



Town Administrator's Report Board of Selectmen's Meeting of February 13, 2012

Report covers from January 28, 2012 to February 10, 2012

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

A. Town Department Reports/Requests

(1) Community Preservation Committee Meeting

The Community Preservation Committee met on January 31, 2012 primarily for a refresher course regarding the Community Preservation Act that was offered by Attorney Lauren Goldberg, of Town Counsel. At the meeting, Ms. Goldberg also answered specific questions regarding the mechanics of increasing the CPA surcharge percentage and the applicability and mechanics of affordable housing funding at Conomo Point.

The Committee considered whether they would recommend an increase to the surcharge percentage and determined that they would not at this time. Also, the Committee learned from Ms. Goldberg that the only way to use affordable housing funding set aside in the Town's CPA accounts would be to actually purchase a perpetual affordable housing restriction from a buyer of Conomo Point property at the time of sale. That process would likely require an open bidding situation drawing from qualified applicants.

Specific projects that will likely be proposed by the Committee for funding at the upcoming Annual Town Meeting include the replacement of historic fencing at the ancient cemetery, signage for a historical walking trail, the production of a historical building inventory, and the acquisition of land for open space.

Recommendation: I will update the Board as necessary.

B. Computer Systems

(1) Accounting Software Update

Our accounting software vendor released a program update for our BudgetSense accounting program during the week of January 30, 2012. I installed the update and performed the necessary database maintenance procedures.

Recommendation: No further action is necessary. Total time – ½ hour.

(2) Completion of Melrose Virtual Network

The City of Melrose has been working within its own datacenter to create, license, and route a virtual network that Essex's data and programs will eventually reside upon. Melrose staff visited the Town during the week of February 6, 2012 to make final routing preparations and is presently working with one of its vendors

to optimize our secure tunnel. We expect to begin testing the virtual network that will host our data and programs during the week of February 13, 2012.

Recommendation: I will update the Board as necessary.

C. Personnel

(1) Chief of Police Accomplishments, Merit, and Goals (*)

At the last meeting, the Chief of Police presented his accomplishments over the past calendar year and presented a set of goals for the new calendar year.

***Recommendation:* Board discussion regarding merit consideration and acceptance of this year's goals.**

D. Procurement/Ongoing Projects

(1) Subdivision Improvement Construction Cost Estimation

At the last meeting, the Board authorized me to apply to the Finance Committee for a Reserve Fund transfer to fund a construction cost estimate study by Horsley Witten concerning Conomo Point and to subsequently sign the necessary contract. The consultant will develop the necessary designs to implement physical alterations to Conomo Point roads that are required by the recent Southern Conomo Point Subdivision approval. The consultant will also apply for the necessary Order of Conditions from the Conservation Commission and will include in the estimate the cost of setting bounds to mark the various rights of way. We were able to fund \$10,000 of the \$22,300 cost using a line item transfer, with the balance requested from the Reserve Fund (approved by the Finance Committee February 8, 2012). The Board can sign the contract based upon the prior vote and Horsley Witten will soon begin work.

Recommendation: I will update the Board as necessary.

(2) Southern Conomo Point Subdivision Performance Guarantee (*)

I have reviewed the matter of the performance guarantee that is a required condition of any subdivision approval under the Subdivision Control Act. According to Counsel, several options for such a guarantee exist, including a simple, non-monetary covenant under which the “developer” (in this case the Town) pledges that all substantive conditions of the approval will be met. Under Chapter 41, Section 81U, the Town, acting through the Selectmen, must actually have such a written agreement in place before the Planning Board can endorse the plan and, therefore, before the Town can actually record the plan at the Registry of Deeds. Once the plan is endorsed, the Town would have up to six months to actually record it (Section 81X); however, there is no time limit between plan approval and Planning Board endorsement.

Recommendation: Board discussion relative to the formulating and timing of the necessary agreement.

(3) Robbins Island Waterfront Access

(*)

As part of the ongoing assessment of waterfront access at Conomo Point and the developing northern subdivision plan, I contacted the single private owner of property on Robbins Island. His property is reportedly associated with the waterfront access rights on the island and I was able to learn about his understanding of his rights and about his desired level of involvement concerning the subdivision planning process. He does wish to be involved and he may attend the next Conomo Point Planning Committee meeting.

