

Selectmen's Minutes
Essex Elementary School Teachers' Lounge

November 16, 2015

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

Also Present: Town Assessor Richard Cairns, Town Assessor Barry Ewing, Town Assessor Kurt Wilhelm, Mr. and Mrs. Hsia, Town Moderator Rolf Madsen, and Town Clerk Christina Wright.

The Chairman called the meeting to order at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School 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 October 31st through November 13th, 2015, regarding the following:

Moving Contract for Library: Mr. Zubricki said that he now has a copy of the contract for moving the Library to temporary space during the renovation project. A motion was made, seconded, and unanimously voted to approve and sign this contract, in the amount of \$9,6007..

Town Hall/Library Renovation Update and Design Change Order: Mr. Zubricki reported that the Architect is recommending a change order to the Town Hall/Library Renovation Project to provide for preservation consultant services regarding paint color selections and additional design services that will allow for the development of certain bid alternates. The Selectmen were in agreement that they would like to ask the Essex Historical Commission for color recommendations instead of hiring a separate consultant. Therefore, a motion was made, seconded, and unanimously voted to approve the change order in the reduced amount of \$6,100 for design services only and to sign that revised document outside of a meeting when it becomes available.

Mr. Zubricki briefly reviewed the estimated project costs and the proposed order of bid alternates. Mr. Zubricki will revise the order of the list of alternates based on the Board's suggestion to put Library carpet ahead of the side insulation. Mr. Zubricki also reported that the Architect has informed him that the Library would like new lighting for the Library. It was agreed that this item is outside the scope of the project and noted that the present lights are only two years old. The matter may be reconsidered at a later date, should funding allow.

Removal of Evergreens in Front of Town Hall/Library: Mr. Zubricki reminded the Selectmen that it is necessary to advertise and hold a Public Hearing regarding the proposed removal of two trees from in front of the Town Hall and asked if they would like the hearing to be held during the day or in the evening. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to schedule and advertise a hearing with Tree Warden Paul Goodwin at the Water Filtration Plant in December during the day.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$139,779.60.

A motion was made, seconded, and unanimously voted to ratify the approval of the exemption from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 11-05-2015 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	Nieberles	10/24/15	\$ 123.00	Fire
David Pereen	Pereen Plumbing	9/20/15	188.00	Centennial Grove
Ernie Nieberle	Nieberles	10/24/15	653.60	Police
Ernie Nieberle	Nieberles	10/24/15	156.00	Council on Aging

A motion was made, seconded, and unanimously voted to ratify the exemption from Section 20 of Chapter 268A of the General Laws, the contracts and amounts for the individuals listed below contained within the 11-12-15 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	Nieberles	10/24/15	\$ 36.10	Shellfish
David Pereen	Pereen Plumbing	10/20/15	862.19	Water Enterprise
Ernie Nieberle	Nieberles	10/24/15	678.65	Highway
Ernie Nieberle	Nieberles	10/24/15	166.64	Council on Aging
Ernie Nieberle	Nieberles	10/24/15	32.00	Water Enterprise

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's November 2nd, 2015, Open Meeting and Executive Session, and for the November 9th, 2015, Open Meeting.

A motion was made, seconded, and unanimously voted to approve a contract with preservation consultant Elizabeth Ware to provide a Town historical building survey in the amount of \$6,000.

A motion was made, seconded, and unanimously voted to approve the submittal of an application for two grants from the Massachusetts Association of Councils on Aging in the combined amount of \$3,000 to be used for a Falls Prevention Exercise Instructor and a Regional Monthly Bereavement Support Group.

A motion was made, seconded, and unanimously voted to sign a successor Pedestrian License Agreement with the Village Restaurant.

Town Clerk Christina Wright joined the Selectmen to witness and notarize the signing of a contract with FEMA to receive reimbursement for expenses incurred during last year's winter storms which had been approved at an earlier Selectmen's meeting.

A motion was made, seconded, and unanimously voted to ratify the Approval of a One-Day Wine & Malt License for Sea Meadow Gifts & Garden, Alyssa Miller, for use on Saturday,

November 14, 2015, between the hours of 1:00 and 5:30 p.m. within the confines of 7 Main Street.

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, November 30th, 2015, at 6:00 p.m. in the Senior Center on Pickering Street.

Mr. Zubricki reported that he has received a quotation in the amount of \$975 for the installation of a new gate at the entrance to Centennial Grove. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to proceed with the implementation of the new gate.

Mr. Zubricki said that he has been advised by the Project Architect and the Project Manager that items stored in the Town Hall basement must be removed during the Town Hall/Library renovation project. This development was unexpected, since the original project scope did not anticipate the need for structural work that will carry to the basement. Subsequently, a motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to rent storage containers and make arrangements with the Sheriff to have the prisoners come and transfer the basement items to the storage containers.

At 7:00 p.m., a motion was made, seconded, and unanimously voted to open the Public Hearing regarding the adoption of a residential factor. The Selectmen were joined by the Board of Assessors: Richard Cairns, Barry Ewing, and Kurt Wilhelm. 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. The Selectmen were in agreement and 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. The Assessors thanked the Selectmen and left the meeting.

Mr. and Mrs. Hsia joined those present. Town Counsel reviewed the latest draft of a boundary agreement between the Town and Mr. and Mrs. Hsia regarding property on Robbins Island.

Following the discussion with Mr. and Mrs. Hsia at 7:04 p.m., the Chairman entertained a motion to move to Executive Session to discuss the lease, sale, and/or value of real property at Conomo Point. She stated that discussing this matter in Open Session would be detrimental to the Town's negotiating position and invited the Town Administrator and Town Counsel to attend the Executive Session. She said that the Board would be returning to Open Session to continue the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Town Counsel moved to Executive Session. All others left the meeting.

The Board, their Assistant, the Town Administrator, and Town Counsel return to Open Session at 7:10 p.m.

Mr. and Mrs. Hsia rejoined the Selectmen.

Town Counsel said that the Selectmen would like to make a change to the wording of the property reference in the current draft of the boundary agreement. The Hsias had no reservations regarding the requested change and the documents were annotated to reflect this change. Subsequently, a motion was made, seconded, and unanimously voted to approve the Hsia Boundary Agreement. Town Clerk Christina Wright rejoined those present in her capacity as a notary public. The Hsias and the Selectmen signed and initialed the documents which were notarized by the Town Clerk. The Hsias and the Town Clerk left the meeting.

Town Moderator Rolf Madsen joined those present to verify the procedure for presenting the awards at tonight's Town Meeting. He thanked the Selectmen and left the meeting.

At 7:20 p.m., citing the need to discuss *Town of Essex v. Leah Maher*, Essex Superior Court, C.A. No. ESCV2014-00522, the Chairman entertained a motion to move to Executive Session. She stated that discussing this matter in Open Session would be detrimental to the Town's negotiating position and litigating strategy. She invited the Town Administrator and Town Counsel to attend the Executive Session and said that the Board would be returning to Open Session to continue its regular business. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, the Town Administrator, and Town Counsel moved to Executive Session.

The Board, their Assistant, the Town Administrator, and Town Counsel return to Open Session at 7:24 p.m.

Final Town Meeting Motions: Mr. Zubricki answered Selectman Gould-Coviello's questions about two of the warrant articles.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting and proceed to the cafetorium to participate in the Fall Town Meeting beginning at 7:30 p.m.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello