



Town Administrator's Report Board of Selectmen's Meeting of April 12, 2010

Report covers from March 20, 2010 to April 9, 2010

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

A. Town Department Reports/Requests

(1) Summer Program Physical Audit

The Youth Director has arranged a meeting among Mr. Rusty Harnish, herself, and myself on April 29, 2010 to review the plan to conduct an audit of the Summer Program's physical facilities. As the Board may recall, the administrative audit was completed at the end of last season.

Recommendation: I will update the Board as necessary.

B. Computer Systems

(1) Migration to New Accounting Server

We have been placed on our vendor's schedule for April 14 and April 15, 2010 for them to migrate our accounting software from our existing server (which is being retired) to a new server (which I have prepared and configured for the migration). I have informed all users of our accounting software products that they will have no access to the system for the first day.

Recommendation: I will update the Board as necessary.

(2) Operating System Upgrade

The Board of Health Administrator has been using the Windows Vista operating system for some time now. Vista is less than ideal in a networked environment and she purchased the upgrade to Windows 7. I installed the upgrade for her and her system is working better.

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

(3) Comcast Outage

Comcast experienced a major outage in Essex on April 8, 2010 which disrupted the Town's Internet and e-mail capabilities. I was able to switch our feed over to the Verizon DSL service that we maintain as a backup and service was restored to users within a few minutes. I switched back to Comcast after the problem with that network had been corrected.

Recommendation: No further action is necessary.

C. Personnel

(1) Teamsters Collective Bargaining

The scheduled collective bargaining session with the Teamsters for March 30, 2010 was cancelled and has been rescheduled for May 14, 2010.

Recommendation: I will update the Board as necessary.

(2) Town Clerk Search Process

At the Board's meeting of March 22, 2010, the Board decided to open the vacant Town Clerk position back up for applications through April 5, 2010. The Gloucester Times ran a story and the extended application period was locally posted and placed on the Town's website. The Board met on April 5, 2010 to choose a new pool of finalists and interviews have been scheduled for April 13, 2010.

Recommendation: I will update the Board as necessary.

(3) Insurance Advisory Committee (IAC)

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At the Board's meeting of March 22, 2010, the Board asked that I inquire to a certain retiree as to whether she wished to serve on the subject committee as the retiree's representative. That individual has indicated that she is not interested in serving. As such, at the Board's meeting of April 5, 2010, the Board asked that I contact two other retirees. I have learned that both of the retirees in question do not wish to serve.

Recommendation: **Board discussion relative to potential exploration of other names.**

(4) Cape Ann TV Board of Directors

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Cape Ann TV Executive Director Sinikka Nogelo indicated that the Cape Ann TV Board of Directors was prepared to solicit and appoint a successor to Board Member Daisy Nell since Ms. Nell was going to resign in the middle of her term. However, Ms. Nell has now indicated that she plans to complete her full term. When the natural expiration of that term arrives, the Selectmen will be asked to appoint a new party. Ms. Nogelo stated that Mr. Barry O'Brien may be interested in serving.

Recommendation: **Board discussion relative to solicitation of interest for the July 1, 2010 vacancy.**

(5) Town Administrator's Calendar Year 2010 Goals

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I had provided the Board with my draft goals for calendar year 2010 in the past and the Board was considering the goals for finalization.

Recommendation: **Board discussion relative to finalization of the subject goals.**

D. Procurement/Ongoing Projects

(1) Affirmative Marketing Program Quarterly Report

I filed the subject report with the appropriate state agency during the week of April 5, 2010. The report is required to summarize the Town's use of women and minority-owned businesses on state-funded projects for the period ending March 31, 2010. The Town had no such utilization over the last quarter.

Recommendation: No further action is necessary.

(2) Roadbed Elevation Meeting

I attended a site visit that included Mass DOT representatives and members of the Route 133 Reconstruction Project Task Force on March 23, 2010. The purpose of the meeting was to evaluate a proposal to further elevate the roadbed in the area of Perkins Marine and the Fortune Palace II Restaurant to prevent future flooding as part of the highway project. The discussion relative to this issue began in the early design stages of the project and a similar site visit was conducted over a year ago to point out the Town's specific concerns.

At the meeting, we were able to explain, and to illustrate with photographs of recent tidal flooding, the exact nature and scope of our request. Previously, Mass DOT officials were concerned about the scope potentially including necessary changes to abutting land to accommodate the higher roadbed elevation. We explained that the abutters would be making modifications to their properties own their own, in a coordinated fashion with the roadwork. We also explained again that abutters were willing to sign hold-harmless agreements for drainage or other issues that might arise due to the non-standard nature of the requested work.

The consulting designer from Mistry Associates subsequently met with the Assistant Resident Engineer to go over the technical details. The designer is working up a cost estimate (for both design and construction) and Mass DOT officials will review that, in conjunction with the necessary legal paperwork associated with the hold-harmless provisions. A decision on the approval of a change order will follow thereafter.

Recommendation: I will update the Board as necessary.

(3) Recommendation for Town Building Feasibility Designer

The Town Building Committee met on March 29, 2010 to interview three finalists who are interested in conducting the subject study. The Board met again on April 5, 2010 to deliberate further and has asked all three finalists a series of written

questions. The Committee will review the firms' responses to those questions at its next meeting on April 20, 2010.

Recommendation: I will update the Board as necessary.

(4) Review of Parking Potential in Main/Martin Intersection Area (*)

At the last meeting, the Board discussed a suggestion from interested parties that the area in front of the Village Restaurant be considered for parking (with a mountable curb) instead of the recently-approved grassed area that will be used as a "pocket park". The Board was aware that parking in that area may not be allowed due to safety concerns but desired to have the Mass DOT provide a formal opinion on the matter. Also, one party has now asked about potentially moving the sidewalk back to allow for parallel parking in this area. I have discussed these suggestions with the Resident Engineer and he is presently working to set up a site meeting with a traffic engineer who can field questions and speak to the various rules and requirements.

Recommendation: **Board discussion as necessary.**

(5) Utility Pole Move Update

National Grid has commented recently that the utility is preparing an analysis of the existing locations of the utility poles that were moved across the causeway in preparation for seawall work. That analysis will indicate whether any of the poles would need to be moved in order to make the relocation permanent and whether any easements will be needed from abutters for pole locations and/or guy line installations. The utility plans to contact me once the analysis is complete so that any requirements can be reviewed and potentially implemented.

Recommendation: I will update the Board as necessary.

E. Insurance

(1) Annual Steam Boiler Inspections

Our insurer sent an inspector to inspect the steam boilers in Town Hall and at the Police and Fire Headquarters on March 26, 2010. No problems were identified.

Recommendation: No further action is necessary.

(2) Monthly Pothole Log

I acquired from the DPW a copy of the pothole log for the month of March and provided it to our insurer. A total of three potholes were reported but two were on the State Highway. The pothole on a Town road was repaired.

Recommendation: No further action is necessary.

F. Facilities

(1) Municipal Parking Signage and Egress

At the Board's meeting of March 22, 2010, the Board asked that I request the Superintendent of Public Works to post parking signage on Route 133 directing motorists to the municipal lot. I made that request and the Superintendent will post the signage. We already have signage on Martin Street.

Also, the Board asked me to confirm whether the stairs leading up from the municipal lot toward the Village Restaurant could be heated for icing control in the winter instead of being closed. I discussed that matter with the Superintendent and he commented that he did not know of a system that could be retrofit on the stairs since most such systems are poured in place.

Further, I have confirmed with the Superintendent that Town forces will clear snow and ice from the walkway between the Fire Station and the first private building (something that has not been done in past winters). This will be a safe way to exit the parking lot in the winter. I have informed the pastors who were interested in these issues about these resolutions.

Recommendation: No further action is necessary.

(2) Installation of Pilings Adjacent to Causeway Seawall

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At its meeting of March 22, 2010, the Board agreed with a suggestion that the Town should explore the installation of pilings along the new causeway seawall after that work is completed but before the contractor installs rip-rap to stabilize the environment. I approached the Resident Engineer about this issue and he is working to set up a meeting with the necessary technical experts about how dovetailing the Town's desired work may be accomplished.

I also spoke with Mr. Ed Perkins about the proposed pilings project and he provided me with a variety of suggestions based upon his years of experience in the commercial marine trade and his familiarity with both local and State permitting. Issues to consider include: a) the potential development of a Notice of Intent for the local Conservation Commission along with an accompanying engineering drawing; b) discussion with the Department of Environmental Protection's Wetlands and Waterways Division regarding the potential need for a Chapter 91 license and the process that would be involved; c) the estimation of the number of pilings necessary based upon the installation of a 35' piling every 10' between Perkins Marine and the former Riverside Restaurant; d) the potential use of the same contractor (with Town funds) that is doing the seawall work in order to avoid mobilization costs that another contractor would charge (work would be done before the temporary steel sheeting is removed and we could potentially purchase pilings on our own for delivery to the site).

To date, I have scaled from the design drawings, with the assistance of the Assistant Resident Engineer, the distance between the two ends of the seawall and have found that approximately 21 pilings will be necessary. At a conservative cost of \$1,500 per piling (installed), we will need an appropriation of approximately \$31,500. I have spoken with a DEP official at the Wetlands and Waterways Division at the Northeast Regional Office and he advised that I bring the matter back to him after my meeting with Mass DOT officials so I can provide him with information regarding the specific permits that the project currently holds. He stated that he would work with the Town to recommend the most expeditious way of permitting the piling work.

Recommendation: **Board discussion as necessary.**

(3) Potential Installation of Lightning Protection System, Folsom Pavilion (*)

The Board asked me at the meeting of March 22, 2010 to look into the potential installation of a lightning protection system for the Folsom Pavilion. The system would allow all Summer Program participants to gather under the Pavilion in the event of electrical storm activity. I discussed the matter with our Electrical Inspector and he referred me to a contractor that specializes in this type of work. I will have additional information by meeting time.

Recommendation: **Board discussion relative to a potential system.**

(4) Easement for Fire Hydrant

A resident has requested that a hydrant be moved as part of a redevelopment of his property. The hydrant was thought to be on Town property when installed as part of the sewer construction project but was actually on this resident's property due to an inaccuracy on the Assessors' maps. The Superintendent of Public Works asked if I could assist the resident with the development of the appropriate easement paperwork for acceptance by the Board of Public Works as part of the relocation process. I modified an easement agreement from another property that Town Counsel had prepared in the past and Counsel reviewed that draft for use in this situation. The Board of Public Works will accept the signed easement agreement at an upcoming meeting (after the easement plan is finalized by the resident and the paperwork is signed) and it will be recorded at the Registry of Deeds along with a subordination agreement (if necessary).

Recommendation: No further action is necessary.

(5) Treatment of Town Trees

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The Board had asked that I follow up with a tree company that had proposed to spray certain Town trees for pests to avoid expected problems this coming season. I am now in receipt of a specific proposal and our Tree Warden is assisting in its evaluation. His tree budget for this fiscal year has been exhausted due to the major storm cleanup work that has been necessary but we may have the ability to

conduct the most critical work using Town Hall funds. I will have more information by meeting time.

Recommendation: **Board discussion relative to the services desired.**

(6) Manchester Essex Conservation Trust Trail Map (*)

The Trust has produced a new trail map which includes both private and public land. The Trust has asked if the Town has any problem with known trails on Town land being depicted on the map.

Recommendation: **Board discussion and review by Counsel, if necessary.**

(7) Building Self-Inspection Checklists

I completed the subject quarterly checklists for the Town Hall and the Senior Center on April 1, 2010. I did not find any safety hazards at either location. Self-inspection checklists are reviewed at each quarterly Safety Committee meeting (the next meeting is in June).

Recommendation: No further action is necessary.

(8) Spring Startup of Field of Dreams Irrigation System

I have contacted our irrigation contractor to schedule the spring startup of the irrigation sprinkler system at the Field of Dreams. Our contractor will place this work into their upcoming work schedule.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) FY11 Finance Committee Booklet (*)

The Finance Committee completed the production of the various budget booklet exhibits during the week of March 29, 2010. I combined these materials with other necessary components (such as the Wage & Salary Scale) and presented the booklet to our printer during the week of April 5, 2010. That booklet, along with 200 copies of the proposed zoning bylaw reformatting proposal (see below), will be available during the week of April 12, 2010.

Recommendation: **Board vote to approve the three enterprise fund budgets as shown in the final booklet.**

(2) Standard and Poors Bond Update Conference Call

The Treasurer/Collector, the Town Accountant, and I participated in the subject conference call on April 8, 2010. The purpose of this due diligence conference call was to allow Standard and Poors to conduct surveillance to keep the Town's long-term bond rating current for the market and investors. Standard and Poors'

last contact with the Town was in 2007 when our long-term bond rating was upgraded from A to A+ and the firm likes to conduct updates every two to three years. During the call, the firm asked us a variety of questions about the Town's budget process, reserves, and overall policies and future plans. The call went very well and the firm will provide us with feedback in the near future.

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 Selectman Randall on April 7, 2010. The meeting featured presentations from the two Board of Selectmen candidates. Selectman Randall and I also updated the group with respect to ongoing Town projects and initiatives.

Recommendation: No further action is necessary.

J. Final Judgment

No items.

K. Town Meeting, By-Laws, and Regulations

(1) Zoning Bylaw Reformatting Summary Sheet

At the Board's meeting of March 22, 2010, the Board determined that a handout containing the full text of the proposed zoning bylaw reformatting should not be produced. Instead, the Board favored a two-page summary of the proposal that the Planning Board could use to orient the Town Meeting members to the new format (especially since the bylaw is not changing substantively). I informed the Planning Board Co-Chairs about that decision and a request was made for the Selectmen to reconsider the issue. At the Board's meeting of March 29, 2010, the Board decided to produce 200 copies of the full text of the proposal.

Recommendation: No further action is necessary.

(2) Annual Town Meeting Warrant

At the Board's meeting of March 22, 2010, the Board voted to close the Annual Town Meeting Warrant and to sign it pending discussion with Town Counsel and our planning professional regarding the Southern Conomo Point Zoning District bylaw proposal. During that process, the Chairman learned that the Conomo

Point Planning Committee did not support the article going forward at this time and that, through the Planning Board Co-Chairs, Planning Board support was also not certain. The Board met again on March 29, 2010 to re-open the warrant and voted revised language that did not include the Conomo Point Zoning District Article. The warrant was signed and has been posted.

Recommendation: No further action is necessary.

(3) Annual Town Meeting Motions (*)

I have developed draft motions for the upcoming Annual Town Meeting.

Recommendation: **Preliminary discussion relative to the draft motions.**

(4) Town Annual Report

The Town Annual Report arrived from our printing contractor during the week of March 29, 2010. Copies are available at Town Hall and will be available at Town Meeting.

Recommendation: No further action is necessary.

L. Legal Issues

(1) Vaccination Reimbursement Billing Contract (*)

The Board of Health desires to contract with a third-party billing service to seek reimbursement for vaccinations that are offered by the Board's staff. The Board of Health already has an agreement with the University of Massachusetts relative to H1NI vaccination reimbursements and this, newly-proposed contract involves Medicare reimbursement for seasonal flu and pneumonia vaccinations.

Recommendation: **Board discussion relative to the required legal review.**

(2) Storm Water Management Draft Permit Comments

The Environmental Protection Agency recently accepted comments from municipalities regarding the Agency's issuance of the 2010 Massachusetts North Coastal Municipal Small Storm Sewer System (MS4) Draft General Permit. The Draft Permit proposes to impose many new requirements on municipal storm drain systems and their administration and management. Under the Federal rules, if a community is to seek relief to some of the permit's requirements in the future, the community must have filed detailed comments relating to the issue(s) at hand in advance. As such, in addition to comments sent in by the Superintendent of Public Works and by the Massachusetts Municipal Association, we participated in a very detailed comment letter that was drafted by Town Counsel. Counsel is splitting the cost of that letter among the various communities that opted in.

Recommendation: No further action is necessary at this time.

M. Grants

No items.

N. Emergency Planning

(1) Windstorm Debriefing

I met with the Chief of Police, the Fire Chief, the Superintendent of Public Works, and the Board of Health Administrator on March 25, 2010 to review the Town's response to the major windstorm that we experienced at the end of February. Although a public shelter was not opened in response to the storm, the prospect of a shelter was close. Our goal was to use this real-life yet relatively minor event to determine what worked well, what could be improved, and what might happen in a more major event. The group determined that it would be best to establish a new guidance document that we can continually improve to be used as a very practical reference in future emergencies. This new document will be known as the Comprehensive Emergency Management Plan Supplement (CEMP-S) and I have provided the group with a first draft based upon our discussion. We will work to revised and improve the document via monthly comments and editing.

Recommendation: I will update the Board as necessary.

O. Other Items

No items.

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