

Selectmen's Minutes
Senior Center

March 13, 2017

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: Curt & Lindsay Bergeron, Maria Burnham, Ben Buttrick, Michelle Dyer, Debbie French, Jodi Harris, Diane Kotch, Tina Lane, Rolf Madsen, Dan Mayer, Jen Mayer, Ernie Nieberle, Richard Ross, Anthony and Stephanie Storella, and Roxanne Tieri.

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

Anthony and Stephanie Storella came before the Selectmen to request guidance regarding the replacement of a porch on their leased property at 39 Middle Road, Conomo Point. The porch they would like to build is a little bit bigger than the one that was removed and they provided the Board with comparison drawings. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to sign off for the Selectmen on the building permit for the new porch when it becomes available. The Storellas thanked the Selectmen and left the meeting.

In anticipation of a major snow storm commencing the morning of March 14, a motion was made, seconded, and unanimously voted to declare a State of Emergency.

At 7:05 p.m., a motion was made, seconded, and unanimously voted to reopen the Public Hearing that was continued from February 6, 2017 regarding a request for alteration of licensed premises for the Riversbend Restaurant at 35 Dodge Street. The Chairman asked Mr. Bergeron, the owner of the Riversbend, to review his request for an Alteration of Premise. Following Mr. Bergeron's remarks, the Chairman asked if anyone present wished to speak in favor of the request. No one did. She then asked if anyone wished to speak against the request. Maria Burnham stated that she was in favor of limiting the number of seats allowed on the deck due to concerns with noise issues. The Chair pointed out that there are no Town regulations regarding noise levels and other restaurants in town with deck seating also have licenses for music (Riversbend does not). Jodi Harris and Ernie Nieberle spoke against the request. Subsequently, a motion was made, seconded, and unanimously voted to close the hearing. The Selectmen were in agreement and a motion was made, seconded, and unanimously voted to approve the Alteration of Premise request and to limit the number of seats on the deck to a maximum of 48. The language will be worked into the existing licensing conditions language.

The Selectmen then considered a request from the Riversbend restaurant to change their manager to Curt Bergeron. Curt and Lindsay Bergeron reviewed their training and experience. A motion was made, seconded, and unanimously voted to approve the request. The Selectmen signed their approval of the Alteration of Premise and Change of Manager on a combined Local Licensing Authority Summary Sheet to the Alcoholic Beverage Control Commission. The entire application package for both items will now be forwarded to the ABCC for their approval.

Curt and Lindsay Bergeron, Maria Burnham, Jodi Harris, and Ernie Nieberle left the meeting.

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

Auctioneer's Permit:

- Blackwood March Antiques, Michael March, for use on Wednesday, March 29, 2017, between the hours of 4:00 and 10:00 p.m. within the confines of 125 Main Street.

Commercial Shellfish Permit:

- Alden Burnham
- Kelly Corrao
- Benn Ferriero
- Jeff Fraser, Jr.
- Ronald A. Hemeon
- Chris Johnson
- Edward G. Lane
- Elizabeth Lane
- Matthew E. Lane
- Herbert S. Nunes
- Dean Rossi
- Eugen Xhalia

Senior Commercial Shellfish Permit:

- James Genest
- Stephen Hartley
- George Lane
- Dan Marshall
- Tom Prentiss
- Peter Wilson
- Leonard Woodman

Student Commercial Shellfish Permit:

- Craig Carter
- Kevin Carter
- Matthew G. Lane
- Michael Loebelenz

Non-Resident Recreational Shellfish Permit:

- Paul Archibald, Beverly, MA, sponsored by Charles McNeil
- Kyle Archibald, Beverly, MA, sponsored by Charles McNeil
- Ron Blanchette, Beverly, MA, sponsored by Louise Holland
- George Dionne, Brentwood, NH, sponsored by Leo Provost
- Gregg Drugan, Derry, NH, sponsored by Louise Holland
- Tom Dukas, Reading, MA, sponsored by Kristina Huber

- Kenneth F. Glass, Manchester, MA, sponsored by Mike Soucy
- Alex Groetz, Brentwood, NH, sponsored by Leo Provost
- James Groetz, Kensington, NH, sponsored by Leo Provost
- Edward Kawczynski, Salem, MA, sponsored by Tim Walsh
- Robert Normand, Beverly, MA, sponsored by Leo Provost
- Frank Northrop, Brentwood, NH, sponsored by Leo Provost
- William Pascucci, West Palm Beach, FL, sponsored by Rick Means
- Daniel Provost, S. Hampton, NH, sponsored by Leo Provost
- Michael Rogers, Georgetown, MA, sponsored by Louise Holland
- John Standley, Beverly, MA, sponsored by Leo Provost
- William J. Voitunski, Beverly, MA, sponsored by Noah Kellerman

The Selectmen were reminded that their next regular Board of Selectmen's meeting will take place on Monday, March 27, 2017, at 7:00 p.m. in the Senior Center, 17 Pickering Street.

The Annual Town Meeting will take place in the Essex Elementary School gymnasium on Monday, May 1, 2017, starting at 7:30 p.m.

The Selectmen reviewed a request from The Farm for a Pledge of License. The Selectmen were in agreement, and a motion was made, seconded, and unanimously voted to approve the request. The Selectmen signed the LLA Review sheet and the application package will now be forwarded to the ABCC for approval.

Earlier in the day, Michael March and neighbors had cancelled tonight's appointment with the Selectmen to discuss the Allen property due to illness and will reschedule at a later date.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$189,379.56.

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 3/9/2017 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	1/27/17	\$ 30.00	Shellfish
Ernie Nieberle	Nieberle's	2/24/17	\$ 903.19	Police
James McNeilly	McNeilly EMS	2/22/17	\$ 145.00	Fire
Ernie Nieberle	Nieberle's	2/24/17	\$ 339.00	Fire
Ernie Nieberle	Nieberle's	2/24/17	\$ 48.40	Council on Aging

A motion was made, seconded, and unanimously voted to approve the minutes for the Selectmen's February 27, 2017, Open Meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period February 25th through March 10th, 2017, regarding the following:

Disposition of Temporary Office and Old Town Hall/Library Furniture: Library Trustees Diane Kotch and Jen Mayer, and Library Director Debbie French joined the Selectmen at the table. Mrs. French said that she now has a new cost proposal for the Library shelving and it is for a higher amount than was previously anticipated. Mr. Zubricki asked if she had solicited bids for the shelving and she said that the cost estimate was obtained via the State contract. Ms. Mayer provided Mr. Zubricki with a copy of the quotation. (Later in the meeting, after the parties had left, Mr. Zubricki noticed that the quotation had been made under the auspices of a group purchase consortium, and not under the State Contract. He indicated to the Selectmen that he would verify that the Library was eligible to participate in that group purchase opportunity before authorizing the order.) On another matter, Mrs. French said that the Friends of the Library have agreed to pay for the additional cost of add-ons to the new book drop, the first \$5,000 for which was funded via the budget for building furnishings and fixtures. The Library Representatives asked about the square footage and budget for the carpet planned for the Library, so that they could make a selection. They also said that the sign for the Library that was at Town Hall has been removed because the wood was rotted and that it would need to be replaced. Mr. Zubricki stated that the project architect would be in touch with the Library with respect to carpet samples and that carpeting the entire Library was elected as one of the original bid alternates. He also noted that the architect would be in touch with respect to stain choices for the various built-in woodwork. Further, Mr. Zubricki stated that a new Library sign could be considered toward the end of the project, after various other items have been priced and purchased.

A motion was made, seconded, and unanimously voted to approve the increased expense for the Library shelving.

Mr. Zubricki said that new furniture has been purchased for the return to the renovated Town Hall/Library. Therefore, it will be necessary to dispose of the furniture that was purchased for use in the temporary Town Hall/Library space during the renovation, as well as the old furniture that was placed in storage. Discussion followed regarding various disposal options, including offering the furniture to other departments, offering it to the school, and/or selling it. The Board authorized Mr. Zubricki to explore and implement all of the above potential methods.

Deborah French, Diane Kotch, and Jen Meyer left the meeting.

Town Accountant Roxanne Tieri, Town Moderator Rolf Madsen, and Finance Committee members Ben Buttrick, Michelle Dyer, and Richard Ross joined the Selectmen.

Mr. Zubricki continued the discussion of his report:

Replacement of Senior Center Generator: Mr. Zubricki reported that it has come to the Board's attention that it is not advisable to continue to use the present generator at the Senior Center for safety reasons. Mr. Zubricki said he has consulted with three different vendors of generators regarding replacement of the generator. He had also received an offer of a slightly used generator which is now no longer available; and he has been working with the Town's Electrical Inspector

regarding optimum placement of a generator, as well as venting requirements. Funding for a replacement generator will be included on the May Annual Town Meeting Warrant.

Town Building Committee Meeting Summary: Mr. Zubricki reported on the recent meeting of the Town Building Committee that he had attended, along with Chairman O'Donnell. Mr. Zubricki said that a number of specific siting options have been considered for a new public safety building. All of them have been rejected for various reasons. Recently, the Town contracted an engineering firm to conduct a spatial study regarding the foot print of a building next to the Town Hall on Martin Street, along with options involving the demolition of the existing building. The firm has presented five options. Mr. Zubricki said that it could be possible to fund the new building with the remainder of the Sale of Real Estate Funds from Conomo Point and very little borrowing, resulting in almost no increase in taxes to residents. Finance Committee member Michelle Dyer said that the Finance Committee is not in favor of spending the entire fund on one project and recommend that at least half the fund be reserved for a "rainy day fund". She has run a few different analyses based on different mixes of funding, including some sale proceeds, some borrowing and some free cash. The Committee was in agreement that additional analysis is needed before an informed decision can be made. Once a course of action is determined, the Town Meeting may be asked to approve the new building. Those present felt that the May Town Meeting was too soon to ask for a decision. They advocated holding public informational forums to familiarize the residents with the project, with the possibility of putting only the design funding before the voters in May.

The Finance Committee members said that they were in agreement that they would like to consider other firms in addition to Clifton, Larson, Allen, LLP for the FY2018 audit. It is anticipated that the Selectmen will sign the engagement letter with Clifton, Larson, Allen, LLP for the FY2017 audit at their next meeting on March 27, 2017.

School District Budget Group Meeting: Mr. Zubricki reported on his attendance at the recent School District Budget Group meeting. He said that the Memorial Elementary School boiler has failed and must be replaced now, even though there are future plans to replace the entire building. Also, it has been decided to replace the footbridge at the school that was damaged when a truck ran into it, using insurance proceeds. The Town of Manchester has agreed to pay for the increased cost to raise the bridge to a higher level.

Finalization of Successor Cable Television Franchise License, Comcast: Mr. Zubricki reported that the current cable contract expires on March 14th, 2017. He said that the Regional Cable Committee has reached tentative agreement with Comcast. The Town's Attorney is presently working with Comcast to develop contract terms and language for the Board's review. Mr. Zubricki said that it is required that a public hearing be held regarding the new cable contract before it is signed.

Review of Revised Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed each of the proposed articles on the May 2017 Annual Town Meeting Warrant. Based on the discussion by

those present, Mr. Zubricki will revise and update the warrant, which will be approved, closed, and signed at the next Selectmen's meeting on March 27, 2017.

Marijuana Regulation and Taxation Law Informational Meeting Summary: Mr. Zubricki said that he had attended the informational meeting about marijuana, along with representatives from the Selectmen, the Board of Health, and the Police Department. Town Counsel had provided an overview and some examples of actions taken by other towns. The Board and those present were in agreement that no action would be taken until State government has clarified various aspects of the new law and its associated regulations. The Town will be able to take action at the Fall Town Meeting, if warranted.

Roxanne Tieri, Ben Buttrick, Michelle Dyer, Dan Meyer, and Richard Ross left the meeting.

Change Order for Town Hall Weathervane Support Rod: Mr. Zubricki reported that examination of the Town Hall weather vane had discovered severe deterioration of the support rod and other vane components. Repair/replacement of the components was covered in the base bid, but not the replacement of the support rod. A motion was made, seconded, and unanimously voted to approve the change order for replacement of the Town Hall Weathervane Support Rod, in the amount of \$127.16.

Change Order to Standardize Interior Trim, Second Floor, Town Hall: Mr. Zubricki said that the interior trim on the second floor of the Town Hall was a mismatch of various styles, both within the offices and throughout. He recommended a change order to standardize the interior trim and a motion was made, seconded, and unanimously voted to approve the change order to standardize interior trim on the second floor of the Town Hall, in the amount of \$4,202.

Change Order to Install Skirt Board, New Town Hall Egress Stairs: Mr. Zubricki reported that the architect has expressed concern regarding the originally proposed plaster finish for the edge of the new stairway. He is recommending replacement of the plaster finish with a more durable skirt board. Subsequently, a motion was made, seconded, and unanimously voted to approve the change order for the installation of a skirt board on the Town Hall's new egress stairs, in the amount of \$1,290.26.

Change Order to Refinish First-to-Second Floor Stair Run, Town Hall: Mr. Zubricki reported that the architect is recommending that the main staircase from the first to the second floor be refinished to match the rest of the building. The Board was in agreement and a motion was made, seconded, and unanimously voted to approve the change order to refinish the first floor run of the main stair run at the Town Hall, in the amount of \$4,802.

Final Cost to Construct Storage Areas on Third Floor of Town Hall: A motion was made, seconded, and unanimously voted to approve the change order for the third floor storage areas, in the amount of \$7,273.

Flow Switch, Heater, Elevator Electrical Change Order Official Approvals: Mr. Zubricki reported that the change orders discussed last week for the Town Hall elevator, the in-line heater for the vault, and the sprinkler system flow switch, etc. are now available to be approved and signed; and, a motion was made, seconded, and unanimously voted to approve the change orders for the sprinkler system flow switch, related component, and associated wiring (\$4,607.23), the in-line heater for the vault (\$4,396.56), and the elevator change order (\$3,392.09).

Change Order to Finalize Town Hall Clock Face Lighting Arrangement: Mr. Zubricki said that there are various options available for the clock face lighting. McGinley Kalsow and the contractor are still working on pricing for these options..

Change Order to Cover Town Hall PVC Vent Pipes: Mr. Zubricki said that the new gas system at the Town Hall is being vented with white plastic PVC pipe which detracts from the period architectural style of the building. The Historical Commission has recommended that the vent pipes be sheathed with copper. This item will also be discussed at the next Selectmen's meeting with the Historical Commission and the change order will be voted at that time.

Commencement of Northern Conomo Point Public Waterfront Access Project: Mr. Zubricki provided a status update regarding the northern Conomo Point Waterfront Access Project. The contract has been awarded and the contractor has begun work. Mr. Zubricki has been working with the abutters and the Conservation Agent to finalize project details. It is hoped and anticipated that the project will be completed by May 25, 2017 (in advance of the Memorial Day weekend). Mr. Zubricki said that he has asked the contractor for a cost estimate regarding granite curbing at the parking lot site.

Green Communities Grant Annual Call for Proposals/Application: Mr. Zubricki reported that the Town Planner recently submitted an application to the State, for a grant to replace the boiler at the Water Filtration Plant, and to provide three energy efficiency upgrades at the Essex Elementary School. The deadline for filing these applications was March 3. A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on the Town's applications for the two Green Communities grants.

Letter of Support for NOAA Coastal Resilience Grant Program: A motion was made, seconded, and unanimously voted to ratify the Chairman's signature of a letter of support for the grant application.

A motion was made, seconded, and unanimously voted to approve a request to move the May 8th Selectmen's meeting to May 15 and to eliminate the Selectmen's May 22nd meeting, due to the move back to the Town Hall.

Acting in their capacity as Personnel Board, motions were made, seconded, and unanimously voted to approve the recommendation of the FY2018 Wage & Salary Scale to the May 2017 Annual Town Meeting.

Approval of a revised, updated position description for the Planning Board Clerk will be considered at the next Selectmen's meeting on March 27, pending receipt from the Planning Board.

The Selectmen discussed the formulation and adoption of a revised Drug and Alcohol-Free Workplace Policy and Acknowledgement. Mr. Zubricki has an example policy provided by Town Counsel and will tailor it for Essex. The approved policy will be circulated to Town employees, along with other Town policies, at the beginning of each fiscal year. The revision is necessary, since marijuana is no longer considered an illegal drug in the Commonwealth.

A motion was made, seconded, and unanimously voted to approve a request from the American Diabetes Association to pass over Essex roads during their annual North Shore Tour de Cure on Sunday, May 21, 2017.

A motion was made, seconded, and unanimously voted to recommend the request by the DPW for an additional \$10,000 for snow removal for this season. This vote will be ratified at the next Selectmen's meeting.

At 10:25 p.m., citing the need to conduct a strategy session in preparation for negotiations with non-union personnel, 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 negotiating strategy and invited the Town Administrator to attend the Executive Session. She said the Board would only be returning to Open Session to adjourn the meeting. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board, their Assistant, and the Town Administrator moved to Executive Session. Tina Lane left the meeting.

The Board, their Assistant, and the Town Administrator returned to Open Session at 10:40 p.m.

A motion was made, seconded, and unanimously voted to adjourn the meeting.

Documents used during this meeting include the following: None.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Susan Gould-Coviello