

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

April 25, 2011 a.m. Meeting

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

Citing the need to discuss collective bargaining and the leasing of real property, the Chairman entertained a motion to move to Executive Session. He stated that discussing these matters in Open Session would be detrimental to the Town's bargaining position and negotiating strategy. He said that the Board would be returning to Open Session and invited Mr. Zubricki to attend. The motion was moved and seconded, and following a unanimous Roll Call Vote, the Board moved to Executive Session at 7:31 a.m.

The Board returned to Open Session at 8:16 a.m.

A motion was made, seconded, and unanimously voted to approve the following amendment to the pending Special Legislation as revised:

It has been suggested by the General Court, that it would facilitate the timely consideration and enactment of the Home Rule Petition for adoption of special legislation entitled, "An Act Establishing Procedures for the sale and/or Lease of Property Known as Conomo Point in the Town of Essex" approved by at the November 15, 2010 Special Town Meeting under Article 16, if it were to be amended by clarifying the extent of the property subject to the legislation. The Board of Selectmen respectfully continues to support the enactment of the original legislation in the form approved by Town Meeting and strongly urges the General Court to adopt the original version without amendment. If, however, the General Court deems it necessary, we approve amendments to such petition as set forth on the document entitled "Board of Selectmen vote 4/15/11" and/or on the document entitled "Board of Selectmen vote 4/25/11".

And, a motion was made, seconded, and unanimously voted to approve the following:

An Act Establishing Procedures for the Sale and/or Lease of Portions of the Property Known as Conomo Point in the Town of Essex

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: Whereas the Town of Essex Massachusetts includes a unique property known as Conomo Point which the Town has historically leased to private individuals for extended periods of time, and where such leases will soon expire, the Town has an interest in establishing, under the specific circumstances at issue, an appropriate procedure for the future potential sale or leasing of portions of such property. Therefore, notwithstanding the provisions of section 16 of Chapter 30B of the General Laws, or any other general or special law to the contrary, the Town of Essex, if first authorized by a vote of its Town Meeting, may sell or lease all or any portion of its property known as Conomo Point, at fair market value, upon such terms and conditions as the Board of Selectmen deem appropriate, in accordance with a bylaw adopted by Town Meeting, which bylaw ensures that such sales or leases shall be undertaken in accordance with an open, fair, and competitive disposition process, using sound business practices and principles of fair dealing, which process may, but need not, recognize as a criteria for evaluation for such sale or lease a certain level of preference for current lessees of such property. The authorization granted herein shall be limited to the areas identified on the document titled "Portion of Conomo Point Subject to Procurement Legislation", which document shall be permanently retained on file in the office of the Town Clerk.

SECTION 2: This Act shall not exempt the Town from the provisions of sections 3, 15 or 15A of Chapter 40 of the General Laws, Sections 2-13.4 and 2-13.11 of the Town bylaws or any other general or special law which requires a vote of Town Meeting to authorize the sale or lease of real property.

SECTION 3: This act shall take effect upon passage.

Mr. Zubricki reported that the Department of Environmental Protection has sent written approval to the Town regarding the revised Conomo Point Plan and that he expects to have sample appraisals for the Conomo Point property in time for the Annual Town Meeting. There is also a good chance that the Special Legislation may be approved before the ATM.

Chairman Randall asked Mr. Zubricki to ask Nick Cracknell from the Horsley Witten Group to review his company's proposed subdivision plan for southern Conomo Point one more time to make sure that everything in the plan is appropriate and correct.

There being no further business before the Board, a motion was made, seconded and unanimously voted to adjourn the meeting at 8:26 a.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell