

**Selectmen's Meeting Minutes
Essex Library, 245 Western Avenue**

October 31, 2016

Present: Chairman Lisa O'Donnell, Selectman Susan Gould-Coviello, Selectman David Doane, Town Administrator Brendhan Zubricki, and temporary Administrative Assistant Dawn Burnham.

Also present: Maria Burnham, Tina Lane, and Julie Scofield.

Chairman O'Donnell called the meeting to order at 7:02 p.m. and asked for public comment. There was no public comment.

A motion was made, seconded and unanimously voted to approve the weekly warrant in the amount of \$170,399.23.

A motion was made, seconded and unanimously voted to exempt from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 11-03-16 warrant pursuant to subsection (d) of said Section.

<u>NAME</u>	<u>VENDOR</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>DEPT'S BILL</u>
Ernie Nieberle	Nieberle's	10/24/16	66.30	Shellfish
Ernie Nieberle	Nieberle's	10/24/16	248.75	Police
Ernie Nieberle	Nieberle's	10/24/16	301.81	Fire

A motion was made, seconded and unanimously voted to approve the minutes for the Selectmen's October 18, 2016, open meeting.

A motion was made, seconded and unanimously voted to approve and sign a contract with the Commonwealth in the maximum amount of \$4,400 for the Essex Cultural Council.

A motion was made, seconded and unanimously voted to approve renewal rates for retiree health care coverage (runs on a calendar year basis).

Librarian Deb French and Library Trustees Jennifer Mayer, Beth Cairns and Diane Kotch joined the Board.

Brendhan Zubricki: Presentation of his Town Administrator's Report for the period October 15th through October 28th, 2016, regarding the following:

Heat Pipe, Wiring, Third Floor, and HVAC Slab Possible Change Orders

Mr. Zubricki explained that the Town's architect and General Contractor are investigating the possible need for change orders relative to a variety of items:

- (a) It would be advantageous to re-route a section of heating system piping to avoid having to install a soffit within the second-floor conference room.

- (b) It is possible that a run of old knob and tube wiring is still active within the building, which must be removed in order to meet code and basic fire prevention recommendations. That work is not optional and will proceed on a time and materials basis.
- (c) We have received pricing and time extension requirements from our General Contractor relative to the added project component of finishing the third floor (\$421,198 and 12 additional weeks).
- (d) The HVAC condenser slab that was constructed in phase one of the renovation process (by others) has settled slightly and is being assessed for the need to replace it.

Deb French asked about fencing around the condenser slab. Trustees asked that the fence not block the view of the marsh and Mr. Zubricki will review the matter with the Town's architect. Chairman O'Donnell stated her understanding of knob and tube wiring was that it just needed to be disconnected. She thought once it was not live it could be left in place. Mr. Zubricki stated the removal was being ordered by our Electrical Inspector but that he will work to arrive at an arrangement that is both safe and economical. The trustees asked if there was a landscape plan. Chairman O'Donnell explained that Rinehart Associates will be looking at the Town property from the Coughlin building to the far side of the Town Hall. The contractor will bring the landscaping back to what it was at the beginning of the project.

Potential Additional Funds for Town Hall/Library Renovation Project

Mr. Zubricki explained that the Fall Town Meeting includes an article to possibly add funding to the Town Hall/Library Renovation project, and that it is necessary to review a variety of figures including: a) funds remaining in contingency fund; b) funds remaining in the Ryder Trust; c) funds remaining in project categories, such as owner's costs, temporary facility rental, etc.; d) funds required to complete the 3rd floor (expansion of original scope); e) funds required for misc. change orders not yet approved; f) funds for additional quantities of work not in the architect's original estimates; g) funds for carrying costs through the month of May, and h) funds required to accomplish desired additional work. He stated that some of the costs he is presenting are only estimates at this time and it will be necessary to assess the figures again prior to Town Meeting. A breakdown follows:

- a. Funds in Contingency Fund as of October 18, 2016 - **\$200,919.30**
- b. Funds in Ryder Trust Fund as of October 31, 2016 - **\$172,575.18**
- c. Funds in Various Other Project Categories as of October 18, 2016: **\$63,600.40**
 - 1. Office rent, moving, storage, utilities, etc. - \$39,033.49
 - 2. Hazmat remediation and insurance - \$24,063.13
 - 3. Misc. owner's costs - \$503.78
- d. Funds required to complete the third floor: **(\$421,198) confirmed figure**
- e. Funds required for pending change orders: **(\$5,000) estimate**
- f. Funds required for additional quantity work: **(\$42,303)**
 - 1. Additional plaster replacement quantity work – (\$15,303) conf. figure
 - 2. Additional exterior trim replacement quantity work – (\$4,000) conf.
 - 3. Control valves at baseboard – (\$10,000) confirmed figure
 - 4. Plaster bullnose – (\$3,000) confirmed figure

5. Replace knob and tube wiring – (\$10,000) confirmed figure
- g. Funds required for additional carrying costs: **(\$10,750) net estimate**
 1. Temporary facility rental: (\$16,000) confirmed figure
 2. Utilities at temporary facilities: (\$4,000) confirmed figure
 3. Temporary storage trailers: (\$750) confirmed figure
 4. Builder's Risk insurance: (\$8,000) estimate
 5. Credit to discontinue Clerk of the Works at 11/30/16: \$18,000 estimate
- h. Funds required for desired additional work: **(\$47,800)**
 1. Replace foundations of exterior post lights- (\$6,500) confirmed figure
 2. Clean and restore third-floor chandelier – (\$5,300) confirmed figure
 3. Affixed display cabinets in 3rd-floor meeting hall – (\$16,000) estimate
 4. Replacement of Library Lighting Fixtures – (\$20,000) estimate

Total uncommitted funds (items a, b, and c): \$437,094.88

Total necessary new funds (items d-h): (\$527,051)

Total deficit: (\$89,956.12)

Allowance for additional unforeseen items: \$60,000

Total Needed from Fall Town Meeting: \$149,956.12

The Board agreed to change Article 3 to request \$150,000.

Mr. Zubricki further stated that the Town's final arrangement with the Project Manager and the final cost of the replacement of the Library lighting fixtures are two areas that may cause the \$150,000 to increase slightly by Town Meeting time.

Pricing for Replacement of Library Lighting Fixtures

The Board of Library Trustees has been working to obtain an industry estimate for the installation of new lighting fixtures in the Library. The Librarian presented an estimate of \$19,000 for materials, with the cost of labor not yet calculated. Now that the Board has pricing for the third-floor work, Mr. Zubricki will be working to obtain pricing for the Library lighting fixture replacement work via the Town's General Contractor, as an additional change order.

Potential Additional Funds, Town Hall/Library Renovation Fixtures/Furnishings

Mr. Zubricki explained that prior to the Fall Town Meeting, which includes an article to possibly add funding to the Town Hall/Library Renovation fixtures and furnishings budget, it is necessary to review a variety of figures including: a) the result of the general furniture bid (due on November 9, 2016); b) final cost of new library shelving (verified by the Library Trustees at \$15,000); c) cost for window blinds (to be determined); d) cost for floor mats and runners; and e) cost for items needed as a result of the third floor finishing decision such as: chairs for the meeting hall, sound system (\$15,000), video projection system/screen (\$10,000), podium, bistro table/chairs for employee kitchen, and any other miscellaneous costs. The Library Trustees said the Library blinds do not have to be included, since they were recently replaced by the Friends of the Library. Diane Kotch is working to find a vendor who can get the same blinds for the meeting room and the Town Clerk's office. Mr. Zubricki will have a walk through with the prospective general furniture vendors on November 2nd.

Westley Burnham, Police Chief Silva, Fire Chief Doucette, DPW Superintendent Paul Goodwin and Shellfish Warden William Knovak joined the meeting.

The Board discussed the meeting schedule for the next 3 months. Meetings are scheduled for November 1 (Conservation Commission hearing), November 14 (prior to Fall Town Meeting, 6:30 p.m.), November 16 (Planning Board hearing), November 28, December 5, and December 19. Chairman O'Donnell and Selectman Gould-Coviello are not available on December 19th. The meeting will be on Tuesday the 20th. January meetings would likely occur on January 9 and January 23, 2017.

Tina Lane joined the Board to discuss her letter. She feels it is difficult for people to know what is going on in Town. She stated minutes of boards and committees are not readily available. Deb French said when you go to the committees and boards on the Town web site you are not directed to mytowngovernment.org. The Selectmen agreed that they should be posted as a courtesy (not a requirement of the Open Meeting Law). The Board asked Mr. Zubricki to work with the Town Clerk to encourage various boards and committees to post approved meeting minutes at the Town's website on a regular basis. The Board members discussed if you want to help the Town you should just jump in and learn as you go.

Quarterly Meeting with the Selectmen of Board/Committee Chairs and Department Heads
Town Accountant Roxanne Tieri, and Finance Committee members David Gabor, Ken Riehl, and Richard Ross joined the Board. The Committee, Mr. Zubricki, and the Board discussed the warrant for the November Town Meeting, with the opportunity for various department heads, board/committee chairs, and members of the public to ask questions and provide comments. The members of the Finance Committee supported all financial Articles. They will meet to discuss how much money they want to transfer to the Stabilization Fund and report back to the Selectmen. Westley Burnham read and explained the Planning Board Articles.

The Library Trustees, Deb French, Finance Committee, Roxanne Tieri, Mr. Burnham, the Police and Fire Chiefs and Mr. Goodwin left the meeting.

Dawn Burnham reported Early Voting is going well. The Bicentennial Committee is happy they will be able to use the Bicentennial Account as of July 1, 2017. They will be printing a calendar for 2018. The committee hopes to open subcommittee meetings to the public in January.

Mr. Knovak joined the board. He would like some Town of Essex seals for the truck. The boat motor has been repaired and winterized and should be good for a few more years. Mr. Zubricki will place the motor onto the capital planning budget schedule for replacement in fiscal year 2019. Clammers have been talking about presenting a petition to stop clamming on Sundays. The Shellfish Advisory Commission needs another member.

Given the Finance Committee's support of the completion of the third floor, a motion was made, seconded and unanimously voted to use the Ryder Trust to its limit for the third floor Town Hall project, starting immediately. If the Fall Town Meeting votes to provide the additional desired funding, work will continue to completion. If not, given that the Ryder Trust can ONLY be

spent on the revitalization of the Memorial Hall, the purpose of the fund will have been significantly advanced.

Mr. Zubricki will bring to the Strategic Planning Committee on November 9, 2016 the survey for promoting the Town's need for Volunteer Services on Volunteer Boards and Commissions (which the Selectmen have already approved). In addition to the survey distribution strategy discussed in Mr. Zubricki's report, Richard Ross has asked that the Town reach out to the school as a way to get the survey out. Mr. Zubricki said it will be available at town meeting and electronically.

Building Permit Application Approval, 39 Middle Road, Storella

I, Susan Gould-Coviello, move that, pursuant to Article IX of the Bridge Lease, the Board of Selectmen, in our capacity as Conomo Point Commissioners, approve Tony and Stephani Storella's request to perform alterations on the premises located at 39 Middle Road, provided, however, that said alterations are to be done in accordance with the terms and conditions set forth in Sections 2 and 3 of Article IX of the Land Lease commencing on January 1, 2017, which terms and conditions are expressly made part of this approval, and provided further that the lessee acknowledges and agrees that the Board is not making any representation, express or implied, as to ownership of the structure which is the subject of this request, and it is expressly acknowledged that the Lessee is performing this work for his own benefit for the remaining term of the Bridge Lease, which shall remain subject to termination in accordance with the terms thereof. Upon expiration of the Bridge Lease and for purposes of the Land Lease commencing on January 1, 2017, the alterations made pursuant to this approval shall be considered part of the Improvements, as that term is defined in said lease, and ownership thereof shall be determined in accordance with Article V of said lease. The motion was seconded and unanimously passed.

Building Permit Application Approval, 122 Conomo Point Road, Fitzpatrick

I, Susan Gould-Coviello, move that, pursuant to Article IX of the Bridge Lease, the Board of Selectmen, in our capacity as Conomo Point Commissioners, approve Paul and Charlotte Fitzpatrick's request to perform alterations on the premises located at 122 Conomo Point Road, provided, however, that said alterations are to be done in accordance with the terms and conditions set forth in Sections 2 and 3 of Article IX of the Land Lease commencing on January 1, 2017, which terms and conditions are expressly made part of this approval, and provided further that the lessee acknowledges and agrees that the Board is not making any representation, express or implied, as to ownership of the structure which is the subject of this request, and it is expressly acknowledged that the Lessee is performing this work for his own benefit for the remaining term of the Bridge Lease, which shall remain subject to termination in accordance with the terms thereof. Upon expiration of the Bridge Lease and for purposes of the Land Lease commencing on January 1, 2017, the alterations made pursuant to this approval shall be considered part of the Improvements, as that term is defined in said lease, and ownership thereof shall be determined in accordance with Article V of said lease. The motion was seconded and unanimously voted.

Assignment of Leases Regarding 9 Middle Road and 144 & 163 Conomo Point Road

I, Susan Gould-Coviello, entertain a motion to approve written requests for the transfer of all interests in the leaseholds for the properties at 9 Middle Road, Map 108, Lot 58; 144 Conomo Point Road, Map 108, Lot 59; and 163 Conomo Point Road, Map 108, Lot 36 from **James Lane (lots 58 and 59) and James Lane & Sarah Cushing (lot 36)** to **Marjorie D. Lane (lots 58 and 59) and Marjorie D. Lane & Sarah Cushing (lot 36)**; and further, that nothing in this approval is intended to convey or imply any right, title or interest in the subject properties, or any portion thereof that was not already held by **James Lane** or **James Lane & Sarah Cushing**; and that the year-round privilege concerning 144 Conomo Point Road, Map 108, Lot 59, is hereby extinguished. Motion was seconded and unanimously voted.

A motion was made, seconded, and unanimously to grant Benn Ferrio a Commercial Shellfish License

The Board was reminded of the following upcoming meetings:

a) with the Conservation Commission on November 1, 2016 at 7:30 p.m. at the Library to participate in public hearing concerning the northern Conomo Point public access improvement project; b) regular meeting on Monday, November 14, 2016, at 6:30 p.m. in Teachers' Lounge at the Essex Elementary School – the Fall Town Meeting will follow at 7:30 p.m. that evening in the school cafetorium; and c) with the Planning Board on November 16, 2016 at 7:30 p.m. at the Fire Station to participate in public hearing concerning the northern Conomo Point public access improvement project.

The Chairman adjourned the meeting at 9:18 p.m.

Prepared by Dawn Burnham

November 1, 2016
Date

Attested by: _____
Susan Gould-Coviello

Date