

**Selectmen's Meeting  
T.O.H.P. Burnham Library**

**November 12, 2010**

Present: Chairman A. Raymond Randall, Jr., Selectman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Town Administrator Brendhan Zubricki, Police Chief Peter Silva, and Selectmen's Assistant Pamela J. Witham.

The Chairman called the meeting to order at 7:30 a.m. in the T.O.H.P. Burnham Library and announced that the meeting was being recorded and that the Board would hear Public Comment. No one from the public was present to offer any comment.

The Chairman entertained a motion to move to Executive Session to discuss collective bargaining. He stated that discussing this matter in open session would be detrimental to the Town's bargaining position. He said that the Board would be returning to Open Session and invited Mr. Zubricki and Chief Silva to attend. Following a unanimous Roll Call Vote the Board moved to Executive Session.

The Board returned to Open Session at 7:34 a.m. Chief Silva left the meeting.

Mr. Zubricki reported that he had received a telephone call from Jim Haskell, a town resident and wholesaler of alcoholic beverages. Mr. Haskell said that some of his package store customers were concerned about the recent change to the Town's alcoholic beverage regulations that requires package stores and restaurants to complete training each year under the SafeServe program as a condition of their annual license renewal. Mr. Haskell said that the SafeServe program is geared more towards restaurants. He said that the package stores have been participating in the TIPS program which is more appropriate for the package store business. Mr. Haskell wondered if the Selectmen would consider amending the regulations to allow the package stores to utilize the TIPS training instead of the program offered by SafeServe. After some discussion, a motion was made, seconded, and unanimously Voted amend the regulations to allow package stores to participate in either the SafeServe program or the TIPS program, contingent upon the concurrence by Chief Silva that the TIPS program is an acceptable program.

Mr. Zubricki announced that Town Counsel Gregg Corbo and Conomo Point Planning Committee Chairman Mark Lynch had agreed to be available by teleconferencing for this meeting. Mr. Zubricki placed the call and everyone said hello.

Attorney Corbo agreed to begin the discussion by reviewing the points in his *letter to Mr. Zubricki regarding Conomo Point Lease Expiration Issues*. The letter sets forth Kopelman and Paige's legal opinion regarding the Conomo Point tenants' right of first refusal and the ownership of dwellings and improvements on the leased lots at Conomo Point. Mr. Corbo reviewed the steps in his analysis to arrive at his opinion that the right of first refusal can only be triggered if the Town votes to sell any or all of the lots at Conomo Point before the leases expire. Even if that occurred, Chapter 30b would render the lease provision null anyway. It is his opinion that the right of first refusal, as a matter

of contract law, will expire with the leases. However, Attorney Corbo said that it is in everyone's best interest to work toward as smooth a transition as possible, and that allowing the tenants the right of first refusal would help that transition. Right of first refusal would allow the tenants to be first in line to meet the price criteria and conditions set by the Town, it would not allow the tenants to purchase the property for less than the fair market value. Town Counsel said that a vote to request special legislation for exemption from Chapter 30b would not automatically trigger the right of first refusal.

Attorney Corbo also said that it is his opinion that the dwellings and other improvements placed on the leased land by the Conomo Point tenants are part of the real estate and belong to the Town. Therefore, whoever wishes to purchase the leased property at Conomo after the leases expire will be purchasing the land and all improvements that are on it and the price will be set accordingly.

There followed a discussion of the importance of seeking special legislation for relief from Chapter 30b for the Town-owned land at Conomo Point. Attorney Corbo said that it is important to get this special legislation even though the Town may never take advantage of it. Without the legislation, the Town will not be able to continue to lease or sell any part of Conomo Point land after the leases expire.

The Selectmen asked Mr. Zubricki to ask the Finance Committee to undertake an analysis of the impact per year on the average Town taxpayer if none of the Town-owned land at Conomo Point continues to be leased or sold.

The Selectmen thanked Attorney Corbo and CPPC Chair Lynch and ended the phone call.

Mr. Zubricki reported that the Police Union has agreed to the new contract. A motion was made, seconded, and unanimously Voted to sign the new contract outside of a meeting once it is available.

A motion was made, seconded, and unanimously Voted to ratify the signature on the AFSCME contract.

Mr. Zubricki quickly reviewed the current status of the *Special Town Meeting motions*. The motions and amounts were finalized for the meeting on Monday.

Mr. Zubricki reported that he had received a complaint from a resident that 1 foot of roadway width had been removed from a section of Route 133 as part of the reconstruction due to a wide sidewalk (as per design) and that some of the curbs were elevated on both sides of the sidewalk, thereby resulting in possible safety issues. Mr. Zubricki said he would discuss the matter with MassDOT's resident engineer for the project.

Mr. Zubricki said that Mr. Perkins has informed him that MassDOT has admitted that they made a mistake regarding the foundation elevations for the new seawall. Mr. Perkins will continue to work to resolve the matter.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 8:55 a.m.

Documents discussed during this meeting include the following:

*Letter to Mr. Zubricki regarding Conomo Point Lease Expiration Issues*  
*Special Town Meeting motions*

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Lisa J. O'Donnell