



Town Administrator's Report Board of Selectmen's Meeting of April 23, 2012

Report covers from April 7, 2012 to April 20, 2012

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

A. Town Department Reports/Requests

(1) Town Building Committee Meeting (*)

The Town Building Committee will meet on April 24, 2012 to finalize its approach to Town building-related matters for the Annual Town Meeting. I have developed a variety of analyses for potential discussion.

Recommendation: Board discussion relative to the various Town building-related matters – to benefit the Town Building Committee discussion.

B. Computer Systems

(1) Replacement of Power Supply Battery

The battery in the uninterruptible power supply (UPS) unit serving the fire/police network switchgear failed during the week of April 9, 2012. I had a replacement battery on hand and I installed it to correct the situation. I will order another replacement battery to have on hand for the future (we have a total of seven identical UPS units throughout our network infrastructure).

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

C. Personnel

(1) Chief of Police Calendar Year 2012 Goals (*)

At the last meeting, the Board asked that I provide the Chief of Police with the Board's preferred framework for his calendar year 2012 goals. This framework will require reorganization of the document to cover additional topics and to organize the various topics into categories. The Chief has since provided the Board with a revised goals document.

Recommendation: Continued board discussion relative to the Chief's goals.

D. Procurement/Ongoing Projects

(1) Village Corner Sidewalk Review

As the Board may recall, a number of key players met in the field on March 14, 2012 to review how the terminus of the Village Corner sidewalk might be reconstructed to address access issues. The District Highway Director of

MassDOT has written the Town to indicate that the Department is reviewing the data collected in the field and is working to develop some possible solutions.

Recommendation: I will update the Board as necessary.

E. Insurance

(1) Municipal Health Insurance Reform Act Update

As the Board may recall, communities that have not yet adopted the provisions of the subject Act are required to report by June 30, 2012 on savings that could have been achieved had they opted in. I have learned that guidance regarding just how that process should be undertaken is still being formulated within the Executive Office of Administration and Finance.

Recommendation: I will update the Board as necessary.

F. Facilities

(1) Town Hall Clock Malfunction

We noticed during the week of April 9, 2012 that the Town Hall clock was clanging dozens of times at the top of each hour (as did our neighbors). As such, I stopped the clock and contacted our clock repairman to review the issue. He found a worn part that is normally responsible for stopping the bell clanging weight after the proper number of bell strikes and repaired it. The clock is again functioning normally.

Recommendation: No further action is necessary.

(2) Potential Assistance from No. Shore Regional Vocational School Dist. (*)

At the last meeting, the Board agreed that I should apply to the North Shore Regional Vocational School District for potential assistance from students in the District with respect to the Lahey Building. It is possible that the Town Meeting and Town Election will vote to purchase that building and renovation costs could be reduced substantially if the District is willing to provide student labor. The Chairman of the District provided me with the necessary application for assistance and I have completed and submitted that application to the District's Superintendent.

Recommendation: **Board discussion as necessary.**

(3) Provision of Seasonal Water to Centennial Grove Cottage

I arranged with a plumbing contractor to de-winterize the Grove Cottage plumbing during the week of April 16, 2012 after the Department of Public Works turned on the water supply line for the season.

Recommendation: No further action is necessary.

(4) Deployment of Portable Toilets, Centennial Grove

The Selectmen's Assistant has arranged for the usual deployment of portable toilets at the Centennial Grove for the season. The units will be in place into the fall.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) Enterprise Fund Receipts Reserved for Debt Service (*)

According to a recent advisory by the Department of Revenue, all principal and interest betterment payments made to an Enterprise Fund for the purpose of funding debt service associated with the enterprise must fall to that fund's free cash at the end of each fiscal year. Presently, the Town segregates these receipts in a sub-fund within the Enterprise Fund to ensure that sufficient funds will always exist to address debt commitments. The Town should and will continue to account for these receipts internally.

However, the DOR advisory will artificially increase the enterprise's free cash figure. As such, it will be necessary to develop a policy agreed to by the Board of Selectmen and the Board of Public Works. The policy will stipulate that enterprise free cash will only be tapped for amounts that are below the difference between the fund balance and the amount we have reserved for debt obligations. This new protocol will be put in place for the free cash certification cycle that will occur this coming summer.

Recommendation: **Board discussion relative to the development of this new policy.**

H. Complaints

No items.

I. Meetings Attended

No items.

J. Final Judgment

(1) Planning for Title 5 Septic System Inspections, Conomo Point

I have begun to work with the Board of Health Administrator to plan for the production of Board of Health orders to inspect septic systems on Conomo Point. Pursuant to the Conomo Point Plan, all septic systems that passed Title 5

inspections in the past (circa 1998) – 59 properties in total – are required to be re-inspected at each leaseholder’s expense between July 15 and September 1, 2012. Properties with septic systems that have already been deemed to be in failure do not require re-inspection. The Selectmen’s Assistant, the Board of Health Administrator, the Board of Health Clerk, and I will collaborate regarding the production and timing of the orders to inspect.

Recommendation: I will update the Board as necessary.

K. Town Meeting, By-Laws, and Regulations

(1) Special Legislation, Conomo Point

(*)

Just prior to the last meeting, Chairman Jones and I met with Senator Tarr, Representative Ferrante, Senator Welch (Chairman of the Joint Committee on Municipalities and Regional Development), Jennifer Barrelle (staff to Representative Kane, Co-Chair of the Joint Committee), Attorney Corbo of Kopelman and Paige, and Mr. William Liberti (representing the Conomo Point tenants). As reported at the last meeting, it became evident that a Special Town Meeting is necessary to refresh the Town’s 2010 vote to petition the Legislature for clemency to Chapter 30B. The Board called and posted a Special Town Meeting for April 15, 2012 at 7:30 p.m. at the Essex Elementary School.

On a parallel track, I have provided our legislators and various staff members with additional background materials, which will also soon include the book and page of the newly-recorded Southern Conomo Point Subdivision Plan. The Plan demonstrates the Town’s clear intent for the property as evidenced by the lengthy public process that has been involved and provides continuity between the historic residential lease use and the proposed residential use as potential individually-owned properties.

Recommendation: **Board discussion as necessary.**

(2) Conomo Point Informational Forum

(*)

I attended the subject forum on April 12, 2012 along with the Selectmen, the Conomo Point Planning Committee, members of the Finance Committee, and personnel from the Horsley Witten Group. Senator Bruce Tarr and Representative Ann-Margaret Ferrante were also in attendance. Preparation for the meeting included a Code Red informational phone call which I made on April 10, 2012 and the development of a handout containing the various Conomo Point-related Town Meeting articles.

The forum featured various hosted tables that interested members of the public could visit to obtain information on various aspects of the situation at Conomo Point. Our legislators addressed the assembly to provide information concerning why a Special Town Meeting has been called for April 25, 2012 at 7:30 p.m. at

the school (to refresh the Town's vote to petition the Legislature for clemency to Chapter 30B).

Recommendation: **Board discussion as necessary.**

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

I attended the subject public hearing on April 18, 2012 along with the Selectmen, the Conomo Point Planning Committee, and personnel from the Horsley Witten Group. At the hearing, our consultant made a presentation regarding the proposed bylaw, as amended by recent input from the Selectmen and the Planning Committee. Feedback from the public included a question on whether changes to the draft bylaw beyond the material that is already printed in the Town Meeting warrant were within the scope of the article. Town Counsel has opined that the proposed changes are within scope and may be made in the motion. He will recommend so to the Moderator if the question is raised.

Recommendation: **Board discussion relative to the Public Hearing input.**

(4) Proposed Revision to Shellfish Regulations (*)

At the last meeting, the Board asked me to prepare proposed changes to the shellfish regulations requiring Town-issued shellfish/worm/eel licenses to be on each harvester's person whenever they are engaged in harvesting activities. As such, I have prepared draft changes for the Board's consideration with a proposed effective date of May 1, 2012.

Recommendation: **Board vote to approve the subject changes.**

(5) Special and Annual Town Meeting Draft Motions (*)

I have developed a draft motion for the single article for the April 25, 2012 Special Town Meeting and have further developed the draft motions for the Annual Town Meeting to be held on May 7, 2012.

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

L. Legal Issues

(1) Appeals Court Oral Arguments, Gloucester Sewer Billing Dispute (*)

Attorney Gregg Corbo presented an oral argument on behalf of the Town to the Appeals Court regarding the subject dispute on April 11, 2012. City Solicitor Suzanne Eagan presented an oral argument for the City. The Appeals Court has the matter under advisement and a decision could take quite some time to receive.

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

(2) Quarterly Review of Executive Session Minutes

The Chairman and I reviewed the Board's executive session minutes for potential release since the last quarterly review. No new sets of minutes are fit for release at this time.

Recommendation: No further action is necessary.

M. Grants

(1) Local Acquisition for Natural Diversity (LAND) Grant (*)

The Executive Office of Energy and Environmental Affairs has announced the availability of FY13 funding for the subject grant program. The LAND grant program is intended to assist municipal conservation commissions with the purchase of conservation land with certain goals in mind. This year, municipal open space committees are eligible for funding that will update local open space plans if a community at least applies for a LAND grant (no LAND grant has to actually be awarded in order to benefit from the open space grant).

As such, I reached out to the Chairs of both the Conservation Commission and the Open Space Committee regarding the potential coordination of these efforts. Since the Town's current Open Space Plan is in need of an update, the funding would be a useful resource. The Conservation Commission plans to take the topic up at its next meeting in early May and I will assist to further coordinate the matter thereafter.

Recommendation: **Board discussion as necessary.**

N. Emergency Planning

No items.

O. Other Items

(1) Patriots' Day Holiday

The office was closed on April 16, 2012 in observance of the subject holiday.

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