He affirmed our current understanding that two waterfront access structures on the back of the island originate on his private property and that his property encompasses most of the useful waterfront on the island. This affirmation is supported by his deed and a property line shown on his Chapter 91 license application for the two structures. He agreed that I should contact the author of the Chapter 91 license plot plan to determine if that individual had other source plot plans which we could possibly refer to. I made that contact and the author was not able to provide any additional documents. I also researched five deed references contained within the current owner's deed and I found the same, ancient property description on each, dating back to 1881. It is possible that a surveyor could actually use the above resources to develop a modern plot plan.

Recommendation: Board discussion as necessary.

(4) Cross Island Access

(*)

Our review of issues associated with the development of the Northern Conomo Point subdivision has raised the question of access from Conomo Point to Cross Island. Presently, the caretaker of Cross Island resides on leased property on Sumac Drive and utilizes other leased property on Conomo Point Road for storage, parking, and access to a dock that is permitted in the name of the Town. Research conducted to date does not indicate that the owner of Cross Island has any deeded rights over the Town's property at Conomo Point.

Recommendation: Board discussion as necessary.

(5) Route 133 Reconstruction Project Closeout Issues

(*)

Recently, a number of miscellaneous issues related to the just-completed Route 133 Reconstruction Project have been brought to my attention. These include the apparent premature failure of the white paint that comprises the fog lines on either side of the roadway; the potential failure of the "duckbill" valves on causeway catch basins to prevent seawater from flooding the roadway via the catch basins at the highest tides; a request to install a "blind driveway sign" and an additional "children" sign; a request to install a speed limit sign (which we have already

learned was not part of the contract – requiring the interested party to contact the Chief of Police about the matter); and the settling of one section of concrete sidewalk along the causeway. The Resident Engineer for the project will be reviewing each of these issues and will be taking appropriate action on each as warranted by the circumstances and the construction contract.

Also, Selectman O'Donnell and I met with two abutters in the vicinity of the corner of Main and Martin Streets regarding a short stretch of State-installed sidewalk that has created slope issues at its terminus. We updated the abutters regarding a meeting that we had recently held with MassDOT and the Building Inspector and we all agreed that the site presented many challenges. We determined that the best course of action would be to write to MassDOT regarding taking a fresh look at the design and construction in this area.

Recommendation: Board review and approval of the referenced letter to MassDOT.

(6) Route 133 Reconstruction Project Grand Opening/Ribbon Cutting (*)

At the last meeting, the Board asked me to reach out to all of Essex's State and Federal elected representatives to schedule a grand opening ribbon cutting for the recently-completed Route 133 Reconstruction Project. I have made initial inquiries and, thus far, have received limited input from the various officials.

Recommendation: Board discussion as necessary.

(7) Essex River Boardwalk Project Contract Update (*)

The Department of Conservation and Recreation (DCR) approved the engineering scope of work for the subject project during the week of January 30, 2012. I am presently working with our engineering consultant (Vine Associates) to arrive at a mutually-agreeable contract for services. DCR will then review that contract and I recommend that the Board approve the contract for signature outside of a meeting after DCR approves the contracting process regarding the engineering element.

On a parallel track, Salem State University has been working to obtain approval from DCR as the Town's other subgrantee to begin their own scope of work. The two subgrantees (Salem State and Vine Associates) will coordinate their work and, in fact, Vine Associates will not begin work until after Salem State and the Town verify that no major impediments exist to the feasibility of the project. The Salem State contract is available for Board signature at the present meeting. DCR will attend a meeting involving both subgrantees and the Town before issuing a notice to proceed to Vine Associates to begin the actual engineering work.

Recommendation: Board approval of the Salem State contract at the present meeting and approval to sign the Vine Associates contract outside of a

meeting once DCR has approved (with the caveat that neither subgrantee will receive a Notice to Proceed from me unless and until DCR so authorizes).

(8) Southern Conomo Point Sale Value Appraisal Process Update (*)

Our appraiser is presently planning his work in the southern area of Conomo Point. He commented to me that he would be happy to consider any elements of the bridge lease appraisals in the southern area that leaseholders had questions or concerns about as he develops these new appraisals. Any of this type of specific information and any input that the leaseholders have as a group relative to methods, etc. needs to be transmitted to our appraiser no later than February 24, 2012. Also, our appraiser would like to gain entry to structures that he was not able to enter last summer and he will establish a week in March during which he will be available for viewings.

Recommendation: **Board discussion relative to informing the leaseholders about requests for information and interior viewings.**

E. Insurance

(1) Monthly Pothole Log

I obtained the subject log for the month of January from the Department of Public Works during the week of January 30, 2012 and I have forwarded the log to our insurer as part of the MIIA Rewards Program. Two potholes were reported and both were repaired in a rapid fashion.

Recommendation: No further action is necessary.

(2) Freeze-up Prevention Checklists

I completed the subject checklists for the month of February during the week of February 6, 2012 and forwarded them to our insurer as part of the MIIA Rewards Program. The checklists are aimed at reviewing a variety of factors that could contribute to frozen pipes on a monthly basis. I reported in detail regarding the current status of the Town Hall boiler.

Recommendation: No further action is necessary.

(3) Risk Analysis Action Plan

In the fall, I had completed for our insurer a survey that served to point out where the Town could potentially do better with respect to minimizing various risks. Our insurer recently provided me with a voluntary action plan that could help avoid future incidents and claims. I will be bringing the recommendations to the Safety Committee in March for consideration. Since the Committee membership includes all of the departments that the recommendations would affect, it will be useful to determine from the Committee which topics could be most easily

addressed. It will not be possible to implement all recommendations at once but we could steadily make progress through the quarterly Committee meetings.

Recommendation: I will update the Board as necessary.

F. Facilities

(1) Replacement of Town Hall Steam Boiler (*)

At the last meeting, the Board authorized me to apply to the Finance Committee for a Reserve Fund transfer in the amount necessary to replace the existing, failed steam boiler with a new steam boiler. The final quotation for the work was \$14,548 and the Finance Committee approved the necessary transfer on February 8, 2012. Our heating contractor will stage all of the necessary equipment and materials as a first step and will actually perform the replacement over the course of an upcoming weekend. I have also learned that our consulting engineer's final report, which includes his long-term recommendations for the building, will likely be available by meeting time.

Recommendation: **Board discussion as necessary.**

(2) Renovation Funding for Lahey Purchase (*)

At the last meeting, the Board asked me to review whether a portion of the \$1M that had been recommended for the renovation of the Lahey Building could somehow be phased in over time, after the Town occupied the building. The Board is considering putting the matter before the Town Meeting again in May, if the building is still available. I have reviewed our original calculations and have determined that some reductions could be made. Selectman O'Donnell, who also chairs the Town Building Committee, has informed me that she intends to convene that Committee after the final draft of the Town Building Feasibility Study is delivered so that the study and the Lahey prospect may be reviewed in tandem.

Recommendation: **Board discussion relative to next steps for Town Building planning.**

G. Fiscal/Budget

(1) Review of School District Budget Figures

The Regional School District released draft budget figures after its FY13 budget public hearing that was held on January 31, 2012. I checked the apportionments to the towns for both the operating and the capital budgets using an independent method and found that my figures did match the District's calculations. If further adjustments are made to the budget I will review the figures again.

Recommendation: No further action is necessary.

(2) Request for State Fiscal Priorities

(*)

Representative Ferrante is in the process of reaching out to the municipalities she represents to gain updated insight to each municipality's fiscal priorities that require State assistance. In the past, the Town has highlighted such factors as a continued need for increased Chapter 70, Chapter 90, and municipal local aid, funding of new grant programs for public buildings, access to the Sewer Rate Relief Fund, and Special Legislation with respect to Conomo Point.

Recommendation: **Board discussion relative to items I should highlight this year with Representative Ferrante.**

(3) Funding for Local Access Programming, Cape Ann TV

(*)

In the past, the Board had recommended to the Director of Cape Ann TV that she discuss the potential support of expanded programming with the Cape Ann Chamber of Commerce and the Essex Merchants' Group. The Director recently spoke to me about her organization's lack of playback systems for two of the three channels that are available. She requested that the Town consider funding that could go toward additional playback equipment. Also, should Verizon decide to offer its services in Essex, it is possible that the surcharge for local access programming could be requested at a higher level than the 2% level that is present in the current Comcast contract.

Recommendation: **Board discussion as necessary.**

H. Complaints

No items.

I. Meetings Attended

No items.

J. Final Judgment

No items.

K. Town Meeting, By-Laws, and Regulations

(1) Facility Naming Policy

(*)

At the last meeting, the Board reviewed a request to rename the Field of Dreams in memory of an individual. At the Board's request, I asked Town Counsel if the firm had any examples of facility naming policies for review. Counsel was able to find examples, primarily from other states and commented that, in Massachusetts, naming is vested in the board or commission that has care and custody of a

particular facility. Given that requests for naming are relatively infrequent, if a particular board determines that a particular name is warranted on a case-by-case basis, such consideration should be sufficient. Of course, once a name is chosen, social convention would dictate that a facility's name would only change under very specific circumstances (such as an individual's family agreeing to relinquish the name, etc.). It is possible to develop a policy, if desired, but nothing is legally required, especially since requests have been so few and far between. In the rare case that two requests to name a facility were submitted at the same time, Counsel could help devise a fair process at that time.

Recommendation: **Board discussion as necessary.**

(2) Draft Annual Town Meeting Warrant (*)

I presented the subject document to the Board and to a variety of department heads assembled at the last meeting. I have since incorporated elements that I have become aware of.

Recommendation: **Board review of the revised draft Annual Town Meeting warrant.**

(3) Northern Conomo Point Zoning District Bylaw (*)

I have confirmed with Town Counsel that the requisite public hearing for the northern zoning bylaw may be held anytime right up to the Town Meeting itself. The law then gives the Planning Board up to 21 days to make a recommendation before a Town Meeting can act. Usually, zoning public hearings are all at least 21 days before Town Meeting (held in February or March) but, in this case, due to the necessary planning and discussion, the hearing will need to be later than usual.

Specifically, in order for our consultant and the various policy boards to be able to arrive at consensus, all of February and March will be necessary. If a hearing were to be held in late April (the 25th, for example), a complete version of the draft zoning bylaw should be in existence by early April.

Recommendation: **Board discussion regarding the necessary planning and communication with other policy boards in order to meet the above timeline.**

L. Legal Issues

No items.

M. Grants

(1) Manchester Essex Conservation Trust Grant Application

Just prior to the last meeting, the Manchester Essex Conservation Trust asked the Board for a letter of support regarding a grant that MECT has applied for. The

Board of Assessors has been collaborating with MECT regarding the Town's ongoing digital parcel mapping project and this collaboration has been very beneficial to both organizations. If MECT receives the grant, it will likely benefit the Town as well in the form of detailed property information. The Board signed the letter of support at the last meeting.

Recommendation: No further action is necessary.

(2) MAPC Bike Rack Grant Program

The Town participated in the subject grant program in the past and we have learned that limited additional funding will become available. I contacted a representative of the Metropolitan Area Planning Council and learned that guidance with respect to that funding will be released during the week of February 13, 2012.

Recommendation: I will update the Board as necessary.

N. Emergency Planning

(1) Cape Ann Emergency Planning Team Monthly Meeting

I attended the subject meeting along with other Essex employees on February 2, 2012. The meeting featured discussions from representatives of each of the subgroups and the Team is looking forward to full certification by the State this coming spring (which will make the Team eligible for additional grant funding). I am also working with our emergency notification system contractor (Code Red) to offer a single shared calling list available to all four communities (each community uses Code Red). This may be an invaluable tool in the event that a regional emergency requires a higher level of coordination.

Recommendation: No further action is necessary.

(2) Public Health Mutual Aid Agreement

(*)

The boards of health from the cities and towns comprising State Emergency Preparedness District 3D have worked to develop a mutual aid agreement to allow them to assist each other in times of emergency. The document was formulated with assistance from Attorney Janelle Austin of Kopelman and Paige.

Recommendation: **Board vote to sign the Agreement contingent upon approval by Town Counsel as to form.**

O. Other Items

(1) Town Administrator Leave

I was out of the office on vacation leave on February 7, 2012.

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