



## Town Administrator's Report Board of Selectmen's Meeting of March 9, 2009

Report covers from February 21, 2009 to March 6, 2009

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

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### A. Town Department Reports/Requests

#### (1) Town Building Committee Update

The Board approved a charge for the Town Building Committee at the last meeting as follows:

The charge of the Town of Essex Building Committee ("Committee") is threefold: First, the Committee shall develop and review building use options and estimated costs for the Essex Town Hall, to include but not be limited to renovating to code and ADA requirements the existing facility for continued use as town offices and library, or town offices only, or library only, and finally, for potential uses by a third party. Any recommendation should include a cost-benefit analysis for each of the options chosen to review by the committee followed by a recommendation for best-use of the facility. Further, the Committee is charged to create and analyze a plan to develop and construct Town offices, a police station, and a library, either as stand alone options or in conjunction with one another, on the Town-owned land abutting John Wise Avenue. Further they should review options for the renovation and/or reconstruction of the existing fire station at 24 Martin Street for uses as a stand alone fire facility, a police and fire station and/or police station, town offices and fire station. Each facet of this charge must consider the impact of the location on the services provided by the T.O.H.P. Burnham Library, the fire department, the town offices and the police department to the residents of the Town of Essex as well as the long term economic impact on the Town and it's finances.

I assisted the Committee by coordinating the best time for the Committee's first meeting and explained that a Chair needed to be elected along with a Clerk at that time. Presently, the Committee is scheduled to meet on March 16, 2009 at 7:00 p.m. in the Library and the Chair will be asked to attend the Selectmen's meeting of March 23, 2009 for general discussion before the Committee's work begins in earnest. The Committee will likely meet on alternate Mondays from the Selectmen's schedule and, as necessary, make appointments to attend Selectmen's meetings.

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

(2) Conomo Point Planning Committee Update (\*)

At the last meeting, the Board indicated that a variety of questions that had been posed by the CPPC needed to be answered by our consultant prior to the Committee's February 26, 2009 meeting. I prompted our consultant for that information and it was provided prior to the Committee's meeting. At the meeting, the Committee agreed that additional information was needed from the consultant and I assisted with transmitting the Committee's wishes to the consultant. Further, the Committee agreed that several additional questions needed to be asked of the consultant and that a Committee member would draft those up for ultimate review by the Selectmen. The final list of questions is now available for the Board's review. If approved, the questions could be sent to the consultant in time for them to comment back to the Committee at the March 12, 2009 meeting.

*Recommendation:* **Board review of the proposed questions.**

(3) Youth Commission Update (\*)

At the last meeting, the Board reviewed a memo from the Youth Director asking for the Board to consider input she would like to impart relative to new potential programs. I have since discussed the Director's ideas with her and was also able to verify for her that an audit of the Summer Program's administrative aspects will occur this season; that the Youth Director and Summer Program Director positions will remain separate at this juncture; and that the Selectmen will likely pull together a Board of Directors to help oversee the Summer Program.

*Recommendation:* **Board review of other potential ideas.**

## **B. Computer Systems**

No items.

## **C. Personnel**

(1) Personnel Board Meeting (\*)

The next Personnel Board meeting will be held on March 23, 2009. I have placed a draft agenda in the Board's reading folder. At that meeting, it will be necessary for the Personnel Board to review and recommend the FY10 Wage & Salary Scale to the Annual Town Meeting. Presently, the draft document holds open the possibility of the need for both a position description and a wage for a part-time planner. However, those items will not be necessary if the Board determines that additional planning services, if funded, will continue on a consulting basis at least for the foreseeable future.

*Recommendation:* **Board discussion relative to whether professional planning services will continue on a consulting basis for the time being.**

(2) Safety Committee Meeting

The next Safety Committee meeting will be held on March 16, 2009. I have placed a draft agenda in the Board's reading folder.

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

**D. Procurement**

(1) Consulting Planner Contract

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The Board signed the subject contract at the last meeting with an effective date to match the countersignature of the document by our consultant and the provision of the necessary insurance documents. That effective date was February 2, 2009 and the consultant is scheduled to attend the Board's meeting of March 23, 2009 along with the Planning Board and the Chairs of the Conomo Point Planning Committee and the Long Term Planning Committee. Selectman Lynch was present in my office at the time of contract countersignature and can update the Board relative to a basic overview he presented to the consultant.

*Recommendation:* **Board discussion relative to the kickoff and overview of the consulting planner contract.**

**E. Insurance**

(1) Presentation of Loss Control Award

At the last meeting, the Board indicated that the presentation of the subject award to the Town by our insurer should occur at one of the Board's April meetings. Mr. Kevin Perkins and Ms. Tricia Doyle of our insurer will arrange to make the presentation at the Board's meeting of April 13, 2009.

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

**F. Facilities**

(1) Senior Center Elevator Inspection/Testing

The elevator at the Senior Center must be inspected and tested in the presence of a State inspector pursuant to State law. I have arranged for our fire alarm contractor to be on site with our elevator contractor to run the testing for the State inspector on March 13, 2009.

*Recommendation:* No further action is necessary.

(2) Potential Regional Approach to Telecommunications Improvements (\*)

At the last meeting, I had informed the Board that Senator Tarr was willing to explore the improvement of telecommunications facilities in Essex and regionally via the rollout of Verizon FIOS. The Board agreed that this issue is important to

telecommunications service and capacity in Essex and asked that I develop a draft letter to the Senator. I have developed that letter and have provided it to the Board for review.

*Recommendation:* **Board discussion relative to the draft letter.**

## **G. Fiscal/Budget**

### (1) Fiscal Year 2010 Operating Budget (\*)

After the discussion at the last meeting, the Chairman of the Finance Committee developed a revised summary of the FY10 operating budget situation.

*Recommendation:* **Board discussion relative to the subject summary.**

## **H. Complaints**

No items.

## **I. Meetings Attended**

### (1) Meeting Relative to Public/Private Partnership

The Chairman and I participated in a meeting with representatives of the Office of the Inspector General along with Senator Tarr and Representative Ferrante on February 23, 2009. The purpose of the meeting was to explore the potential to creatively lease-purchase a privately-developed building for Town office and police space within the bounds of the public bid laws. We learned that this type of approach has been used for the procurement of charter school space and courtroom space elsewhere in the State but that the projects in question were not clearly planning to occupy the space over a very long-term period and were not planning on eventually owning the space.

In the case of a planned and specified Town building, the expectation of permanency would be present and procurement would have to proceed via the usual public bid laws. A subsequent call to the Office of the Attorney General that was set up by the Office of the Inspector General pointed out that proponents for projects more permanent in nature have appealed the above position in court and that new guidance could be forthcoming. The Office of the Attorney General did confirm that public projects that do not utilize public contracting standards cannot have a before-the-fact nexus with private entities unless the arrangement in question will be temporary in nature (and limitations even exist under that scenario). One other avenue that may be explored is the Project Manager at Risk statute (Chapter 149A) that allows for better overall project planning and coordination and the expectation that cost overruns will be kept to a minimum.

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

### (2) Community Needs Health Assessment

Beverly Hospital has conducted studies of the various area communities to determine the needs of each community relative to healthcare services. Mr. Gerald MacKillop visited my office on February 26, 2009 to present the results of the Essex study to the Board of Health Administrator, the Public Health Nurse, and me.

Interestingly, he indicated that 17% of walk-ins to the new “Beverly Hospital at Danvers” (which has no emergency room) are residents of Essex seeking emergency care (confused with the Beverly Hospital campus in Beverly). Beverly Hospital is going to initiate a new 911 campaign that makes clear that the Danvers facility is not appropriate for emergency care. Also, the Board of Health was pleased to hear how Beverly Hospital will be working to provide more lectures, clinics, educational workshops, and program support here in Essex. The Board of Health will be taking full advantage of those offerings.

*Recommendation:* No further action is necessary.

## **J. Final Judgment**

No items.

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

### (1) Draft Annual Town Election and Meeting Warrant

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I have updated the subject document in accordance with the Board’s past guidance and all departments have now submitted final requests for articles. Also, I have developed a memo to the Town Clerk transmitting the text of the sole ballot question relative to the appointed town clerk issue.

***Recommendation:* Further Board review of the warrant in preparation for signature on March 23, 2009 and review and approval of the ballot language transmittal memo.**

## **L. Legal Issues**

### (1) Request for Overhead Utility Wires to Cross Town Property

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As the Board may recall, Mr. Timothy Shanks holds an easement across Town property for his driveway and underground utilities off of Centennial Grove Road. Presently, he is interested in the installation of overhead wires (along the same easement) to also serve his property but the present easement is limited to underground utilities. The Town Meeting vote that allowed the granting of the easement is broad enough to accommodate overhead utilities and, therefore, the easement language itself could be revised to allow for overhead wires.

The electric company has, in turn, asked the Town for an easement for the overhead wires over Town property. However, the Town cannot presently grant that easement since the Town Meeting vote authorized an easement only with Mr. Shanks. It may be possible for Mr. Shanks to enter into an agreement with the power company referencing overhead rights he could receive from the Selectmen in a revised easement. I have provided the facts to Town Counsel and will likely have more information by meeting time.

*Recommendation:* **Board discussion relative to this recent request.**

(2) Gloucester Sewer Billing Dispute (\*)

I have additional information for the Board relative to this ongoing litigation.

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

## **M. Grants**

(1) Green Communities Program, Request for Information

As noted at the last meeting, the Green Communities Division of the Department of Energy Resources has requested that each community respond to a request for information (RFI) relative to their state of readiness for becoming a “Green Community”. The Green Communities Act established five criteria that a community must meet if it is to compete for renewable energy and energy efficiency grants and loans. The criteria include: As of Right or Alternate Energy Zoning; Expedited Application and Permitting Process; Energy Use Baseline Inventory for Municipal Buildings; Purchase Fuel-Efficient Vehicles; and Life-Cycle Cost of New Residential Construction over 3,000 sq ft and New Commercial and Industrial Real Estate.

In Essex, we likely presently meet the zoning criteria since the Town does not have formal zones and renewable/alternative energy R&D facility and manufacturing facility construction is possible “as of right” (subject to Site Plan Review at 2,500 square feet). The Town also likely meets the expedited permitting process criteria since our “as of right” process for those types of facilities does generally take less than the required 12 months (including time for Site Plan Review). The Town presently does not meet the baseline energy use inventory, the fuel-efficient vehicles requirements, or the optional energy code for new residential, commercial, and industrial construction.

Regarding the fuel-efficient vehicle requirement, all fire trucks, ambulances, and DPW trucks are exempt. In Essex, that basically just leaves police cruisers and a recent memo from Town Counsel indicates that the final guidelines may exempt those vehicles as well.

I have submitted the RFI to the Green Communities Division as requested by the Board and the Division will reach out to the Town (and all other communities that respond) in the future to discuss how the Town might make progress toward meeting all five criteria. I did discuss the RFI with the Chair of the Planning Board to ensure that she agreed with the analysis I had performed.

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

## **N. Emergency Planning**

No items.

## **O. Other Items**

### (1) Coordination with Massachusetts Legislators

I have proposed for Senator Bruce Tarr and Representative Ann-Margaret Ferrante to attend the Board's meeting of April 13, 2009 to discuss the Town's overall needs. At the suggestion of Representative Ferrante, I have also proposed for both legislators to meet with me in my office on a monthly basis in order to improve communication between the Town and the Commonwealth.

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

### (2) Conference Call Bridge Number

I investigated the ability to secure a conference call bridge number on an as-needed basis and found a free service that will provide such a number (normal phone rate charges to each caller still apply). The service may be helpful is more than one member of a given committee would still like to participate in a meeting if they are out of Town. Since we already own a wireless speakerphone system, the committee could just dial the same number from the public building and all parties would be connected via speaker.

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

*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.*