



Town Administrator's Report Board of Selectmen's Meeting of May 16, 2011

Report covers from April 23, 2011 to May 13, 2011

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

A. Town Department Reports/Requests

(1) Notice of Intent for Alewife Run Clearing (*)

At the last meeting, the Board agreed that I should consult with the Conservation Commission Chairman to determine if my working on the subject Notice of Intent would make sense – versus hiring a wetlands scientist for the job. In consultation with the Conservation Agent, we have determined that the highly technical nature of the work, coupled with the multiple jurisdictions involved, will best be served by a professional wetlands scientist.

Recommendation: Board discussion regarding potential funding sources in fiscal year 2012.

(2) Great Marsh ACEC Assembly (*)

The Town of Ipswich is the recipient of a Research and Planning Grant from the Mass Bays Program. The project that was funded is known as The Great Marsh ACEC Assembly. ACEC is a State designation that stands for Area of Critical Environmental Concern and the Great Marsh ACEC exists within the towns of Essex, Rowley, Newbury, Gloucester, and Ipswich. The project aims to develop a resource management plan (RMP) for the Great Marsh ACEC.

Presently, organizers are looking to solicit members of both an Oversight and a Steering Committee and the Oversight Committee will first meet on May 24, 2011. I have reached out to the Conservation Agent and the Conservation Commission about serving with respect to the project and the Commission will discuss the matter on May 17, 2011. It will be possible to provide project organizers with a name on May 18, 2011.

Recommendation: Board discussion regarding the Commission serving as the Town's representative agency for the project.

B. Computer Systems

(1) Transfer of Computer Systems

Mr. George Harvey, Chairman of the North Shore Regional Technical School District Committee, picked up all of the Town's surplus client computers and servers on April 26, 2011. The Board had voted to transfer this equipment for the benefit of the students at the last meeting. I saved one server as backup

equipment and the Library and the Fire Department each saved an old client system.

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

(2) Specification of New SCADA System Hardware

The Town's sewer system is continuously monitored by a computerized system known as SCADA (Supervisory Control and Data Acquisition System). Data from pump stations, meters, etc. are constantly streaming into the Water Filtration Plant where the SCADA system's main computer components are located. The existing two computer systems are now approaching six years old and are in need of replacement.

The Superintendent and I had been waiting for the SCADA software vendor to support Windows 7 so that we did not have to purchase new machines only to run an old operating system. I recently specified and ordered both of the systems for our hardware supplier (Dell) and two new systems have been shipped under the auspices of the State Contract. The Weston & Sampson engineering firm will soon deploy the newest version of the SCADA software onto the new machines for us. The old machines will be taken off line thereafter.

Recommendation: I will update the Board as necessary.

(3) Cloud Computing Roundtable

As noted in the past, I had expressed interest in an initiative being undertaken by the City of Melrose to explore regionalization of information/technology services. A roundtable has now been announced for May 23 and I will attend along with Selectman Jones.

Recommendation: I will update the Board as necessary.

(4) Tape Drive Malfunction

The tape backup unit in the public safety system server malfunctioned during the week of May 2, 2011. I contacted technical support after attempting to correct the issue and, after some diagnostics, the technician agreed that the problem was mechanical. As such, he authorized the replacement of the drive by an on-site technician. I provided the on-site technician with access to the system and the problem has been corrected.

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

(5) Cloud Computing, Tax Collection Software

(*)

I have progressed with Town Counsel, our auditor, and our insurer toward the review of a contract for a vendor to provide web-based or "cloud" computing services for our tax collection function. This arrangement is also known as

“Software as a Service”, or SaaS. As noted in the past, our users would access the vendor’s system over the Internet, obviating the need to run the software on an in-house server. We will, however, receive a daily data file so that we are always in custody of all information and we will incorporate that file into our usual data backup protocol.

Town Counsel has approved the legal language in a draft contract and our auditor has approved of the concept (with a caveat). With respect to our auditor, if both our tax collection and our accounting functions were proposed to be moved to a web-based scenario, an audit known as a SaaS 70 audit would be required from the vendor(s) in question. A SaaS 70 audit is an evaluation of the vendor’s internal controls that the Town could rely upon to prove control and compliance. The vendor for the tax collection software is not presently planning to offer a SaaS 70 audit. However, since our accounting system will remain on-site and completely under the Town’s control, the reconciliation of the cloud-based system with our in-house system is a mitigating control with respect to the General Ledger that is adequate to our auditor. Eventually, if the Town decides to move the accounting function to the cloud as well, a SaaS 70 audit will be required of all vendors involved.

The contractor will charge the Town fifty cents per tax billing account per fiscal year. Eventually, the contractor will derive additional income by selling information (which is all public information) to mortgage companies and by offering an on-line tax bill payment option, for a fee. When the on-line option becomes available, a separate contract will be developed to insulate the Town from the breach of credit card information. The contractor has signed the Counsel-approved contract.

Recommendation: **Board signature of the contract for this new service.**

(6) Installation of New Fire Incident Software on Additional Workstations

As the Board may recall, the Fire Department recently switched to a new fire incident tracking system and I had assisted with the installation of that software on the server and on one workstation. I have now also installed the software on two additional workstations.

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

C. Personnel

(1) Temporary Deputy Shellfish Constable

At the last meeting, the Board appointed Mr. Michael Pascucci as a Temporary Deputy Shellfish Constable since the Town’s usual Deputy for this time of year, Mr. Steve Hartley, had been delayed in returning to the area from his winter home. Mr. Pascucci served until early May, when Mr. Hartley was back in Town and

ready to resume his duties. This action was necessary since Mr. William Knovak, the other former Deputy, had been promoted to Constable and coverage for his days off was required. Incidentally, I have officially informed both the Division of Marine Fisheries and the Environmental Police that Mr. Knovak is the Town's new Constable.

Recommendation: No further action is necessary.

(2) Filling of Vacancy for Deputy Shellfish Constable

Applications to fill the vacancy for Deputy Shellfish Constable that was created when Mr. William Knovak was promoted to Constable were due on April 27, 2011. Since only one individual applied by the deadline, the Board decided to open the position back up in order to field a greater pool of applicants for consideration. The new deadline is June 1, 2011.

Recommendation: I will update the Board as necessary.

(3) Chief of Police Successor Contract

The Chief of Police has signed a successor employment contract based upon terms that have been negotiated recently with the Selectmen. The contract has been countersigned and is in force.

Recommendation: No further action is necessary.

(4) Comprehensive Town Policy Acknowledgment Process

As the number of Town policies grows and policies become more complex, it would be helpful to organize employees' acknowledgement of these policies, as applicable, on an annual basis. As such, I am working with Town Counsel to develop a master policy acknowledgment form that will be required of all employees (paid staff, appointees, and elected officials alike, as applicable) at the start of each new fiscal year. The policies are already being distributed at hire/appointment/election but annual renewal and refreshment is good practice.

In order to streamline the process, all of the policies that are listed on the form will be posted in a dedicated area of the Town website so that employees can read on-line or print out as desired. This clearinghouse will also help employees to refer back to policies as needed. Town Counsel has indicated that this new practice is acceptable. The first use of the annual acknowledgement system will occur this coming July, after the start of the new fiscal year.

Recommendation: I will update the Board as necessary.

(5) Senior Van Driver Position Description

Now that funding for a paid Senior Van Driver (or drivers) has been approved, the Chairman of the Council on Aging has indicated that the Council will provide a recommended position description to the Selectmen, acting as the Personnel Board. Once approved by the Selectmen, the position description will allow for position advertisement, with hiring to be effective in the new fiscal year.

Recommendation: I will update the Board as necessary.

(6) Board of Public Works Appointment

This year, in accordance with the Special Act that established the Board of Public Works, it is the Moderator's turn to recommend a list of candidates for the expiring term. The Moderator is determining if Mr. Rullo is interested in being reappointed and is working to compile other possible candidates, since the Act requires a list of at least two. Interested parties should send a letter of interest to Rolf Madsen, Town Moderator, c/o Selectmen's Office, Town Hall, 30 Martin Street, Essex, MA 01929 by the close of business on May 31, 2011.

Recommendation: I will update the Board as necessary.

D. Procurement/Ongoing Projects

(1) 17th and 18th Biweekly Reports, Route 133 Reconstruction Project

I issued the subject reports on April 25, 2011 and May 9, 2011, respectively, to the Chamber's Route 133 Reconstruction Project Task Force. The reports updated progress on roadway reconstruction based upon the project now being in full swing. In general, base and binder pavement are in place along the entire causeway and sidewalk work along the causeway is moving along rapidly. Partial-depth reconstruction of the roadway will commence from the Essex center side of the causeway bridge toward John Wise Avenue in the near future.

Recommendation: No further action is necessary.

(2) Route 133 Reconstruction Project Monthly Update Meeting

I attended the subject meeting among the members of the Chamber's Route 133 Reconstruction Project Task Force and MassDOT officials on April 27, 2011 along with Selectman O'Donnell. DOT officials reviewed progress to date and indicated that base and binder pavement would be installed along the stretch of roadway between the donut shop and the causeway bridge by April 29, 2011 (which occurred as scheduled). Sidewalk, curbing, lighting conduit, and planter work is expected to be completed for the same stretch of roadway by Memorial Day. Roadway reconstruction between the causeway bridge and John Wise Avenue will become the project's focus between Memorial Day and this coming fall.

At the meeting, a suggestion was offered to install a texture into the various new crosswalks within the project. However, MassDOT officials indicated that painted sidewalks would be used and that textured features would not be possible. A suggestion was also offered about additional parking signs pointing out the municipal parking lot when the Winthrop Street detour is in place. The Department of Public Works does not have any extra signs but the DOT will determine whether signs can be obtained. The next monthly meeting will occur on May 25, 2011.

Recommendation: No further action is necessary.

(3) Permanent Utility Pole Relocation

Four utility poles that had been moved across the causeway to allow for seawall construction on a temporary basis will be kept in the new locations permanently. National Grid has been working on specific easement documents that will be necessary in order to locate guy lines for the poles on abutting private property on a permanent basis. The utility's development of the easement packages is almost complete and I will work with the Chamber of Commerce and the Merchants' Group to present those documents to the abutters in question for approval. National Grid will provide an updated graphic for pole and guy line locations to MassDOT in the near future in order to inform MassDOT about those locations during the ongoing sidewalk work in that area.

Recommendation: I will update the Board as necessary.

(4) DPW Sidewalk Project

At the last meeting, I explained to the Board that the Board of Public Works was planning to deliberate over whether to spend approximately \$190,000 of Chapter 90 funding on sidewalk work in two areas of Town. The BPW has completed those deliberations and has decided not to conduct that work (reject all bids) since insufficient funding is available at this time. At the Selectmen's suggestion, I asked the Superintendent whether he thought rebidding the project would be fruitful given the fact that a major road construction contractor is already working in Town on the State highway project.

The Superintendent agreed that I should contact the Project Manager to see if the contractor would likely bid, along with any other interested contractors, if the sidewalk project were offered again. I contacted that individual and he inquired about the project scope with the Superintendent. The BPW will determine if the project will be re-bid.

Recommendation: I will update the Board as necessary.

(5) Conomo Point Procedures Calendar

(*)

I have updated the subject calendar to reflect all of the necessary steps to achieve compliance with the Conomo Point Plan and to reflect progress to date as a result of the recent Annual Town Meeting.

Recommendation: **Board discussion as necessary.**

(6) Successor Third-Party Ambulance Billing Agreement

Our ambulance billing contractor provided the Board with a one-year, successor billing agreement during the week of May 2, 2011. The Board signed the successor agreement, which is effective July 1, 2011, at their meeting of May 9, 2011.

Recommendation: No further action is necessary.

(7) Conomo Point Appraisal Scope of Services

(*)

An appraiser who we have worked with in the past will soon deliver a proposal for assistance with packaging the scope of services for a competitive bidding process for bridge lease appraisals at Conomo Point. The proposal will involve a statistical sampling of 30 properties south and 30 properties north of Robbins Island Road which will be used in each area to arrive at values for all properties.

Recommendation: **Board review of the subject proposal, if available by meeting time.**

E. Insurance

(1) Monthly Pothole Log

I obtained a copy of the pothole log for the month of April from the DPW and submitted it to our insurer as part of the MIIA Rewards Program. No potholes were reported. I will resume this activity in November.

Recommendation: No further action is necessary.

(2) OccHealth Connect Semi-Annual Report

Each year in May we file the subject report with our insurer. The OccHealth Connect program is offered to assist employees with work-related injuries to return to work as soon as possible. Our pre-employment testing is also reported. For the period since January 1, 2011, we have not had need to utilize occupational health services since no injuries of this nature have occurred. Also, we did not have any pre-employment screenings during this reporting period. I filed the report during the week of May 9, 2011.

Recommendation: No further action is necessary.

(3) Annual Town Building Inspection

As the Board may recall, our insurer recently performed its inspection of Town buildings. The inspector's report generated certain recommendations for the Town Hall, the Senior Center, and the DPW barn. These included securing of library shelving, protected storage for fluorescent bulbs, Senior Center fire sprinkler system inspection updating, and the addition of a standard list of safety equipment items to DPW vehicles. All recommendations will be complied with in the near future.

Recommendation: No further action is necessary.

F. Facilities

(1) Centennial Grove Sign

The Superintendent of Public Works and I visited the intersection of Centennial Grove Road and Western Avenue during the week of May 2, 2011 to choose a location for the refurbished Centennial Grove sign. The sign will be located on the right (entering Centennial Grove Road) in an area that will not obstruct the line of site for drivers.

Recommendation: No further action is necessary.

(2) New Gangway for Fishing Dock (*)

The gangway used to access the fishing dock at Centennial Grove was recently scrapped. As such, a replacement gangway is necessary. A new gangway could cost in the vicinity of \$2,500. It may be possible to obtain a used structure instead.

Recommendation: **Board discussion regarding potential use of the Grove Revolving Fund for this expense.**

(3) Centennial Grove Cottage

The first event in the Cottage this season will be a wedding on June 4, 2011. The water had been turned on to the Cottage's service line but internal pipes had not yet been pressurized. I contacted a plumbing contractor to reinstall various valves, etc. that had been removed as part of the winterization process and the system has now been pressurized. All other systems have been tested and are working well.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) Comprehensive Town of Essex Financial Policies and Procedures Manual

Our auditor suggested in our recent audit that we coalesce all of our existing financial procedures into the subject manual. As such, I asked our financial team to provide me with all existing policies, procedures, and forms so that I could compile into one manual with some type of logical order. I have completed the first draft and I have sent to our auditor for initial review.

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 Selectmen Randall and O'Donnell on April 29, 2011. We updated the group regarding progress and planned activities on the Route 133 Reconstruction Project and regarding the warrant for the Annual Town Meeting.

Recommendation: No further action is necessary.

J. Final Judgment

(1) Outdoor Shower Complaint (*)

The Board reviewed the subject complaint at its meeting of May 2, 2011. The complainant sent a list of properties on Conomo Point to the Town and to the Department of Environmental Protection alleging that all outdoor showers at those locations were illegal. I reviewed the matter with the Board of Health Administrator, our Plumbing Inspector, and Mr. David Ferris of the DEP.

Locally, we have determined that outdoor showers are legal under certain conditions as follows: a) the shower cannot be enclosed in privacy partitions (since the function is only to wash sand off from the beach); b) the shower must have a sign indicating that soap cannot be used; and c) the dwelling must have its own bathing facility inside that is properly connected to sanitary facilities. We have made that position known to the DEP and we are awaiting the DEP's review of the position against State-wide policy. Once the rules are confirmed, the Board of Health will send orders to parties with outdoor showers as necessary requiring each party to come into compliance.

Recommendation: **Board discussion as necessary.**

K. Town Meeting, By-Laws, and Regulations

(1) Distribution of Article Summary and FAQs, Conomo Point

At the last meeting, the Board asked that I distribute the subject documents to the *Manchester Cricket* and to the *Cape Ann Beacon* for potential publication before the Annual Town Meeting. I completed those distributions and Chairman Randall discussed the documents with the *Gloucester Daily Times*. I also placed copies of the documents at the Essex Senior Center.

Recommendation: No further action is necessary.

(2) Annual Town Meeting Motions

I developed final motions for the Annual Town Meeting for the Board's final review and discussion at the meeting of May 2, 2011. The Annual Town Meeting went very well.

Recommendation: No further action is necessary.

(3) Special Election Warrant

I worked with Town Counsel to prepare a Special Election Warrant for signature the Board's meeting of May 9, 2011. The Special Election will be held on June 15, 2011 from noon until 8:00 p.m. and is necessary to complete the Town's consideration of a general override for various operating expenses and a capital exclusion override for a police cruiser, police department portable space, and a new copier for Town Hall.

Recommendation: No further action is necessary.

(4) Sheet Metal Regulations – Setting of Fees

A new regulation, 271 CMR 9.01(2), allows communities to set fees for sheet metal work. In a town, such fees are normally adopted by Town Meeting. I contacted the Associate Executive Director of the Massachusetts Board of Sheet Metal to verify that authority and to get examples of fees that other small towns have set. A common structure is \$5.00 per \$1,000 in value for residential and \$10.00 per \$1,000 in value for commercial. I will bring this issue up during the run up to the next Town Meeting (likely November).

Recommendation: I will update the Board as necessary.

L. Legal Issues

No items.

M. Grants

No items.

N. Emergency Planning

(1) Public Safety Mutual Aid Agreement Opt-in

At the last meeting, the Board voted to opt into the subject mutual aid agreement pursuant to Section 4J of Chapter 40 of the General Laws. I have provided the Chief of Police and the Fire Chief with a copy of the opt-in form that I completed for submission to the Massachusetts Emergency Management Agency and that form has been transmitted to MEMA. The Fire Chief will confirm in the future whether the fire mutual aid statute (Chapter 48, Section 59A) requires any new action from the Board and MEMA will be informing communities when they recommend opt-ins for the public works mutual aid law (Chapter 40, Section 4K).

Recommendation: I will update the Board as necessary.

O. Other Items

(1) Town Administrator Leave

I was out of the office on vacation leave for the afternoon of April 28, 2011 and all day on May 11 and May 12, 2011.

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