



Town Administrator's Report Board of Selectmen's Meeting of January 25, 2010

Report covers from January 9, 2010 to January 22, 2010

Items requiring Board vote or discussion are noted with an asterisk (*)

A. Town Department Reports/Requests

(1) Shellfish Advisory Commission Position Description Review

After the last meeting, I discussed with a member of the Shellfish Advisory Commission the Commission's intentions relative to reviewing the Shellfish Constable's position description. The Board had asked that I clarify with the Commission that the Commission focus on the document itself, as opposed to performance. The member understood and indicated that he would bring that feedback to the Commission at its January 13, 2010 meeting. We are presently awaiting the results of the Commission's analysis.

Recommendation: I will update the Board as necessary.

(2) Shellfish Department Equipment Status

I have reviewed with the Shellfish Constable the status of the shellfish boat and engine and the shellfish truck. According to the Constable the boat does have a leak but the leak may be associated with the bait well pump as opposed to the hull. The Constable will work to fix that problem over the coming winter to ensure that the boat will not leak when returned to service in the spring. The boat engine was overhauled last season and is working well at this time. The Shellfish Truck has also now been overhauled and required extensive brake work and the installation of a water pump. The truck has a new inspection sticker and should be able to provide additional service to the department.

Recommendation: No further action is necessary.

B. Computer Systems

(1) Fire Department Incident Database

The newest installation of the Fire Department database client experienced instability during the week of January 11, 2010. I contacted technical support for the product and they indicated that the problem might be related to Windows 7 (since the vendor is still working to make the program fully compliant on that operating system). The vendor assisted with a reinstallation and the software appears to be working well.

Recommendation: No further action is necessary. Total time – 0.5 hours.

(2) Building Inspector Desktop Configuration

The Building Inspector was interested in customizing his computer desktop and getting access to features such as our pictometry software. I completed this configuration along with the Building Inspector's Clerk during the week of January 11, 2010.

Recommendation: No further action is necessary. Total time – 0.5 hours.

C. Personnel

(1) Town Clerk Search Committee

At the last meeting, the Board agreed that the Town Clerk Search Committee should post a meeting for shortly after the deadline for applications and should begin the process of narrowing the field of applicants and providing a list of at least three finalists to the Board. The application period closed on January 21, 2010. The Committee will meet on January 26, 2010 to work on the above tasks and all Committee members have been provided with copies of all applications.

Recommendation: I will update the Board as necessary.

(2) AFSCME Collective Bargaining

The management team will meet with the union for continued collective bargaining on February 8, 2010.

Recommendation: I will update the Board as necessary.

(3) Essex Police Benevolent Association Collective Bargaining

The management team will meet with the union for continued collective bargaining in February. We are presently working out a firm date with the union.

Recommendation: I will update the Board as necessary.

D. Procurement/Ongoing Projects

(1) Final Planning Report, Community Investment Associates (*)

At the last meeting, the Board asked that I solicit from the Planning Board final comments regarding the Draft Final Planning Report developed by Carolyn Britt. The Board members decided to digest the subject document between the last meeting and the present meeting and to offer Ms. Britt final commentary hereafter.

I have not received any further commentary from the Planning Board. Also, Ms. Britt provided to the Town copies of the two, proposed zoning by-law change packages that she has drafted and will also include those in the final report. The Planning Board has modified Ms. Britt's recommended zoning by-law changes

and has provided their final versions to the Board as well. The Planning Board's final versions will require review by Town Counsel and the Planning Board would like to have Ms. Britt available at their public hearing and, potentially, at Town Meeting (likely requiring a change order to her existing contract). The Planning Board has recommended a sequence for the by-law change articles at the Town Meeting.

Recommendation: Development of final guidance for Ms. Britt regarding her final report and discussion of the coordination of the zoning by-law proposals with the Planning Board.

(2) Village Initiative Plan Implementation Proposal (*)

At the last meeting, the Board met with members of the Long Term Planning Committee and the group agreed that Ms. Carolyn Britt should be asked to modify her Village Initiative Plan Implementation Proposal in accordance with the LTPC's present priorities. Specifically, the LTPC asked for a revised proposal in advance of their meeting of January 19, 2010 that would engage Ms. Britt as the overall planner but would focus on the engagement of a landscape architect to fully develop the layout and schematics associated with four, proposed pocket parks.

I presented this request to Ms. Britt and she provided me with a memo recommending that she wait on formulating her proposal until the status of a recent grant application is known, among other issues. The Committee reviewed the memo at their meeting and Ms. Britt will develop a proposal after the items noted in her memo are addressed. Also, the Committee has announced plans for a second, more focused community survey.

Recommendation: Board review of the final proposal and its associated cost if available by meeting time.

(3) Disposition of Old Senior Van

At the last meeting, the Board agreed that the old senior van should be returned to the original donor, if possible. I discussed the matter with Counsel and confirmed that this action is possible. I will work toward that return and, if not wanted, I may repost the item or dispose of it as salvage.

Recommendation: No further action is necessary.

E. Insurance

No items.

F. Facilities

(1) Town Land for Affordable Housing

At the last meeting, I explained to the Board that a representative of Habitat for Humanity had inquired about the possibility of using Town-owned land for affordable housing. The Board agreed that we have no such land available at this time. I contacted the representative and indicated to him that no such opportunity currently exists.

Recommendation: No further action is necessary.

(2) Town Hall and DPW Fire Alarm Testing

Our fire alarm testing contractor visited Town Hall, the DPW barn, and the Water Filtration Plant on January 21, 2010 to perform the annual tests all of the fire and smoke alarm systems in those buildings. All systems were found to be working properly.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) Selectmen's FY11 Budget Request

(*)

I finalized the Board's FY11 operating, capital, and special budget request package as requested by the Board at the last meeting and submitted the package to the Finance Committee through the Town Accountant. The Town Accountant has entered all of the FY11 budget request data and the Finance Committee is presently reviewing the data and working on recommendations. I have a few, miscellaneous questions for the Board.

Recommendation: **Board discussion as necessary.**

(2) Cape Ann TV Funding Campaign Approval

Cape Ann TV had written the Board for the last meeting to seek the Board's approval of an upcoming, major fundraising campaign. This approval is required as part of the Agreement that the four communities signed with Cape Ann TV was created. The Board approved the campaign at the last meeting and, as requested, I made it clear to the Director that the Board is in no way taking a position on or sponsoring the campaign and does not wish to be referenced in conjunction with the campaign. The Director understood completely and was not planning any such reference.

Recommendation: No further action is necessary.

(3) School District Budget Discussion Meeting

(*)

I attended the subject meeting on January 15, 2010 along with the Chairman Soulard of the Finance Committee and Chairman Jones. The School Committee has been working to develop a variety of scenarios involving potential budget cuts and that information was presented at the meeting.

Recommendation: **Further discussion relative to the FY11 School District budget as necessary.**

H. Complaints

No items.

I. Meetings Attended

(1) Massachusetts Municipal Association Annual Meeting

I attended the subject meeting in Boston along with Selectman Randall on January 22, 23, and 24. The meeting provided excellent networking opportunities and featured a variety of seminars and presentations relevant to daily municipal work.

Recommendation: No further action is necessary.

(2) Cape Ann Chamber of Commerce Essex Division Meeting

I attended the subject meeting along with Selectman Lynch on January 20, 2010. The meeting featured a presentation by the Chairman of the Long Term Planning Committee concerning the Committee's Village Initiative Plan. We also updated the group regarding Town business, including the status of the Route 133 Reconstruction Project.

Recommendation: No further action is necessary.

J. Final Judgment

No items.

K. Town Meeting, By-Laws, and Regulations

(1) Approval of All Outstanding By-laws

The Office of the Attorney General has now approved all outstanding by-law changes that past Town Meetings had made. The changes have all been reflected in the on-line version of the by-laws which may be accessed at www.essexma.org at the Town Clerk's page.

Recommendation: No further action is necessary.

(2) Mass Coastal Zone Management (CZM) No-Discharge Zone Proposal

CZM is applying to the U.S. Environmental Protection Agency for the institution of the subject zone along the North Shore's coastline. At the last meeting, the Selectmen approved a letter of support for the zone to accompany CZM's application. Other communities will also offer letters of support and the new zone will prohibit sewage discharge in coastal waters.

Recommendation: I will update the Board as necessary.

(3) Essex Alcoholic Beverage Licensing Rules & Regulations

At the last meeting, the Board asked that I begin to explore the possibility of amending the existing Alcoholic Beverage Licensing Rules & Regulations to include a requirement for annual training offered by the State Alcoholic Beverage Control Commission (ABCC). Since the Chief of Police is presently working to set up a voluntary training for this coming year, I asked him to provide me with a contact at the Commission to determine if training is available on a regular basis. I am presently awaiting a return call from that contact.

Recommendation: I will update the Board as necessary.

(4) Sewer Rate Relief Fund Testimony

Senator Tarr announced during the week of January 11, 2010 that a hearing regarding eligibility for the Sewer Rate Relief Fund would be held on January 14, 2010. He and Representative Ferrante have filed for a change in the law that determines thresholds over which municipalities are eligible for this important funding source. I provided the Senator and the Representative with copies of written testimony relative to the importance of this bill to the Town of Essex as requested (the original testimony was directed to the appropriate committee members). The Senator's staff has reported that the committee has taken the issue under advisement and will be releasing a recommendation on the bill in about 8 weeks' time.

Recommendation: I will update the Board as necessary.

(5) Draft Annual Town Meeting Warrant

(*)

I have developed the subject draft document in accordance with the Board's past guidance.

Recommendation: **Preliminary Board review of the draft Annual Town Meeting Warrant.**

L. Legal Issues

(1) Revised Business Associate Agreement

I reported previously that Town Counsel had recommended changes to any Business Associate Agreement that a municipality has with a contractor providing services associated with ambulance billing. These changes were recommended in accordance with the American Recovery and Reinvestment Act (ARRA). After contacting our provider's representative, he agreed that he would look at recommended language changes from Counsel. Counsel subsequently provided me with suggested language to our Agreement language and our provider is presently reviewing those suggestions.

Recommendation: I will update the Board as necessary.

M. Grants

No items.

N. Emergency Planning

No items.

O. Other Items

(1) Martin Luther King, Jr. Day

The office was closed on January 18, 2010 in observance of the subject holiday.

This report is available at www.essexma.org on the morning after any regularly scheduled Essex Board of Selectmen's Meeting.