Traverso moved, seconded by Mrs. Dietz, to approve Version 22 of the Feoffees Trust Administration Order. UNANIMOUS.

Mr. Traverso moved, seconded by Mrs. Dietz, to support recommendation #3 of the Feoffees Subcommittee of the School Committee; that is, to file a counterclaim asking for revised governance of the Trust and encourage the Selectmen Feoffees to publicly disassociate themselves from the "Complaint for Deviation" which bears their names as Plaintiffs vs. the Superintendent of Schools and the Ipswich School Committee. UNANIMOUS.

The fourth recommendation by the Feoffees Subcommittee of the School Committee; that is, that the School Committee take up the issue of litigation strategy related to seeking a change in the Trust governance in Executive Session, cannot be done until Attorney Allen is present once he is contacted.

Discussion ensued regarding the two types of counterclaims: compulsory counterclaims and permissive counterclaims. Consensus was in favor of filing a counterclaim, deferring to Attorney Allen. Mr. Howard commented that the Finance Committee is in favor of filing counterclaims, the time is right, and there will never be better leverage than now. Discussion continued regarding LLC and ANR, the Feoffees apparent thrust for sale of the property, and how they (the Feoffees) might financially handle it. Mr. Loeb set 6:30 p.m., Monday, October 19, as the time for further discussion with Attorney Allen.

E. OPEN MEETING LAW VIOLATION CLAIM

Mr. Loeb explained the complaint from Steve Landwehr, Salem News reporter, regarding Executive Session on July 16. Mr. Loeb said that he would put a response together.

The Feoffees have made a decision that they are no longer a public body; the District Attorney has a different view. Mr. Traverso moved, seconded by Dr. O'Flynn, that the Ipswich School Committee petition the District Attorney with a complaint that the Feoffees have been violating the Open Meeting law of Massachusetts. UNANIMOUS.

A. SCHOOL/TOWN WIND TURBINE DEBT PAYMENT AGREEMENT

Mr. Engel, Electric Light Department Commissioner, and Mr. Henry, Director of Utilities, presented a memorandum amending the Memorandum of Understanding in regard to the "School Department Debt Service." The Board of Selectmen had taken the matter up at their meeting with approval. Mr. Engel stated that a contract has been signed and the turbine will arrive in February. Mr. Korb expects that the School Department will use existing line items to cut the check for approximately \$120,000 in FY10 before 12/31/09 with the anticipation of recouping \$106,563.

Mr. Hopping joined the meeting at 9 p.m. during discussion.

Mr. Sheppard moved, seconded by Mrs. Dietz, to acknowledge receipt and understanding of the Memorandum, dated 10/7/09, between the Ipswich Light Department and the Ipswich School Committee. UNANIMOUS.

II. SCHOOL COMMITTEE REPORTS**A. VOUCHERS/BILLS****B. SCHOOL COMMITTEE SUBCOMMITTEE REPORTS****1. ATHLETICS SUBCOMMITTEE****2. ATHLETIC FIELD STUDY COMMITTEE**

After discussion regarding the retention of and possible additional use of (soccer) fields on the property described in Warrant Article 8, Mr. Hopping wished to speak to Ken Swanson before taking action. The item was put on the agenda for 6:30 p.m., October 19.

3. BUDGET SUBCOMMITTEE**4. DAY CARE CENTER SUBCOMMITTEE****5. DEMOGRAPHIC STUDY COMMITTEE****6. FEOFFEES SUBCOMMITTEE****7. OPERATIONS SUBCOMMITTEE**

The Superintendent's evaluation will take place on November 5.

8. POLICY SUBCOMMITTEE

Mr. Hopping moved, seconded by Mr. Sheppard, to accept for adoption the following policies:

a. Legally Qualified Resident Student, JECA, Proposed Revision, Adoption

b. Affidavits of Residency, JECA F-1, Proposed Revision, Adoption
UNANIMOUS.