

**Selectmen's Minutes
Essex Elementary School**

November 14, 2011

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Town Counsel Gregg Corbo, Paul Collins, Steve Cuthbertson, Mr. Barron, and the representative for Mr. and Mrs. Cass.

The Chairman called the meeting to order at 6:30 p.m. in the Teacher's Lounge at the Essex Elementary School on Story Street and announced that the Board would hear Public Comment. There was no public comment.

Mr. Zubricki presented his Town Administrator's Report for the period November 5th, 2011, through November 10th, 2011, regarding the following:

Potential Acquisition of Lahey Clinic Property: Mr. Zubricki reported that he and the Chairman have asked the agent for the Lahey property for a copy of the hazardous waste clearance for the building. The Chairman reported that he had also asked an independent agent for an opinion of value for the property.

Successor Solid Waste Contract: Mr. Zubricki said that the cost of the solid waste contract with Covanta has risen 20% since 2003. The new contract would include a 37% increase. However, despite the substantial increase over the last eight years, the Department of Public Works has indicated that Covanta's price is still below that of the general marketplace. The Selectmen asked Mr. Zubricki to obtain some prices from other companies for comparison and to ask the Board of Public Works into a future meeting..

Parking Signage at Conomo Point: Mr. Zubricki exhibited revised signs that are intended to better regulate parking at Conomo Point. Both Police Chief Peter Silva and DPW Superintendent Paul Goodwin have reviewed and approved the proposed signs which would be put in place at the start of the next summer season. The Selectmen agreed to consider the matter a while longer before making a decision. Mr. Zubricki will work with Superintendent Goodwin to produce proofs for review.

Potential Acceptance of Lowe Hill Road as a Public Way: Mr. Zubricki reviewed the ***Planning Board's report*** regarding the residents' petition to have Lowe Hill Road accepted as a public way of the Town. The Planning Board has cited some recommendations to the residents to follow as they continue through the Town acceptance process.

Mr. Zubricki reported that Bob Porter of Whittier Porter has requested permission to decorate the island in front of Americana Antiques on Main Street. This company has been maintaining this site for many years and posts a small sign at the site. Joe Ahearn has been maintaining the plantings at Old Essex Road and is planning on continuing the practice. The Selectmen were in agreement that these two people could continue to care for the sites, but the signs will have to conform to the design that is eventually chosen for all the parks and pocket parks in Town by the Selectmen.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$96,623.64.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the November 7th, 2011, Selectmen's Open Meeting and the November 7th, 2011 Selectmen's Executive Session.

Mr. Zubricki reviewed a request to have a public hearing regarding a recent letter to a dog owner from the Dog Control Officer concerning the biting of a child by a dog. The Selectmen agreed that the hearing could be held at their November 28th meeting at 8:00 p.m.

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, November 28th, 2011, in the T.O.H.P. Burnham Library on Martin Street. The Selectmen asked to have an additional meeting posted for their Board on Monday, November 21st, starting at 7:00 p.m. in the Library.

The Selectmen reviewed a letter from Dr. Eckart Sachsse regarding questions about the bridge lease for 44 Robbins Island Road (Map 19, Lots 72 and 74A). Mr. Zubricki said that he would answer the questions asked by Dr. Sachsse by telephone.

Chairman Jones said that the Board has received a written notice of an intra-family assignment of the leasehold for 134 Conomo Point Road (Map 24, Lot 39) for the addition of Claire Healy, the daughter of Brian Healy and Marilyn Ranker, to the lease; and, for the removal of Marilyn Ranker from the same lease. He said that pursuant to Paragraph 7 of the Lease, the Conomo Point Commissioners do not have discretion to approve or deny such assignments. Therefore, he entertained a motion that the Selectmen acknowledge said assignments with the disclaimer that this acknowledgement is not intended to convey or imply any right, title or interest in the subject property, or any portion thereof, that was not already held by Brian Healy and Marilyn Ranker and also that this acknowledgement does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

Chairman Jones also said that the Board had received a written notice of an intra-family assignment of the leasehold for 31 Middle Road (Map 24, Lot 3) for the addition of Paul J. and Elizabeth J. Collins' children: Marie E. Collins and Michael P. Collins to the lease. He said that pursuant to Paragraph 7 of the Lease, the Conomo Point Commissioners do not have discretion to approve or deny such assignment. Therefore, he entertained a motion that the Selectmen acknowledge said assignment with the disclaimer that this acknowledgement is not intended to convey or imply any right, title or interest in the subject property, or any portion thereof, that was not already held by Paul J. and Elizabeth J. Collins and also that this acknowledgement does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

And finally, Chairman Jones stated that the Board has received a written notice of an intra-family assignment of the leasehold for 25 Middle Road (Map 24, Lot 27) for the removal of Carol U. Rowe from the lease. He said that pursuant to Paragraph 7 of the Lease, the Conomo Point Commissioners do not have discretion to approve or deny such assignment. Therefore, he entertained a motion that the Selectmen acknowledge said assignment with the disclaimer that this acknowledgement is not intended to convey or imply any right, title or interest in the subject property, or any portion thereof, that was not already held by Carol U. and Wallace H. Rowe III, Heidi A., Marshall K. and Wallace H. Rowe IV., and also, that this acknowledgement does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

Mr. Zubricki reviewed the **Final Town Meeting Motions** for the warrant articles for the Special Town Meeting. Conomo Point lessee Paul Collins said that it was his intention to ask for an amendment to the wording in Article XII by removing the words "at least" from the phrase "at least the fair market value" and by adding language that the lessees may also provide an appraisal for the Selectmen to consider. Town Counsel Gregg Corbo said that the wording was specifically chosen to fit many situations, depending on who the purchaser or lessee of the property may be. Attorney Corbo also said that, the proposed bylaw, if passed, would not prohibit the Selectmen from considering independent appraisals when they begin the process of establishing fair market value for the Conomo Point properties.

At 7:15, citing the need to discuss the value of real property at Conomo Point, the Chairman entertained a motion to move to Executive Session. He said that discussing this matter in Open Session would be detrimental to the Town's negotiating strategy and invited Town Administrator Zubricki and Town Counsel Corbo to attend the session. The Board would be returning to Open Session only to adjourn to the Special Town Meeting in the gymnasium.

The Selectmen returned to Open Session at 7:25 p.m. and a motion was made to adjourn to the Special Town Meeting in the gymnasium. The motion was moved, seconded, and unanimously voted.

Documents used during this meeting include the following:

Planning Board's Report Regarding Lowe Hill Road
Final Town Meeting Motions

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell