

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

September 17, 2012

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, Town Counsel Gregg Corbo, Selectmen's Assistant Pamela J. Witham, Charles Burnham, and Steve Cuthbertson.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library and announced that the Board would hear Public Comment. No one offered any comment.

The Selectmen greeted Charles Burnham, the father of boat builder Harold Burnham. Harold, who could not be present at tonight's meeting, was recently awarded a National Heritage Fellowship from the National Endowment for the Arts and will be leaving this Saturday to sail on his boat, the Ardelle, to Washington, D.C. to receive his award. The Selectmen congratulated Mr. Burnham on his son's great achievement and presented him with an Essex flag to be flown from the Ardelle on the voyage. Mr. Burnham thanked the Selectmen and left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$642,168.75.

The Selectmen discussed potential dates for a fall Special Town Meeting. A motion was made, seconded, and unanimously voted to hold the meeting on Monday, November 19, 2012 at the Essex Elementary School starting at 7:30 p.m. The Selectmen will meet before the STM at 6:30 p.m. in the Teachers' Lounge. A motion was also made, seconded, and unanimously voted to open the warrant for the November 19th Special Town Meeting.

At 7:12 p.m., citing the need to discuss pending litigation concerning the case of the Town of Essex vs. the Estate of Judith H. Foley, Northeast Housing Court C.A. No. 09H77SP003249; pending litigation concerning the case of Judson Pratt, et. al. vs. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; a potential easement over Town land for the benefit of Demeter, Map 3, Lot 19, Southern Avenue; and a potential easement over Town land for the benefit of Gardner and Patel, Map 3, Lots 21 and 14, 280 and 284 Southern Avenue; the Chairman entertained a motion to move to Executive Session. He said that discussing these matters in Open Session would be detrimental to the Town's litigating and negotiating strategies. He invited the Town Administrator and Town Counsel to attend the meeting and said that the Board would be returning to Open Session. Mr. Cuthbertson left the meeting. The motion was moved, seconded, and following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 8:32 p.m. Nick Cracknell, Mark Lynch, John Bediz, Leah Maher, and Steve Cuthbertson joined the Selectmen.

Selectman Gould-Coviello moved that they, the Conomo Point Commissioners, relocate the lot lines for the leaseholds located at Map 19, Lot 28 and Map 19, Lot 11, to locations outside the work area for construction of the hammerhead turnaround, as required by the Planning Board as part of the southern Conomo Point subdivision approval, as will be depicted on a plan to be prepared by the Town's engineer, with written notice to the leaseholders, all if necessary. The motion was moved, seconded, and unanimously voted.

The Selectmen reviewed a *draft letter to southern Conomo Point leaseholders* stating that the Selectmen are going to focus on completing the purchase and sale agreements that were offered before they decide whether to issue lease extensions beyond the end of this year. A motion was made, seconded, and unanimously voted to approve the letter.

The Selectmen reviewed another *draft letter to northern Conomo Point leaseholders* stating that they do intend to offer a bridge lease for a second term. A motion was made, seconded, and unanimously voted to approve the letter for sending to all the northern leaseholders excepting the leaseholder for 5 Beach Circle, Map 19, Lot 100. A second motion was made, seconded, and unanimously voted to authorize Town Counsel to draft and send a letter to the leaseholder at 5 Beach Circle, stating that the Town now believes it has full control over this property, as a result of the tenant's non-compliance with the side agreement made with the Town and non-payment of rent and taxes, if and when necessary.

Mr. Zubricki announced that the first signed purchase and sale agreement had been received, along with a down payment of \$5,000. A motion was made, seconded, and unanimously voted to approve and countersign the P&S agreement for 14 Robbins Island Road, Map 19, Lot 63.

The Selectmen discussed various letters from Conomo Point tenants concerning their Purchase & Sale Agreements. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to offer Jean Appeltofft, who meets the income requirements and as the only leaseholder for the property at 5 Cogswell Road, Map 19, Lot 49, which is her primary residence, a thirty-day extension to sign her purchase and sale agreement and a 50% reduction in the required deposit amount. He will also explain that the Selectmen are exploring a way to sell the property to her by the Town accepting affordable payments and deferring the remainder for an extended period via an appropriate lien, agreement, or other appropriate instrument(s). The Selectmen also authorized Mr. Zubricki to inform two other elderly tenants who meet the income requirements, that they would be presented with the same offer, if they agree with their co-leaseholders to remove all co-leaseholder names from their leases.

The Selectmen reviewed a letter requesting assignment of the leasehold and the purchase and sale agreement for the property at 28 Cogswell Road, Map 19, Lot 12. They agreed to defer discussion of this request until their next meeting when the current tenants and the proposed assignees could be present.

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, September 24th, 2012, at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street

It was announced that the Cape Ann Chamber of Commerce will hold its "Cape Ann Caucus" on Thursday, September 20, 2012 from 7:30 a.m. to 9:00 a.m. at the Rockport Art Association, 12 Main Street, Rockport. The Caucus brings State and local government officials together with the business community to discuss current issues and concerns.

Town Counsel Gregg Corbo left the meeting.

Mark Lynch, the Chairman of the Conomo Point Planning Committee, said that he would like to recommend that the Selectmen consider hiring Nicholas Cracknell as a technical advisor to help, oversee, and assist with the planning and design of northern Conomo Point. The Selectmen were in agreement and asked Mr. Cracknell to submit a cost proposal for review at their next meeting on September 24, 2012.

John Bediz, the chair of the CPPC sub-committee that had helped to formulate the *Request for Design and Planning Services*, thanked Mr. Zubricki for his help on the document. A motion was made, seconded, and unanimously voted by the Selectmen to approve the final draft of the document for release to selected bidders. The Selectmen identified eight candidates and agreed to ask Roy Turnage to suggest other possible candidates. The deadline to receive proposals will be October 9th, 2012. The CPPC will meet on October 11th to review the proposals and prepare a comparative matrix ranking the offers. The matrix will be reviewed at the Selectmen's October 15th meeting. Interviews of the three highest ranking firms will be held by the Selectmen and three members of the CPPC.

John Bediz, Nick Cracknell, and Mark Lynch left the meeting.

Mr. Zubricki said that Police Chief Silva has recommended that the Selectmen appoint another person to the position of part-time police officer pending completion of drug and medical testing. The Selectmen asked that the Chief provide a resume for the proposed appointment and that the Chief introduce the candidate at the next Selectmen's meeting.

Mr. Zubricki reported that now that it appears that the Town will have a cultural district, the Town's chances of receiving a Massachusetts Downtown Initiative Grant have improved. He stated that the grant maker had requested more detail than was contained in a recently resubmitted application written in 2010. A motion was made, seconded, and unanimously voted to withdraw the current grant application and resubmit it at a later date after it has been updated to include the Town's cultural district.

Mr. Zubricki handed out a *draft warrant for the Special Town Meeting* in November for review and discussion at the next Selectmen's meeting.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:23 p.m.

Documents used during this meeting include the following:

Draft Letter to Southern Conomo Point Leaseholders
Draft Letter to Northern Conomo Point Leaseholders
Request for Design and Planning Services
Draft Warrant for the Special Town Meeting

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell