



## Town Administrator's Report Board of Selectmen's Meeting of February 28, 2011

Report covers from February 5, 2011 to February 25, 2011

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

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### A. Town Department Reports/Requests

#### (1) Scenic Byway Corridor Advisory Group Representative

The Town's former representative to the Essex National Heritage Scenic Byway Corridor Advisory Group (also a former Planning Board member) resigned that position when he moved out of Town recently. At that last meeting, the Board asked that I inquire with the Chair of the Planning Board as to whether another Planning Board member would be willing to serve. The Chair has indicated that one of the Board members may be interested but that a final decision has not yet been made.

*Recommendation:* I will update the Board as necessary.

#### (2) Photo Release Form, Youth Triathlon

The Board of Health Administrator inquired as to whether the Town had a photo release form that parents could sign to authorize the use of a child's likeness in promotional materials. I provided to the Administrator the Library's release form, which had been crafted by Town Counsel. The Board of Health may utilize the form in connection with the Youth Triathlon starting this spring.

*Recommendation:* No further action is necessary.

### B. Computer Systems

#### (1) Provision of Updated Financial Data

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The Treasurer/Collector has continued to work with a new software vendor regarding collection software that the vendor is developing. At this point, it was necessary for the vendor to receive the most updated copy of our data for further testing. Similar to my past action, I copied the necessary files to a CD for provision to the vendor via the Treasurer/Collector. The vendor will continue to develop the product. The vendor will be offering to provide and maintain the new product at no cost to municipalities beyond a fifty-cent per tax bill charge since the vendor hopes to derive revenue from entities looking to purchase publically-available municipal tax data and taxpayers interested in paying bills online.

A contract document could be formulated that speaks to data security and disaster recovery due to the remote (cloud-computing) nature of this new product. I will be working with Town Counsel and our Auditor to review this new product from procurement, contract, and financial standards perspectives and I will report back

with their comments and recommendations. Online bill payment will not be offered at first but that topic will need to be covered with Town Counsel if the Town offers it in the future.

Interestingly, we recently received correspondence from the Department of Revenue's Division of Local Services that indicates that DLS is investigating the provision of a similar, cloud-based system that communities could opt into. That effort is just beginning but the State's option may eventually be worth reviewing as well.

*Recommendation:* **Board discussion as necessary.**

(2) Continued Expunging of Old Computer Hard Drives

I have continued to expunge data from the hard drives of computer systems that will eventually be donated to the school system. Since my last report, I have expunged data from 7 additional systems, including 2 old servers...

*Recommendation:* I will update the Board as necessary. Total time – 2.25 hours.

(3) Migration of Fire Department Client

I migrated the older of two Fire Department client computer systems to a new system during the week of February 7, 2011. The process included the migration of seven separate users, the creation of additional network accounts, and the upgrade of the Fire Department's fire incident tracking system on the server and both clients (with assistance from the vendor).

*Recommendation:* No further action is necessary. Total time – 4 hours.

## **C. Personnel**

(1) HIPAA and Records Policy Training

Town Counsel offered the subject training on February 10, 2011. A session was offered at 9:00 a.m. for various departments known as "covered entities" under HIPAA (Health Insurance Portability and Accountability Act) and another, more general session was offered at 10:00 a.m. Attorney Janelle Austin reviewed the Board's recently-revised HIPAA documents and covered the Board's new Public Records and Technology Policy.

I am in the process of seeking signed receipts for the new HIPAA policies from employees working for covered entities and I have distributed the new Public Records and Technology Policy to all major departments – also for signed receipt. I will proceed in a stepwise fashion in subsequent distributions to seek records/tech receipts from all appointed, elected, or employed individuals, whether paid or unpaid. I also ensured that a copy of the Town's new Notice of Privacy Practices was posted to the Town's homepage and it displayed within the

offices of all covered entities. Further, I am in the process of seeking responsibility acknowledgements from all individuals who are in custody of Town-owned mobile technology devices.

*Recommendation:* No further action is necessary.

(2) Criminal Offender Record Information (CORI) Check Training

I attended the subject refresher training on February 17, 2011 in Boston. As the official CORI check agent for the Council on Aging, I am required to attend training on a regular basis.

*Recommendation:* No further action is necessary.

(3) Finalization of Fiscal Year 2012 Wage & Salary Scale (\*)

At the last meeting, the Board voted to provide a 1% cost of living allowance for all non-union, non-contract employees but indicated that some adjustments may occur.

*Recommendation:* **Additional Board discussion and finalization of the subject document.**

#### **D. Procurement/Ongoing Projects**

(1) Summer Camp Services Proposals (\*)

Proposals to offer summer camp services were due on February 14, 2011. A single proposal was received – from the YMCA. The technical proposal portion of the YMCA’s package was provided to the Board in advance of the present meeting and evaluation and potential award are recommended at this time. Once the Board has evaluated the technical proposal, the cost proposal portion of the package may also be reviewed and evaluated.

*Recommendation:* **Board evaluation of the proposal versus the RFP criteria and award after the cost proposal is separately reviewed.**

(2) Pocket Park/Causeway Design Meeting with MassDOT (\*)

Selectman O’Donnell and I met with MassDOT personnel on February 18, 2011 to discuss a variety of issues that were brought up in January at a Long Term Planning Committee meeting. The featured discussion involved a new, proposed design for the curbing, sidewalk, and island associated with the Village Corner pocket park that had been offered by the proprietor of the Village Restaurant. We also discussed lighting conduits, plantings, guardrails, shoulders and sidewalks, and other items. The MassDOT personnel recommended that we speak to the project designer about a number of our questions and, when I did contact him, he recommended a group meeting during the week of March 7, 2011. Once that meeting is held, we will be able to update the Long Term Planning Committee

and our pocket park design consultant regarding what is possible and how to proceed.

Further, we have learned from our pocket park design consultant that a vendor supplying a new type of maintenance free decking material is interested in potentially supplying the product for demonstration and testing purposes at the Paglia Pocket Park.

*Recommendation:* **Board discussion relative to the above topics.**

(3) Twelfth Biweekly Report, Route 133 Reconstruction Project

I issued the subject report to various stakeholders on February 15, 2011. We are nearing the end of the winter shutdown and it appears that National Grid will have its subcontractor in Town during March to complete the routine utility pole move work.

*Recommendation:* I will update the Board as necessary.

(4) Utility Pole Moves

I learned during the week of February 14, 2011 that National Grid plans to complete all of the necessary utility pole moves in the Route 133 Reconstruction Project work area (with the exception of a few poles on the causeway) using a subcontractor during the month of March. The final design package has been released to the subcontractor and a liability concern that the subcontractor had has been resolved. I also contacted representatives from Verizon and Comcast to call their attention to the planned work and both representatives indicated that they would provide the information to their respective engineering departments.

*Recommendation:* I will update the Board as necessary.

(5) New Ambulance

The new ambulance arrived during the week of February 7, 2011 and the oldest ambulance (1998) was traded in as part of that transaction. The new ambulance is registered, insured, and operational.

*Recommendation:* No further action is necessary.

(6) Town Building Feasibility Study Update

The Town's consultant is ready to present a preliminary layout of the John Wise Avenue site for a potential new public safety building. The consultant will meet with the Town Building Committee on March 8, 2011 for this purpose.

*Recommendation:* I will update the Board as necessary.

## E. Insurance

### (1) Freeze-up Prevention Checklists

I completed the subject checklists for the various Town buildings during the week of February 14, 2011 and have provided those to our insurer as part of the MIIA Rewards Program. The checklists are designed to avoid frozen pipes associated with the cold weather.

*Recommendation:* No further action is necessary.

## F. Facilities

### (1) Waterfront Design Concepts, Conomo Point

The Board discussed waterfront design concepts with a total of four design firms by speakerphone on the mornings of February 7 and February 18, 2011. Two of the firms have already walked Conomo Point with the Board at site visits held February 16 and February 17, 2011. The other two firms will participate in site visits with the Board on March 3 and March 10, 2011. The Board will collect information from each of the four firms that is illustrative of potential future services and may seek funding for design services at an upcoming Town Meeting. Also, I arranged a site visit among the Board, the Conservation Commission, and the Conservation Agent on February 26, 2011 since wetlands and coastal permitting will be pivotal to any waterfront improvements that are eventually considered.

*Recommendation:* I will update the Board as necessary.

### (2) Conomo Point Mind Maps

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I have revised the subject maps in accordance with the discussion that took place at the Board's meeting on the evening of February 7, 2011. Only two maps changed and I advised the group to bring along the printed packages from February 7 since I would only be printing the modified pages for the present meeting.

*Recommendation:* **Further discussion of the mind maps among the various stakeholders at the present meeting.**

### (3) Appraisal Standards for Conomo Point Valuations

Chairman Randall, Finance Committee Chairman Soulard and I have researched the present state of the appraisal industry with respect to the use of nationally-recognized standards. We learned that multiple levels of certification exist and that national professional association designations exist on top of the State certification process. This information will be useful if funding for Conomo Point appraisals is approved by Town Meeting in May. It will likely be necessary to

contract with an appraiser (who will not be eligible to submit a proposal) to help develop the scope of the Town's Request for Proposals for appraisal services.

*Recommendation:* I will update the Board as necessary.

(4) Meetings with Conomo Point Leaseholders (\*)

Chairman Randall, Town Counsel, and I have met with representatives of the Conomo Point leaseholders on two occasions. The purpose of the meetings is to work toward the terms of bridge leases for all presently-leased lots at Conomo Point pursuant to the Board's master calendar regarding the Point.

*Recommendation:* **Board discussion in executive session.**

## **G. Fiscal/Budget**

(1) Appointment to Special Commission

At the Board's meeting of February 18, 2011, the Board approved my acceptance of an appointment by Senator Bruce Tarr to the Legislature's "Special Commission to Study the Expenditure of Funds Received Through the American Recovery and Reinvestment Act (ARRA)". Senator Tarr is making the appointment as the Senate Minority Leader and I will learn in the near future how the Committee will be constituted and pulled together.

*Recommendation:* I will update the Board as necessary.

## **H. Complaints**

No items.

## **I. Meetings Attended**

(1) Cape Ann Chamber of Commerce Essex Division Meeting

I attended the subject meeting along with Chairman Randall on February 10, 2011. We provided the group with updates regarding the Route 133 Reconstruction Project, pocket park planning and design, and other Town projects and initiatives.

*Recommendation:* No further action is necessary.

## **J. Final Judgment**

(1) DEP Wastewater Planning Meeting (\*)

I attended the subject meeting at the Department of Environmental Protection offices in Wilmington with Selectman Randall and Senator Tarr on February 23, 2011. Conomo Point Planning Committee Chairman Mark Lynch joined the

meeting via speakerphone. DEP staff in attendance included Eric Worrall and David Ferris. We learned that the DEP is open to any future occupancy configuration on Conomo Point that does not vest over 10,000 gallons per day of theoretical wastewater flow in any one owner. I have also updated the Consolidated Conomo Point Procedures Calendar for the Board's review.

***Recommendation:* Board discussion relative to the various options for future occupancy, coordination of the Final Judgment with the DEP, and review of the updated calendar.**

## **K. Town Meeting, By-Laws, and Regulations**

### (1) Dog Management and Bylaw Discussion

I met with the Town Clerk, the Animal Health Inspector, and the Dog Officer on February 9, 2011 to discuss the potential need for changes to the dog bylaws and related topics. We determined that the bylaws in place already have the necessary language and authority for the Dog Officer to act, even when no actual attack or bite has occurred. Aggrieved parties have the right to appeal any such action or order. As such, the only-dog related bylaw change for the Annual Town Meeting will involve increasing the dog licensing fees.

We also discussed the dog attack/bite reporting system, which is working well, and a variety of administrative and dog-management related practices. Both the Animal Health Inspector and the Dog Officer are planning to make comments on the Board of Health's recently-proposed changes to the Keeping of Animals Regulations. The Town Clerk has provided the Board with a summary of various dog management issues.

*Recommendation:* No further action is necessary at this time.

### (2) Annual Town Meeting Draft Warrant

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I have continued to revise the subject warrant in accordance with the Board's guidance.

***Recommendation:* Further Board discussion relative to the draft warrant.**

## **L. Legal Issues**

### (1) Vetting of Shellfish License Applications

At the Board's meeting of February 7, 2011, the Board asked that I investigate whether other communities use vetting services to confirm the validity of proof of residency documents. I explained to the Board at its meeting of February 18, 2011 that most communities vet documents on their own. Our proof of residency documentation requirement was developed by the Town Clerk to be similar to requirements in other communities and I described for the Board how our Town

Clerk does a fair amount of vetting on what is submitted. The Board agreed and any documents that do not pass the Clerk's vetting process will be cause for the Board to speak further to the applicant(s) in question (along with any complaints or statements that lead the Board to believe that valid residency is in question).

*Recommendation:* No further action is necessary.

## **M. Grants**

### (1) Pepsi Cola "Pepsi Supports Surrounding Towns (P.S.S.T.)" Program (\*)

The Pepsi Cola Company has begun a new program whereby volunteers who work for the company provide community service one day each spring. The program is competitive and does not involve the grant of any funds. In Essex, the program may be able to help prepare the Centennial Grove for summer camp. This year, PSST will hold its community service day for selected projects on May 14, 2011. The program could dovetail well with our new summer camp contractor and, perhaps and Eagle Scout project.

*Recommendation:* **Board consideration of the short program application, which I have completed.**

## **N. Emergency Planning**

No items.

## **O. Other Items**

### (1) Town Administrator Leave

I was out of the office on vacation leave on February 14, 2011.

### (2) Presidents' Day Holiday

The office was closed on February 21, 2011 in observance of the subject holiday.

*This report is available at [www.essexma.org](http://www.essexma.org) on the morning after any regularly scheduled Essex Board of Selectmen's Meeting.*