



## Town Administrator's Report Board of Selectmen's Meeting of March 28, 2016

Report covers from March 5, 2016 to March 25, 2016

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

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### A. Town Department Reports/Requests

#### (1) Final State Review of Draft Final Essex Open Space & Recreation Plan

As the Board may recall, not too long ago, the Open Space Committee held a public hearing regarding their update of the Town's Open Space & Recreation Plan. The public comment was held open for several more weeks and the Committee, acting through Consultant Stephen Winslow, has updated the Plan. The final step is for the State to review the draft final Plan and either approve it or provide what will likely be minor comments. Thereafter, the update process will be completed. I have provided the State with a copy of the Plan for final review and the draft final Plan has been uploaded to the Town's website.

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

#### (2) Strategic Planning Committee Meeting

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I attended the Essex Strategic Planning Committee meeting on March 14, 2016, along with Chairman O'Donnell. The meeting focused on how the Committee will take the nine, general planning goals and begin to transform them into actions, with timelines and cost estimates. The Committee will meet again in late April and plans to have a handout at the Annual Town Meeting that highlights public input to date and that outlines the Committee's next steps. Another discussion was initiated regarding how the Town might benefit in the future from the formation of an Economic Development Committee composed of members of the Merchants' Group and the Chamber of Commerce, along with someone from the Finance Committee and the Selectmen.

*Recommendation:* **Board discussion relative to the Committee's next steps and relative to a future Economic Development Committee.**

#### (3) Site Visit and Meeting with CP Public Waterfront Access Designer

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I met out at Conomo Point with waterfront public access designer Jim Heroux and various engineers that he may propose to collaborate with in the future, along with Jim Witham and Ray Randall of the Conomo Point Planning Committee, on March 16, 2016. The site visit focused on how Mr. Heroux plans to develop for the upcoming Annual Town Meeting a design cost proposal and scope of work (including the cost of the collaborating engineers) for the first steps at improved public access at the Point. Working with the Planning Committee, Mr. Heroux will recommend a project that can be designed, permitted, and fully-constructed in the \$450,000 price range. The design team has been in touch with climate change

researchers working specifically on Essex Bay, to ensure that anything that is designed will incorporate this important information. Mr. Heroux plans to meet with the Design Subcommittee in the near future.

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

(4) Safety Committee Meeting

I attended the subject meeting as a member of the Committee on March 23, 2016. The meeting featured a discussion regarding the continued development of the Town's GIS capability and the Committee's ongoing goals for the present fiscal year.

*Recommendation:* No further action is necessary.

## **B. Computer Systems**

(1) Town Hall Server Room Support, Construction-Related Electrical Work

On March 10, 2016, the electrical subcontractor for the Town Hall/Library project needed to move the control panel for the Town Hall generator to a new location (the old location conflicted with the new elevator shaft and control room). In order to complete that task, power to the building needed to be cut and the server room is still in operation and provides critical connections to all departments in other Town buildings. The electrician needed up to a half hour to provide the server room and its separate HVAC system with backup power from a customized circuit from our generator (during which time the server room equipment ran on battery and we kept the room well ventilated).

The generator powered the server room and HVAC for several hours during the control panel relocation and then all power needed to be cut again (relying on batteries and ventilation a second time). At the end of the relocation, both grid power and generator backup power were again made available. I was available at all critical times during this process to help monitor equipment and conditions in the server room and we did have one, momentary interruption with respect to one device, since one battery malfunctioned during the process (however, users had been warned about that possibility). I replaced the dead battery with a spare I had on hand and have ordered another to have as the next replacement.

*Recommendation:* No further action is necessary. Total time – 2 hours.

(2) Replacement of Water Department State Reporting Software

As the Board is aware, we have replaced most of our proprietary software programs that once ran on in-house servers with vendor-hosted versions. Advantages to this arrangement include elimination of associated hardware life cycle costs and more robust data backup and disaster recovery. I met with the Superintendent of Public Works and our Water Department tracking and reporting

software vendor on March 9, 2016 to review a proposal from our vendor to move to a vendor-hosted version of the program. We determined that the benefits to the new platform are worth the increase in cost (especially when hardware life cycle costs are considered) and the Department plans to move ahead with the transition. I am presently assisting the Department with a review of the vendor's proposed software contract.

*Recommendation:* No further action is necessary. Total time – 1 hour.

### **C. Personnel**

(1) Recommendation of Fiscal Year 2017 Wage & Salary Scale (\*)

I have developed a draft of the fiscal year 2017 Wage & Salary Scale that the Board, acting in its capacity as Personnel Board, may consider and may vote to recommend to the Annual Town Meeting. The draft has been developed using a two percent cost of living increase.

*Recommendation:* **Board discussion relative to the draft document and potential vote to recommend this version or a revised version.**

(2) Collective Bargaining with AFSCME and EPBA

The management team engaged AFSCME in an initial collective bargaining session on March 9, 2016 and engaged the EPBA in continued collective bargaining on March 10 and March 14, 2016.

*Recommendation:* Board discussion in executive session, as per the posted agenda.

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

(1) Future Options for Management of Centennial Grove (\*)

Proposals from parties interested in managing the Centennial Grove for the Town in exchange for certain scheduling and marketing rights were due on March 10, 2016. No proposals were received. The Board should now consider other options for the upcoming season. These may include charging non-residents to use the facility, making the facility “residents-only” and paying attendants for enforcement, or allowing all parties onto the property but only offering close-proximity parking to residents (which will require police enforcement).

*Recommendation:* **Board discussion relative to the management of the facility for the upcoming season.**

(2) Town Hall/Library Project, Third Floor Stairway Change Order (\*)

Since the last meeting, I have attended three, weekly project meetings regarding the Town Hall/Library renovation project (March 8, 16, and 23, 2016). Generally, work is progressing well and is on schedule. As noted previously, in order to provide adequate ceiling height at the new conference room on the Town Hall stage, the entire third floor deck needs to be set higher than originally envisioned. The new height of the deck itself will not give rise to a change order. However, an additional stair riser will need to be added to the existing stairway, requiring the decorative railings to be removed and reset. The cost for this change will be approximately \$7,500.

*Recommendation:* **Board consideration of the stairway change order.**

(3) Town Hall/Library Project, Incorporation of Safe Doors Change Order (\*)

As reported previously, our architect had developed a plan to incorporate the decorated doors of one of two old safes in Town Hall into a new wall near the new elevator. Our contractor has now provided pricing to install the doors and to discard the whole, undecorated safe and the body of the decorated safe. If this option is selected by the Board, the total cost will be \$13,553. If not, our contractor will remove both safes, whole, at no cost.

*Recommendation:* **Board consideration as to whether to elect the decorative door incorporation change order.**

(4) Review of Town's Request for Letter of Map Revision

We learned during the week of March 7, 2016 that FEMA has asked our engineering contractor working on our request for a Letter of Map Revision for more information. FEMA is reviewing the Woods Hole Group's application for revisions to the coastal flood panels in Essex, which was filed on behalf of the Town about three months ago. Presently, the Woods Hole Group is analyzing FEMA's request and will be providing the Town with guidance in the near future.

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

(5) Release of RFQ for Preservation or Replacement of Folsom Pavilion

As requested by the Board at the last meeting, I finalized and released a Request for Qualifications (RFQ) from designers interested in developing designs and associated cost estimates for both the replacement of the Folsom Pavilion with an exact replica and the preservation of the existing structure, in place. This work will allow the Town to analyze the pros and cons of both approaches so that some future Town Meeting can consider funding for the necessary construction work. In the near-term, the RFQ will provide the 2016 Annual Town Meeting with an accurate design cost and construction oversight figure. The RFQ was officially released on March 16, 2016 and proposals are due by April 4, 2016. To date, over

two dozen designers have requested RFQ packages for review and 4 designers attended the project site visit on March 22, 2016.

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

(6) Bid Protest Concerning HVAC Filed Sub-bid

The second-lowest HVAC filed sub-bidder recently filed a bid protest with the Office of the Attorney General regarding a procedural issue with the HVAC bid opening process. The lowest HVAC bidder was also a plumbing bidder and put separate bids for both trades into a single, outer envelope (properly marked). At the bid opening, the bid reader thought that the second, inner envelope was just a duplicate plumbing bid. As such, the HVAC bid for that bidder never got recorded. The lowest HVAC bidder was not at the bid opening and called our architect later, to ask why their bid did not appear on the register. After verifying what had occurred, the Town chose the lowest bidder (which would have happened anyway, had the bid been opened on the spot).

I participated in a telephone conference with the Office of the Attorney General on March 10, 2016. Our architect, our Project Manager, the low bidder, and the second-lowest bidder also participated. Later, the Office of the Attorney General determined that the bid protest was unfounded, since a simple clerical error during the bid opening process is not grounds to move away from a fully-qualified low bid.

*Recommendation:* No further action is necessary.

(7) Auction for Internal Contents of the House at 153 Conomo Point Road

The subject auction was prepared and offered to all comers on March 11, 2016, after much publicity. No party registered to bid. As such, in my capacity as Chief Procurement Officer, I declared the auction cancelled and we will turn our attention to the demolition of the structure, contents and all.

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

(8) Equipment Contract, Demolition of Structure at 153 Conomo Pt. Rd. (\*)

Now that the issue of the internal contents of the subject structure has been settled, the actual demolition of the building can occur. Mr. George Ricker, Jr. has proposed to provide the necessary machinery and operators for the work and, as with past demolitions, the Town will act as the General Contractor, using a licensed construction supervisor, and will arrange for water spray (via Fire Department), environmental compliance (silt socks already on site and Conservation Agent will monitor), debris disposal (Superintendent of Public Works will arrange for dumpsters and his crew will help remove household hazardous substances like paint cans), and public health coordination (the Health Agent and I will work with a pest control contractor as necessary). The total cost

for Mr. Ricker's involvement will be \$9,280 and necessary certificates of insurance will be tendered before work begins. Mr. Ricker plans to begin moving equipment to the site as early as April 7<sup>th</sup> or 8<sup>th</sup>, 2016 and the Town will commence the demolition project early during the week of April 11, 2016.

**Recommendation: Board approval of the equipment contract with Mr. Ricker.**

(9) Contract for Determination of Affixation for Structures on Robbins Island (\*)  
As the Board recently discussed in its Comprehensive Plan for Robbins Island and Northern Conomo Point, it will be necessary to hire an engineer to determine whether each structure on the properties to be sold on Robbins Island is affixed to the land or not. As per the Pratt, et al. litigation, any affixed structure becomes property of the Town at the end of the leasing relationship with a tenant. As such, the sale price for any properties where structures are affixed will have to reflect our appraiser's "as-improved" value, as opposed to just the land-only value.

We have received from Horsley Witten a proposal to evaluate whether each structure on Robbins Island is affixed to the land. A staff engineer will conduct both office and field reviews of various factors and will arrive at an opinion for each property. The cost of this service will be \$5,000.

**Recommendation: Board signature of the contract with the Horsley Witten Group to conduct this affixation study.**

## **E. Insurance**

No items.

## **F. Facilities**

### (1) Purchase of New Tree for Town Hall Property

As the Board may recall, two large fir trees were removed from the Town Hall property in early 2016. The Town Meeting provided funding for that removal, as well as for the planting of one, new tree. To that end, I have ordered a twelve-foot balsam fir tree for planting later this year (likely in September). The nursery has indicated that the tree will be delivered to their yard and the nursery will transplant the tree onto our site, at the appropriate time.

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

### (2) Design Contract for Structural Shoring of Folsom Pavilion (\*)

Chairman O'Donnell and I met with engineer John O'Connell on March 9, 2016 at the Centennial Grove to review our need for structural shoring at the Folsom Pavilion. Mr. O'Connell inspected the structure and provided us with a proposal

for his services to design structural shoring elements to keep the building safe until a major overhaul is considered by the Town. The total cost will be based upon the actual time spent on the project, at a rate of \$100 per hour. Town Meeting already appropriated a total of \$20,000 for the design and construction of the shoring and Mr. O'Connell's work will probably cost around \$3,000. The remainder of the funds should be sufficient to actually get the shoring constructed and to repair the existing handicapped accessible ramp, based upon prior conversations with contractors.

*Recommendation:* **Board approval of the contract with Mr. O'Connell.**

(3) Comprehensive Plan for Robbins Island and Northern Conomo Point

At the last meeting, the Board released the subject Plan so that voters can absorb the background related to two planned Town Meeting votes: consideration of the sale of Robbins Island properties, and consideration of the lease of northern Conomo Point properties. The Plan has been posted on the Town's website under the Conomo Point Reference Materials link that is available at the [essexma.org](http://essexma.org) homepage.

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

(4) Development of Master Plan for Memorial Park

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Chairman O'Donnell and I met with Mr. Tim Curtis of Carpenter & MacNeille on March 10, 2016 out at the monument area in Memorial Park. As the Board may recall, Community Preservation Funding is in place for a survey and master plan for Memorial Park, which the Board of Public Works has narrowed to the monument area only. A survey plan has already been developed and the next step is to consider a design to accommodate the existing monuments and memorials, with the possibility of adding others. Individual items could be moved around and handicapped accessible walkways could be added. While on site, it struck us that any design should take into account the possibility that the public safety building at 24 Martin Street may someday be renovated and expanded, requiring Shepard Memorial Drive to be relocated (making the monument area smaller).

As such, I reached out to the Superintendent of Public Works and to the Chair of the Community Preservation Committee as to whether they would support a design process that illustrated a design for the current space and a separate design for the space if someday impacted by a roadway relocation. Also, Chairman O'Donnell attended the Board of Public Works meeting on March 21 and the Community Preservation Committee meeting on March 22. Presently, it is my understanding that the Board of Public Works, which has authority over the existing appropriation, is inclined to approve a contract containing the above elements. The Community Preservation Committee, however, was more guarded and does not support the above scope and prefers to have the appropriation closed out.

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

## **G. Fiscal/Budget**

### (1) FY 2017 Operating Budget, Recommendation of Enterprise Fund Budgets(\*)

I have continued to work with the Chairman of the Finance Committee since the last meeting in order to finalize the fiscal year 2017 operating budget.

*Recommendation:* **Board discussion relative to the fiscal year 2017 operating budget as necessary and vote to recommend both the Water and Sewer Enterprise Fund budgets.**

### (2) Senator Tarr's Annual Request for Budget Priorities

Senator Tarr's office requested the Town's top budget priorities during the week of March 7, 2016. I reiterated some past priorities and added others. Our list includes: release of the \$1.5M in downtown boardwalk funding (Legislature authorized by borrowing has not yet occurred at the executive level), consideration of vocation school district contributions based upon each member community's ability to pay, modification of sewer rate relief statute to allow smaller projects to compete for funding under the annual grant program, funding for regional sand dredging program, and funding for a Community Compact with the Baker Administration to investigate the merits of thin-layer deposition on Essex marshes.

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

## **H. Complaints**

No items.

## **I. Meetings Attended**

### (1) Board of Public Works Meeting and Community Preservation Meeting

Chairman O'Donnell attended the Board of Public Works meeting on March 21, 2016 and the Community Preservation Committee Meeting on March 22, 2016. At both meetings, she discussed an idea related to a master plan for the monument and memorial area at Memorial Park. Specifically, she discussed how a designer, using an existing Community Preservation appropriation, could explore two options: one involving the existing area, and another involving a smaller area, should Shepard Memorial Drive ever need to be moved toward Town Hall, to accommodate a larger public safety building. More information may be found under item F4, above.

(2) Veterans' District Meetings

Selectman Doane attended two meetings of the Eastern Essex Veterans' District as the Board's representative to the District, on March 10 and March 15, 2016.

(3) Cape Ann Chamber of Commerce, Cape Ann Caucus

Selectman Coviello attended the subject event on March 15, 2016. The event featured the Chamber's annual focus on education.

**J. Final Judgment**

(1) DEP Quarterly Report

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I have completed the Quarterly Report to the DEP for the quarter ending March 31, 2016. The report highlights how the 2016 Annual Town Meeting will consider the sale of properties on Robbins Island and the long-term lease of properties in the northern area.

*Recommendation:* **Board vote to transmit the report to the DEP.**

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

(1) Approval of Annual Town Meeting and Election Warrant

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I have developed a final version of the Annual Town Meeting and Election warrant in accordance with the guidance of the Board and the Finance Committee from the last meeting. The warrant, which includes a single ballot question regarding whether to increase the Community Preservation Act surcharge in Essex, will be posted and publicized after its approval.

*Recommendation:* **Board vote to approve the warrant in accordance with the posted agenda and to transmit the language for the sole ballot question to the Town Clerk.**

(2) Production of Annual Town Report

The Selectmen's Assistant completed the final compilation of the Annual Town Report during the week of March 7, 2016 and the report has been transmitted to the printing company, for production. The Report should be available in the near future.

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

**L. Legal Issues**

No items.

## M. Grants

### (1) Mass in Motion – Cape Ann, Planning Meeting

I attended a regular planning meeting concerning the subject grant program on March 8, 2016. As the Board may recall, MiM-Cape Ann features the planning expertise of Mr. Steve Winslow of the Gloucester Planning Department. Mr. Winslow has been assisting the Cape Ann communities to better align municipal and related practices to encourage healthy lifestyles. This particular meeting focused on obesity rates on Cape Ann, versus national trends. Rates do vary from community to community and the group is working with the school systems and others to provide education about healthy diets, as well as providing healthy food directly.

*Recommendation:* No further action is necessary.

### (2) Beneficial Use Study Regarding Thin Layer Deposition (\*)

As discussed at a previous meeting, the Board was in favor of discussing with the Army Corps of Engineers the commencement of a beneficial use study for the potential use of thin layer deposition (TLD) on Essex marshes. That type of study requires a “traditional” site to compare the cost of the alternative (TLD in this case) to. After getting permission from the Board of Public Works, I contacted the Army Corps of Engineers with the news that we did identify a site for the analysis (the former Town landfill). Personnel from the Corps have since indicated that sampling and testing work scheduled for this spring will be necessary before a study may be commenced. However, I am optimistic that the Corps will include the study in its upcoming work plan.

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

### (3) Green Crab Trapping and Disposal Grant

The Board signed the subject grant contract at the last meeting and the Division of Marine Fisheries has since countersigned the contract. I provided DMF with how the Town would like to proceed and we have learned that those procedures are acceptable. As such, I have made known that I am issuing trapping contracts that allow harvesters to be paid for removal and disposal of the crabs, by the pound. No harvesters have taken out contracts to date. Harvesters are discouraged, since this present contract only extends through June 30, 2016 and crab trapping is much better in the fall. It is possible that none of the grant money will be utilized. Any harvester interested in obtaining a trapping contract should contact me at the Town Hall.

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

(4) Massachusetts Downtown Initiative Grant, Parking Management Plan (\*)

As the Board may recall, our Town Planner had prepared for the Board's submittal and application to the Massachusetts Downtown Initiative (MDI) grant program in December of 2015. The application focused on the need for technical assistance with a parking management plan for the village center. We learned during the week of March 21, 2016 that the grant has been funded, in the amount of \$10,000 in technical assistance. Formal contract documents will arrive in the near future and the Town Planner will begin to work with planners at the Department of Housing and Community Development (DHCD) regarding the scope of services.

**Recommendation: Board vote to authorize the Chairman to sign any necessary grant contract paperwork outside of a meeting, when available.**

## **N. Emergency Planning**

(1) Regional Dispatch Center Monthly Meeting

I chaired a joint meeting of all three advisory boards for the Regional Dispatch Center on March 25, 2016. The meeting featured a discussion regarding future steps toward financial solvency and continued analysis and improvement of the Center's existing software systems versus potential replacement.

*Recommendation:* No further action is necessary.

## **O. Other Items**

(1) Coastal Barrier Resources System (CBRS) Land Designation (\*)

The consulting firm Dewberry is working for the US Fish and Wildlife Service regarding designation of various coastal resource parcels in relation to the CBRS. The CBRS is little-known Federal program and serves as a mechanism to restrict the eligibility of Federal funding in coastal areas that might contribute to unwise development in the coastal zone.

CBRS uses the term "System Units" to describe collections of properties that Federal funding prohibitions apply to. In Essex, in the vicinity of Conomo Point, some Town-owned land is already included in a System Unit. Other portions of the same land are not within the System Unit and are otherwise designated "Otherwise Protected Areas", or OPAs. In an OPA, the only Federal funding prohibition is the Federal Flood Insurance, whereas the System Unit prohibits Federal Flood Insurance and any other Federal funding that would encourage development (with limited exceptions for recreational areas).

Dewberry is asking the Town's permission to expand System Unit boundaries to include all of the Town wetland property in this area, as opposed to just the portion that is so-designated currently. Given that the Town may desire to engage

in marsh enhancement, River dredging, and public access improvements in the area in the future, it may be wise to wait on authorizing any change from OPA status to System Unit status. It is possible that this change in designation will have no effect on the Town's future plans but it is best to be more certain.

*Recommendation:* **Hold off on authorizing this change at this time.**

(2) Town Administrator Leave

I was out of the office, on vacation leave, during portions of the afternoons of March 9, 10, and 24, 2016 and all day on March 17, 2016.

*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.*