

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

August 26, 2013

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, and Town Counsel Jeff Blake.

Also present: Lee Bresnahan, Helen Brown, and Maria Burnham.

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

Citing the need to discuss the lease, sale, and value of real property at Conomo Point; pending litigation concerning the case of Judson Pratt, et al. v. the Town of Essex, Essex Superior Court C.A. No. ESCV2012-00936B; and, pending litigation concerning the case of Walker et al. v. The Town of Essex, Essex Superior Court C.A. No. ESCV2012-02221; 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 negotiating and litigating strategies and invited Mr. Zubricki, Attorney Gregg Corbo, and Attorney Jeff Blake to attend the session. He said that the Board would be returning to Open Session in approximately one hour. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board and their Assistant, Mr. Zubricki, Attorney Corbo, and Attorney Blake moved to Executive Session. All others left the meeting.

The Board returned to Open Session at 8:07 p.m. Attorneys Corbo and Blake left the meeting. Lee Bresnahan, Helen Brown, and Maria Burnham rejoined the meeting, along with Steve Cuthbertson, Tink and Ida Doane, Aude Sisk, and some others.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 10th, 2013 through August 23rd, 2013, regarding the following:

Opening of Filed Sub-bids for Town Hall/Library Improvement Project: Mr. Zubricki reported that filed *sub-bids had been submitted from subcontractors* on August 22. The sub-bids are currently being verified and references checked. The general contractors must submit their bids by September 5.

Medical Marijuana Regulation: Mr. Zubricki said that it might be possible for the Town to vote for a one-year moratorium on allowing medicinal marijuana growing. The Planning Board is currently reviewing whether they will be able to coordinate a public hearing on the subject before a fall special town meeting.

Massachusetts Downtown Initiative Grant, Town Landing Design: Mr. Zubricki reported that Selectman O'Donnell had provided some guidance to the Town's consultant for the redesign of the Town Landing, since the recent public forum on this matter. The Board will host a meeting with the consultant some evening in September to report on progress and to take additional input.

Offer of Sponsorship from the Building Center: Mr. Zubricki reviewed the ideas to date for projects that could benefit from sponsorship by the Building Center in the form of either cash donations or a donation of goods. The Centennial Grove Committee will resume meeting in September and one of the items for their discussion will be completion of repairs to the Grove Cottage and/or the Folsom pavilion. It was suggested that the Building Center might also be interested in underwriting the maintenance of the Town planting areas that were created during the Route 133 Reconstruction project. The Town Landing may also be an area the Building Center could help with. Mr. Zubricki will let the Building Center know that we are still considering our response to their generous offer.

Mr. Zubricki said that he has not heard back from the company that he contacted regarding the possible use of solar power by the Town. The contact person has been on vacation. He did hear from another company, Synergy Energy, who told him about a government program that provides up to \$100,000 in hosting credits to qualifying municipalities. The Selectmen were in favor of Mr. Zubricki pursuing investigation of this program, along with the original program.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$655,421.55.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's August 19th, 2013, Open Meeting and the August 19th, 2013, Executive Session.

A motion was made, seconded, and unanimously voted to approve and sign a ***Business Associate Contract*** between the Town, MIIA Health Benefits Trust, and the Town's Health Plan.

A motion was made, seconded, and voted by Chairman Jones and Selectman O'Donnell to approve a ***request from the Essex Merchants' Group*** to use Paglia Park and the lawn between the White Elephant and the Legion Hall as display areas to exhibit the works of local artisans. Selectman Gould-Coviello abstained from the voting since she is also a member of the Merchants' Group.

A motion was made, seconded, and unanimously voted to approve a request to appoint Mike Dyer as the Long Term Planning Committee liaison to the Public Safety Study Committee.

A motion was made, seconded, and unanimously voted to approve a ***request from Mark Lynch***, chair of the Conomo Point Planning Committee, to appoint Hunt Durey to the Conomo Point Planning Committee until a replacement can be voted at the next town meeting.

A motion was made, seconded, and unanimously voted to approve the signature of a ***letter to MAPC*** informing them of Peter Phippen's reappointment to a three-year term on the MAPC.

A motion was made, seconded, and unanimously voted to approve a request for a One-Day Wine and Malt License for Woodman's Inc., Joan Houghton, for use on Saturday, September 21, 2013, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.

The Selectmen were reminded that the next regular Board of Selectmen's meeting will take place on Monday, September 9th, 2013, at 7:00 p.m. in the Library on Martin Street.

Conomo Point Extensions:

Mr. Zubricki said that the tenant at 20 Cogswell Road is still in the process of completing her new septic system which is a requirement for her bank financing to purchase the property from the Town. She is now nearing the end of the local and State permitting processes. A motion was made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement for 20 Cogswell Road, Map 19, Lot 54, Marybeth Tirrell.

A motion was also made, seconded, and unanimously voted to sign an agreement to extend the bridge lease and purchase and sale agreement for the following properties:

- 98 Conomo Point Road, Map 19, Lot 56, Daniel Mayer
- 6 Sumac Drive, Map 19, Lot 16, Daniel Mayer
- 12 Town Farm Road, Map 19, Lot 40, Daniel Mayer

Mr. Zubricki reported that tenants of two other properties at Conomo Point continue to seek persons interested in purchasing their lease rights. Subsequently, a motion was made, seconded, and unanimously voted to approve an agreement to extend the bridge lease and purchase and sale agreement signing deadline for the following properties:

- 92 Conomo Point Road, Map 19, Lot 46, Joan Brown Herrmann.
- 19 Cogswell Road, Map 19, Lot 53, Estate of Hedwig Sorli.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 8:25 p.m.

Documents used during this meeting include the following:

Sub-bids had been submitted from subcontractors
Business Associate Contract
Request from the Essex Merchant's Group
Request from Mark Lynch
Letter to MAPC

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell