

**Selectmen's Minutes
Senior Center**

April 11, 2016

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

Also Present: Maria Burnham, William Febiger, Jayne and Michael Ginn, Tina Lane, Chris LaPointe, Julie Scofield, and Stephen Sloan.

At 7:00 p.m., Chairman O'Donnell called the meeting to order in the second floor meeting room of the Senior Center on Pickering Street and announced that the Board would hear Public Comment. No one offered any comment.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$141,052.06.

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 April 7, 2016, 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	3/24/16	486.05	Police
Ernie Nieberle	Nieberle's	3/24/16	163.05	Fire
Ernie Nieberle	Nieberle's	3/24/16	45.00	Council on Aging

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's March 28, 2016, Open Meeting and Executive Session, and the April 4th, 2016 Open Session.

A motion was made, seconded, and unanimously voted to approve a recommendation to appoint Patricia McGrath to finish out Bob Cameron's term on the Council on Aging, ending 6/30/16, pending a favorable CORI check. The Selectmen signed the appointment card.

Selectman Gould-Coviello said that she will be attending the Substance Abuse Prevention Collaborative workgroup planning sessions.

A motion was made, seconded, and unanimously voted to approve a request from Cub Scout Pack 100 to hold a cookout on Thursday, May 26, 2016, between the hours of 5:30 and 8:00 p.m. at Centennial Grove and to waive the customary rental fee.

Mr. Zubricki reported the Town's insurance carrier has submitted a proposal for the renewal of the Town's property and liability insurance and Workers' Compensation for fiscal year 2017 which includes a decrease of -3.3%. A motion was made, seconded, and unanimously voted to approve and sign the renewal proposal.

Chris LaPointe, Director of Land Conservation at Essex County Greenbelt, joined the Selectmen to review the Sagamore Hill Project. The proposed 5.1 million dollar project includes land in Ipswich, Hamilton, and Essex. Greenbelt is seeking a contribution to the project from Essex in the amount of \$50,000 from Community Preservation Funds. Hamilton has already voted to contribute a significant amount towards the project. This project is the sole Community Preservation project that will be considered at the Annual Town Meeting and Mr. LaPointe will be making a presentation at the Meeting. The Selectmen thanked Mr. LaPointe and both he and Julie Scofield left the meeting.

Mr. Zubricki said that Mr. and Mrs. Ginn had submitted a letter announcing their intention to sell a portion of their Chapter 61B land for residential use and asking if the Town would like to buy the portion they are selling. After checking with Town Counsel, Mr. Zubricki had prepared a response stating that the Selectmen would require additional information before being able to respond to this matter and before any official time clock for consideration starts. Mr. and Mrs. Ginn, who were present, disagreed with Town Counsel's opinion that they needed to provide more information and a discussion followed. Subsequently, a motion was made, seconded, and unanimously voted to approve and sign a certified letter to Jayne and Michael Ginn regarding their request to dispose of Chapter 61B land.

Stephen Sloan of Cambridge Consulting and William Febiger came before the Selectmen to discuss a request for a 34-acre Conservation Restriction on the Febiger property. Mr. Sloan exhibited a map of the Febiger property showing a previously approved restriction and the additional proposed restriction. He said that the Conservation Commission has approved the new restriction. The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to approve the request. Selectman Gould-Coviello signed the document. The Chairman and Selectman Doane will sign the document tomorrow in the presence of a notary and the signed document will then be forwarded to Mr. Sloan who will forward it to the State for final approval. Mr. Febiger and Mr. Sloan thanked the Selectmen and left the meeting.

A motion was made, seconded, and unanimously voted to authorize the Chairman's signature on a Certificate of Announcement and 120-Day Waiver regarding the Department of Conservation and Recreation's acquisition of approximately 120 acres of land in the Town of Essex (a portion of the Sagamore Hill Project).

The Town Administrator reviewed new information concerning change orders to the Town Hall/Library Renovation Project pertaining to the third floor elevation and the Town Clerk safes. The contractor has indicated that the installation of the safe doors and the adjustment to the third floor elevation will extend the construction period by 10 days. Mr. Zubricki said that the contractor had not requested additional time for the asbestos change order for the windows. The project architect is recommending approval of the change orders and a motion was made, seconded, and unanimously voted to approve the revised change orders with the 10-day extension of the construction period. Mr. Zubricki also informed the Selectmen that a painting conservator will be asked for a quotation regarding the cleanup of the safe doors.

Concerning Conomo Point matters, the Selectmen reviewed a revised license to attach ramps and floats to the stone piers at Conomo Point which now includes updated waterfront regulations as Appendix 2. A motion was made, seconded, and unanimously voted to sign the document with the revised attachment dated April 4, 2016.

Acting in their capacity as Licensing Board, a motion was made, seconded, and unanimously voted to approve and sign the following requests for permits and licenses.

Wine & Malt Package Store:

- Vote to sign Form 43 authorizing a change of DBA from Boston Wine Exchange to Essex Wine Exchange at 91 Main Street.

Shellfish Permits:

Commercial Permit and Waiver of Application Deadline:

- Anthony Augustine
- Keith Woodman

Non-resident Recreational and Waiver of Application Deadline:

- Stephen Landers, Hamilton, MA, sponsored by William Knovak

Senior Permit:

- George Lane
- Dale Lowry

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, April 25th, 2016, at 7:00 p.m. in the Senior Center on Pickering Street.

The Selectmen will meet on Monday May 2nd, 2016 at 6:30 p.m. in a Faculty Room at the Essex Elementary School, followed by their attendance at the Annual Town Meeting starting at 7:30 p.m. The Annual Town Election will be held at the Memorial Fire Station on May 9, 2016.

At 8:07 p.m., citing the need to discuss pending litigation concerning the case of the City of Beverly vs. the Essex County Sheriff, et al., Essex Superior Court C.A. No. ESCV2015-00350A; pending litigation concerning the case of the Town of Essex v. William Allen, Essex Superior Court C.A. Nos. ESCV2002-00352, ESCV2006-00313, and ESCV2007-02096; the lease, sale, and value of real property at Conomo Point; successor collective bargaining agreements with AFSCME and EPBA; and, anticipated litigation; the Chairman entertained a motion to move to Executive Session. She stated that discussing these matters in Open Session would be detrimental to the Town's litigating, negotiating, and bargaining strategies. She invited the Town Administrator to attend the Executive Session and said the Board would be returning to Open Session in approximately 45 minutes to complete the remaining items on tonight's agenda. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, the Town Administrator, and the Selectmen's Assistant moved to Executive Session. All others left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 9:00 p.m. and Tina Lane rejoined the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period March 26th through April 8th, 2016, regarding the following:

Conomo Point Planning Committee Waterfront Access Design Update: Mr. Zubricki reported that the Northern Conomo Point Design Sub-Committee had met recently to discuss an initial design project with Jim Heroux, the Town's design consultant. The Committee and Mr. Heroux have agreed that the focus for their first project will be on the sites at 153 and 138 Conomo Point Road and Mr. Heroux has estimated the cost of the project at under \$450,000.

Signature of Successor Contract with Essex Police Benevolent Association: Mr. Zubricki said that agreement has been reached with the EPBA and the union representatives have signed the contract. A motion was made, seconded, and unanimously voted to sign the contract. The Town Meeting in May will vote to fund the contract and implement it.

Memorial Park Master Plan Update: Mr. Zubricki said that in the interest of compromise, it may be possible to use currently appropriated Community Preservation Act money to fund a master plan for the "monument area" of Memorial Park and to find funding elsewhere for footprint and roadway configuration associated with an improved public safety building with good accessibility.

Design Proposals for Long-Term Preservation of Folsom Pavilion: Mr. Zubricki reported that two proposals had been received. McGinley Kalsow and Michael Kim both submitted proposals. The Selectmen were in agreement, and ranked the McGinley Kalsow proposal number one and the Michael Kim proposal number two. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to ask McGinley Kalsow to submit a cost proposal for the project.

Folsom Pavilion Shoring Design Update: Mr. Zubricki said that John O'Connell has supplied a design plan for the needed repairs to the Pavilion and the specifications will be released for bidding this Wednesday.

Centennial Grove Management Options Discussion: Mr. Zubricki reviewed a chart listing options for management of Centennial Grove with associated costs and projected revenues, if any. After some discussion, the Selectmen were in agreement that they would like to restrict use of the Grove to Essex residents only. The Board would like to hire two attendants who would check for resident wrist bands, direct parking, and pick up trash on weekends. The Board asked Mr. Zubricki to investigate funding options and to review and update the Grove regulations with these changes in mind.

MIIA Boiler Assessment Program: Mr. Zubricki said that the Town's insurance provider has asked the Town to participate, at no cost to the Town, in a boiler assessment program. The Town has agreed and MIIA will study the boilers at the Fire Station and at the Water Treatment Facility. The Town Hall is currently being renovated and the boilers there are off-line and

therefore cannot be studied. As a result of the program, the Town will receive valuable insight regarding the optimization of the boilers at the two study sites.

Draft Annual Town Meeting Motions: Mr. Zubricki reviewed each of the Town Meeting motions and the suggested names of the presenters, as well as a draft summary of the monetary articles, and a Community Preservation Act handout. Mr. Zubricki said that a Strategic Planning Committee handout is also planned. In addition to the handouts, there will be audio visual presentations regarding proposed Conomo Point improvements, the northern leasing plan, and the Robbins Island sales. The Selectmen offered their comments and the items will be revised accordingly. The Selectmen were in agreement that they would like to meet with the Town Moderator on April 25th to review the Town Meeting Articles.

Study of Affixation of Robbins Island Structures to the Land: Mr. Zubricki reported that Horsley Witten will begin their study of Robbins Island structures tomorrow which will also include examination of the buildings that were part of a recent lawsuit to resolve ownership of the buildings in the lawsuit.

Scope of Services for Massachusetts Downtown Initiative Grant: Mr. Zubricki announced that there will be a meeting on April 13, 2016 at 2:00 p.m. to review the site and discuss the proposed scope of services with State officials, some Planning Board members, the Merchants Group, the Town Planner, the Town Administrator, and the Select Board Chair.

Community Compact Update: Mr. Zubricki said that the Town is currently seeking to participate in a community compact with the State regarding the use of Thin Layer Deposition to preserve the marshes and improve navigation in the River channel. The Community Compact program allows the Town to have up to three focus areas and Mr. Zubricki asked the Board to review the options available for two additional choices. The choices will also be presented to the upcoming board and department head meeting and to the Strategic Planning Committee.

Mr. Zubricki said that he has recently met with two State officials who are interested in offering State consulting services regarding the formation of an Essex economic development committee. The Selectmen are interested in the offer and authorized Mr. Zubricki to continue the discussion with the Strategic Planning Committee at its next meeting.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:00 p.m.

Documents used during this meeting include the following: None.

Presented by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello