

Selectmen's Minutes
TOHP Burnham Library

November 3, 2014

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

Also Present: Ralph Adams, Joanne Bissetta, Richard Cairns, Matthew Coogan, John and Sarah Cushing, Ida Doane, and Phil Menges.

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

John and Sarah Cushing came before the Selectmen to discuss *their letter of October 29, 2014* to the Selectmen regarding the terms of the Fourth-Year Bridge Lease for the property that they lease at 136 Conomo Point Road, Map 24, Lot 38. Mr. and Mrs. Cushing said that the rental amount for the fourth year bridge lease (which is the same as that charged for the third year bridge lease) is too high. John Cushing handed out and discussed *a chart that he had prepared* showing the Town's Appraisal Consultant's land-only valuation of the property, the Board of Assessors' valuation of the building, and the combined yearly total of these two amounts for the past 13 years. After some discussion, the Board thanked the Cushings for their comments and they left the meeting.

Ida Doane left the meeting.

Board of Assessors Chairman Richard Cairns joined the Selectmen. A motion was made, seconded, and unanimously voted to open the Public Hearing regarding the proposed adoption of a Residential Factor. Mr. Cairns said that the Board of Assessors would like to recommend that the Factor be set at 1 again this year and explained the reasons for his recommendation. The Chairman asked those present if anyone would like to speak either for or against the recommendation. No one offered any comments. The Chairman entertained a motion to close the hearing and the motion was moved, seconded, and unanimously voted. A motion was made, seconded, and unanimously voted to set the Residential Factor at one. A motion was also made, seconded, and unanimously voted to sign the documents when they become available outside of a meeting and to authorize Mr. Zubricki to sign an attestation statement relative to the Residential Factor for the Selectmen electronically on the Department of Revenue's website. Mr. Cairns thanked the Selectmen and left the meeting.

The Selectmen were joined by Town Planner Matthew Coogan and Joanne Bissetta, Green Communities Coordinator for the Northeast Region, MA Department of Energy Resources. Matt Coogan introduced Ms. Bissetta and she discussed the Green Communities Designation and Grant Program and the steps to achieving the Green Community designation. Ms. Bissetta illustrated her discussion with a *power point print out* describing the process. She said that she and her department's professionals are available to help the Town achieve the designation and will assist with public forums to educate the public. Once the designation is achieved, the Town will be eligible to apply for yearly grants which are focused on increasing energy efficiency

Town-wide. The Selectmen thanked Ms. Bissetta for her presentation and she and Matt Coogan left the meeting.

Phil Menges came before the Selectmen, along with his close family friend and business advisor, Ralph Adams, to inquire as to whether a fourth year Bridge Lease could be offered for 11 Beach Circle since the sale of 5 Beach Circle is presently uncertain. Mr. Menges went on to talk about his attachment to the Conomo Point community and his desire for his children to enjoy the Point as he had growing up. The Selectmen said that they would take the matter under advisement. Mr. Menges and Mr. Adams thanked the Selectmen and they left the meeting.

At 8:05 p.m., citing the need to discuss pending litigation concerning the case of the Town of Essex v. Leah Maher, et al., Essex Superior Court C.A. No. ESCV2014-00522D; pending litigation concerning the case of Stephen Kelley vs. Town of Essex Board of Selectmen, Civil Docket No. ESCV2014-01582; and, the lease, sale, and value of real property at Conomo Point; 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. He said that the Board would be returning to Open Session to finish regular business and invited the Town Administrator and Town Counsel to attend the Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, Mr. Zubricki and Town Counsel moved to Executive Session. All others left the meeting.

The Board, their Assistant, Mr. Zubricki, and Town Counsel returned to Open Session at 9:10 p.m.

Selectman Coviello moved that the Town reject the Cushings' fourth year bridge lease counter-offer, as set forth in their correspondence of October 29, 2014 and at tonight's Board meeting, and that the Board authorize the Town Administrator to reiterate the Board's original fourth year bridge lease offer. The motion was moved, seconded, and unanimously voted.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period August 23rd through September 5th, 2014, regarding the following:

Preliminary Review of Fall Town Meeting Motions: Mr. Zubricki briefly reviewed a *draft of each of the motions for the articles, a summary of the monetary articles, and a summary of the Community Preservation appropriations* on the November 17th Special Town Meeting Warrant and the proposed names of the presenters.

The Selectmen thanked Attorney Corbo for his attendance at their meeting and he left.

Future Federal Channel Encroachment Public Meeting: Mr. Zubricki reported that now that the study has been completed, the consultant has offered to conduct a public forum to acquaint the public with the scope of the project. Mr. Zubricki suggested that the forum be part of the Selectmen's meeting on December 1 and held at the Elementary School. The Selectmen were in

agreement and said they would like to share the study with the Town's marina owners in advance of the public forum. Mr. Zubricki will do so at a meeting he will arrange.

