

Selectmen's Minutes
Essex Elementary School, Teachers' Lounge

November 17, 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, Town Counsel Jeff Blake, and Town Counsel Gregg Corbo.

Also Present: Finance Committee Chair Jeff Soulard, Justin Bourgette, and Town Planner Matt Coogan.

The Chairman called the meeting to order at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School on Story Street and announced that the Board would hear Public Comment. No one offered any comment.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period November 1st through November 14th, 2014, regarding the following:

Appointment of Bicentennial Committee Members: Mr. Zubricki reported that eight people have expressed interest in joining a committee to plan the celebration of the Town's bicentennial. After a short discussion, a motion was made, seconded, and unanimously voted to create a bicentennial committee composed of 12 members, which would include the eight individuals who have expressed interest and four others to be appointed at a later date. The initial eight members are: Dawn Burnham, Laurel Eisenhauer, Sue Lufkin, Meg Nelson, Diane Polley, Lee Spence, Keith Symmes, and Kurt Wilhelm.

Approval of Change Order Proposal for Town Hall East End Structural Work: Mr. Zubricki said that he has received the construction contractor's proposal for repairing the structural failure of the east wall of the Town Hall. The cost for the repairs, including the stone work, was quoted at \$98,623.55. Without the stone work, the quoted cost was \$88,823.55. It was agreed by all that Town Meeting should be asked to appropriate \$100,000 for just the structural steel work, since, in a building so old, unforeseen circumstances are likely. Repair to the stone work will be performed sometime in the future, when the entire exterior is addressed. The Selectmen authorized Mr. Zubricki to issue a Notice to Proceed to the contractor for \$88,823.55 (pending Town Meeting approval of the funding) by unanimous vote.

Contract for Owner's Project Manager Services: Mr. Zubricki reported that he had checked the references for NETCO and they were all excellent. NETCO has submitted a draft cost proposal for phase one with a not-to-exceed cost figure of \$57,500. Phase one will include services from December 2014 through May 2015 and phase two will be for services incurred after May 2015, with both phases to be contingent upon funding by Town Meetings in November 2014 and May 2015. A motion was made, seconded, and unanimously voted to sign the contract with NETCO outside of a Selectmen's meeting when it becomes available so long as the contract does not exceed \$57,500 and so long as Town Meeting approves the funding.

Department of Revenue Financial Management Review: A resident has suggested that the State Department of Revenue be asked to perform a financial management review of the Town. The Finance Committee, the Town Accountant, and the Tax Collector/Treasurer have agreed to the

suggestion and February or March would be a good time for the review. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to schedule the review with the DOR.

Finance Committee Chair Jeff Soulard came before the Selectmen and introduced candidate Justin Bourgette for appointment to fill a vacancy on the Finance Committee. Mr. Soulard reviewed Mr. Bourgette's many qualifications and a motion was made, seconded, and unanimously voted to approve the appointment of Mr. Bourgette to the Finance Committee for the remainder of a term ending in 2016. The Selectmen congratulated and welcomed Mr. Bourgette. Mr. Bourgette and Mr. Soulard left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$60,132.29.

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 3rd, 2014, Open Meeting and Executive Session.

A motion was made, seconded, and unanimously voted to approve a request from JT Farnham's to close from 12/1/14 through 3/5/15 for cleaning and repairs.

A motion was made, seconded, and unanimously voted to approve a request from the Essex Lions Club to pass over Essex and State roads during their annual Turkey Trot event on Sunday, November 23, 2014.

Review of Final Proposed Town Meeting Motions: Mr. Zubricki briefly reviewed each of the motions to be made at tonight's Town Meeting with the Selectmen and Town Counsels.

Potential Application for District Local Technical Assistance Grant: Town Planner Matt Coogan reported that he would like to apply, on the Town's behalf, for a District Local Technical Assistance Grant from the State. He believes that the Town has a good chance of receiving this grant. And, if approved, the Metropolitan Area Planning Council's resources will be available to the Town to facilitate and guide the Town through the process of developing a strategic plan for the Town. The Selectmen were in favor of the idea and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki or Chairman Jones to sign the application outside of a Selectmen's meeting when it becomes available.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, December 1st, 2014, at 7:00 p.m. in the Cafetorium of the Essex Elementary School on Story Street.

Conomo Point Matters: Mr. Zubricki reported that the holder of a lease for the southern Conomo Point property at 92 Conomo Point Road, Map 19, Lot 46, has been unable to find a buyer for her lease and purchase rights to the property and has relinquished the property as of October 15, 2014. Therefore, a motion was made, seconded, and unanimously voted to direct the

Town Administrator to request that the Board of Assessors change the owner of record information and taxable status of 92 Conomo Point Road, Map 19, Lot 46, to Board of Selectmen, Town of Essex, municipal use, beginning in Fiscal Year 2016. A second motion was made, seconded, and unanimously voted to direct the Town Administrator to request that the Board of Assessors change the billing designation for 92 Conomo Point Road, Map 19, Lot 46, to c/o Board of Selectmen, Town of Essex, for the remainder of the Fiscal Year 2015 billing cycle.

Mr. Zubricki also reported that one southern Conomo Point property had been auctioned on November 14, 2014: 8 Town Farm Road, Map 19, Lot 37, for \$194,000. Two other properties (19 Cogswell Road, Map 19, Lot 53; and, 24 Cogswell Road, Map 19, Lot 13) may be auctioned in the spring of next year. A motion was made, seconded, and unanimously voted to counter sign the Purchase and Sale Agreement.

Town Counsel announced that agreement has been reached with the Pingrees in the case of the Town of Essex v. Leah Maher, et al. A motion was made, seconded, and unanimously voted to sign the settlement agreement with Karlton and Elizabeth Pingree which Mr. Corbo will deliver to Counsel for the Pingrees.

At 7:09 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 only to adjourn the meeting and invited the Town Administrator and both Town Counsels to attend the Session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, Mr. Zubricki, Attorney Corbo, and Attorney Blake moved to Executive Session. Matthew Coogan left the meeting.

The Board, their Assistant, Mr. Zubricki, Attorney Corbo, and Attorney Blake returned to Open Session at 7:29 p.m.

A motion was made, seconded, and unanimously voted to adjourn to Special Town Meeting.

Documents used during this meeting include the following:

None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell