

Selectmen's Minutes
T.O.H.P. Burnham Library

November 21, 2011

Present: Selectman Lisa J. O'Donnell (Acting Chairman), Selectman Susan Gould-Coviello, and Town Administrator Brendhan Zubricki.

Ms. O'Donnell called the meeting to order at 7:00 p.m., agreed to act as Chairman, and announced that the Board would hear Public Comment. No one else was present to offer any comment.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$64,070.64.

A motion was made, seconded, and unanimously voted to approve the Selectmen's Minutes for the November 14th, 2011 Open Meeting and the Selectmen's Minutes for the November 14th, 2011 Executive Session.

Mr. Zubricki indicated that the RFP for the purchase of real property for Town office relocation required the finalization of a purchase and sale agreement by December 15, 2011. The Board generally discussed the potential purchase. Additional discussion should be held by the Board at their next meeting if the ballot question passes at the polls this evening.

Mr. Zubricki asked the Board how they would like to pull together the scope of work for the subdivision of the northern area of Conomo Point given that the recent Town Meeting approved funds for this purpose, along with the development of associated zoning bylaws. The Board determined that it would be appropriate to meet with staff from the Horsley Witten Group to discuss the matter. Mr. Zubricki and Selectmen O'Donnell will have that meeting on November 23, 2011 and will report back.

A motion was made, seconded, and unanimously voted to ratify the thank-you letter sent to Joanne Averay for being the first lessee at Conomo Point to sign a bridge lease.

The Chairman said that the Board had received a written notice of an intra-family assignment of the leasehold for 6 Robbins Island Road (Map 19, Lot 59) for the removal of Robert A. Schuiteman, who is deceased, from the lease. Pursuant to Paragraph 7 of the Lease, the Conomo Point Commissioners do not have discretion to approve or deny such assignments. Therefore, the Chairman said that she would entertain 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 Robert A. Schuiteman and Laura L. 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.

Mr. Zubricki explained that a member of the Catholic Church has raised an issue with the pitch of a concrete walkway that was installed over the summer. The Board agreed that raising that matter at this late stage of the project will likely not translate into any modifications being made

by the contractor but asked Mr. Zubricki to review the matter in the field and report back. Mr. Zubricki also explained that residents have pointed out problems with the various roadside plantings and he noted that Selectmen O'Donnell and he had already brought those matters to the attention of the DOT. The landscaping subcontractor is required to replace any plantings that do not survive within the first year. Mr. Zubricki will call additional attention to one particular tree, which is leaning over.

Mr. Zubricki passed out a **summary of the new guidance for the allowance of remote participation at public meetings** for the Board's review and discussion at the next meeting.

A motion was made, seconded, and unanimously voted to approve the following requests for license renewals:

Antiques License Renewals for 2012:

- Richard Bevilacqua, Essex Antiquarians at 165 Main Street
- Debbie & Alfred Brosch, Brosch Antiques at 143 Main Street
- Joseph Danna, Conomo Point Antiques at 166 R Eastern Avenue
- Robert Hanlon, Walker Creek Furniture, Inc. at 57 Eastern Avenue
- Robert Landry, L.A. Landry Antiques at 164 Main Street
- Michael March, Blackwood March Antiques at 3 Southern Avenue
- Kenneth P. Monroe, Americana at 48 Main Street

All Alcohol Restaurant License Renewal for 2012:

- Fang Liaw, Essex Fortune Palace, Inc. at 99 Main Street
- Kevin Ricci, Village Restaurant of Essex, Inc. at 55 Main Street

Class II License Renewals for 2012:

- Stephen Monell, Foreign Auto Enterprises at 171 Eastern Avenue
- Scott Woodward, Pike Marine, Inc. at 80 Main Street

Common Victualler License Renewals for 2012:

- Howard Lane, Essex Seafood at 143 R Eastern Avenue
- Fang Liaw, Essex Fortune Palace, Inc. at 99 Main Street
- Kevin Ricci, Village Restaurant of Essex, Inc. at 55 Main Street

Mr. Zubricki explained that the Chief of Police had obtained final pricing for the purchase of a new police cruiser under the auspices of the State Contract. The total amount is \$30,514.95 and the recently-approved appropriation was for \$31,000. A motion was made, seconded, and unanimously voted to approve the order of the new cruiser.

At 7:30 p.m., citing the need to discuss the lease of real property at Conomo Point, the Chairman entertained a motion to move to Executive Session. She 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 (by telephone) to attend the session. She stated that the Board would be returning to Open Session.

The Board returned to Open Session at 8:05 p.m.

The Board discussed sending potential letters of thanks to Conomo Point leaseholders and agreed that letters similar to that sent to Ms. Averay (see above) may be sent at the appropriate time.

The Chairman said that the Board had received a written notice of an intra-family assignment of the leasehold for 169 Conomo Point Road (Map 24, Lot 10) for the addition of Ralph S. Coakley, III's and Elizabeth M. Coakley's children: Colleen E. Coakley and Christopher Coakley to the lease. She said that pursuant to Paragraph 7 of the Lease, the Conomo Point Commissioners do not have discretion to approve or deny such assignment. Therefore, she 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 Ralph S. Coakley, III and Elizabeth M. Coakley; that the assignment is only valid for parties that are at least 18 years of age; and also that this acknowledgement does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

The Chairman said that the Board had received a written notice of an intra-family assignment of the leasehold for 87 Conomo Point Road (Map 19, Lot 117) for the addition of Laurinda Durie's husband and children: Eric Durie, Brian Durie, and Erica Durie to the lease. She said that pursuant to Paragraph 7 of the Lease, the Conomo Point Commissioners do not have discretion to approve or deny such assignment. Therefore, she 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 Laurinda Durie; that the assignment is only valid for parties that are at least 18 years of age; and also that this acknowledgement does not affect the lease expiration date of December 31, 2011. The motion was moved, seconded, and unanimously voted.

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, November 28th, 2011, at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents discussed during this meeting include the following:

summary of the new guidance for the allowance of remote participation at public meetings

Prepared by: _____
Brendhan Zubricki

Attested by: _____
Lisa J. O'Donnell