Review and Ranking of Proposals for Owner's Project Manager Services: The Selectmen and Mr. Zubricki said that they had all reviewed the six proposals that had been received for project manager services. The Selectmen were in agreement that the top three proposals were Netco, CBI, and Vertex. Two of the Selectmen ranked Netco first and CBI second and one Selectman ranked CBI first and Netco second. Additional discussion ensued and consensus was reached the Netco should be ranked first, followed by CBI, and then Vertex. Subsequently, a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to ask first-ranked Netco for a cost proposal pending the receipt of favorable reference checks for Netco. Mr. Zubricki and Chairman Jones were authorized to negotiate with Netco concerning that proposal.

Change Order for Miscellaneous Lighting and Fire Horns in Town Hall: Mr. Zubricki said that the Fire Chief had suggested the addition of a couple of alarm horns in the circular stairwells during a recent walk through of the Town Hall. Also, additional lighting at the top of the basement stairs and by the Planning Board Office needs to be installed for safety reasons. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to approve these change orders when they become available.

Continued Development of Cost Proposal for Town Hall End Wall Repair: The present Town Hall construction contractor continues to work on a change order proposal for repair of the Town Hall End Wall, funding for which will be presented for approval at the Fall Town Meeting. It is currently estimated at approximately \$100,000, inclusive of stone work. It is anticipated that the majority of the work can be completed in the near future, with the stonework possibly being completed as part of the next phase of Town Hall work. The contractor will price the job with and without the stonework.

School District Budget Small Group Meeting: Mr. Zubricki said that both he and Selectman Gould-Coviello had attended a budget meeting at the regional school in Manchester last week and the budget group is forecasting that there will have to be a proposition 2.5 override this year in both towns to correct for sharply increased student enrollment in recent years.

MIIA Loss Control and Risk Management Grant Vendor Contracts: Mr. Zubricki reported that the Town has been awarded both grants that it sought from the Town's insurance carrier. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to sign both contracts when they become available.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$87,957.52.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's October 20th, 2014, Open Meeting and Executive Session.

Mr. Zubricki said that Selectman O'Donnell has suggested that the Town purchase and provide to Town Committee chairs a software program named Doodle. The program simplifies and facilitates scheduling committee meetings among committee members and is priced under \$200. The Selectmen agreed so long as various chairs commit to use the software before it is purchased. A motion was made, seconded, and unanimously voted to approve the purchase and trial of the software.

A motion was made, seconded, and unanimously voted to approve the renewal of retiree Health Plans for calendar year 2015.

A motion was made, seconded, and unanimously voted to approve the Council On Aging Grant Contract with the Massachusetts Executive Office of Elder Affairs in the amount of \$6,024.00.

A motion was made, seconded, and unanimously voted to approve and sign a contract with the Massachusetts Cultural Council to allow the Essex Cultural Council to receive State funds in the amount of \$4,300.00.

A motion was made, seconded, and unanimously voted to amend the local Alcoholic Beverage Licensing Rules and Regulations to be in step with the recently revised State regulations regarding the Sunday hours for package stores.

The Selectmen reviewed a letter from Roger Bresnahan regarding a suggestion to take advantage of a MA Department of Revenue service to provide the Town with a Financial Management Review to be performed by their Division of Local Services. The Selectmen were in agreement that the Finance Committee, the Town Treasurer, and the Town Accountant should be consulted on this suggestion. Mr. Zubricki will bring their feedback to the Board at the next meeting.

A motion was made, seconded, and unanimously voted to proclaim November 2014 as Pancreatic Cancer Awareness Month in the Town of Essex.

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

One-Day Wine & Malt License:

- Ales for ALS, Nathan Woodman, for use on Sunday, November 9, 2014, between the hours of 12:00 noon and 7:00 p.m., within the confines of the Waterline Center at 66 Main Street.

One-Day Entertainment License:

- Ales for ALS, Nathan Woodman, for use on Sunday, November 9, 2014, between the hours of 12:00 noon and 7:00 p.m., within the confines of the Waterline Center at 66 Main Street.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, November 17th, 2014, at 6:30 p.m. in the Essex Elementary School on Story Street, followed by the Special Town Meeting in the cafetorium at 7:30 p.m.

There will be a Special Town Meeting at the Essex Elementary School on Story Street starting at 7:30 p.m. on Monday, November 17, 2014.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:45 p.m.

Documents used during this meeting include the following:

Cushing Letter of October 29, 2014

Chart prepared by John Cushing regarding rental and tax rates

Power Point print out regarding Green Community Process

Draft of each of the Motions for the Special Town Meeting Articles

Summary of the Monetary Articles

Summary of the Community Preservation Appropriations

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell