



## Town Administrator's Report Board of Selectmen's Meeting of June 6, 2011

Report covers from May 14, 2011 to June 3, 2011

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

---

### A. Town Department Reports/Requests

#### (1) Informal Department Heads Meeting

I hosted the subject meeting in my office on May 19, 2011 as I do from time to time. We discussed a variety of topics and worked to coordinate issues that cross departmental lines.

*Recommendation:* No further action is necessary.

#### (2) Non-Resident Seasonal Clam Permit Application Form

At the last meeting, the Board asked that the subject form be changed to include an applicant signature line in addition to the signature line for the in-Town sponsor. The Town Clerk has made that change to improve this relatively new form.

*Recommendation:* No further action is necessary.

#### (3) Red Tide Posting and State Update/Decision Making Process (\*)

As the Board is aware, the Division of Marine Fisheries (DMF) issued an all-flat closure for shellfish in the Town of Essex on May 19, 2011 due to the presence of red tide indicator organisms. Flats were still closed as of June 1, 2011 and closures may continue for some time. Our Shellfish Constable posted numerous closure signs, which included the notation "red tide" since that was the reason for the closure. This practice is also used in surrounding communities. A number of clammers asked about the indicator levels based upon successive samplings and about the DMF's authority to close flats in a "precautionary" manner even if the actual levels are less than the generally-accepted action levels.

Regarding the updating of sampling results, our Shellfish Constable is able to get re-test data directly from DMF as necessary, even if results have not yet been updated on the Division's website. Regarding the precautionary closures, the DMF has the authority to declare such closures in accordance with the provisions of General Laws Chapter 130, Sections 74A and 75 and 322 CMR 7.01(7). Regarding the use of the notation "red tide", the Shellfish Constable confirmed that surrounding communities use this same practice and has indicated that the Division of Marine Fisheries is in favor of that notation.

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

(4) Filling of Vacancies for Various Committees

At the last meeting, the Board decided that both the vacancy on the Conomo Point Planning Committee and the vacancy on the School Committee would be discussed at the present meeting. The Board asked that I provide a notice to the newspaper relative to candidates interested in the School Committee vacancy, which ran shortly after the last meeting. Separately, I have been working with the Moderator to solicit interest in the expiring seat on the Board of Public Works and with the Chairman of the Finance Committee regarding the filling of vacancies on that Committee.

*Recommendation:* Board discussion regarding the filling of vacancies in all four areas – each is listed as a separate item on the present agenda.

(5) Deputy Shellfish Constable Vacancy (\*)

The Board had previously opened applications for a vacancy in the position of Deputy Shellfish Warden, with applications due April 27, 2011. Subsequently, the Board opened the application period again, through June 1, 2011. One applicant applied during the first period and two additional applicants applied during the second period.

*Recommendation:* **Board consideration of all of the applications that have been received.**

(6) Conomo Point Planning Committee Focus (\*)

At the last meeting, the Board discussed making a new suggestion to the Conomo Point Planning Committee about the Committee's future focus. The last time the Selectmen made such a suggestion was in 2006 and the Board determined that it would re-visit the Committee's recommended focus at the present meeting.

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

(7) "Narrowbanding" of Municipal Radio Systems

The Federal Communications Commission (FCC) will require all UHF and VHF licensees to reduce bandwidth by December 31, 2012. The Executive Office of Public Safety & Security (EOPSS) has reached out to each community to assemble a list of points of contact for agencies operating municipal radio systems (in Essex, the Fire Chief, Chief of Police, and Superintendent of Public Works). EOPSS has hired a consultant to assist communities with assessment and compliance tasks and the consultant will contact each Essex agency to discuss requirements in the near future.

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

## B. Computer Systems

### (1) Regional Datacenter Roundtable

(\*)

I attended the subject roundtable in the City of Melrose along with Selectman Jones on May 23, 2011. The roundtable featured a discussion regarding the possibility of the City hosting capacity within its existing datacenter that other municipalities could utilize, for a fee. I have developed a cost summary regarding our present information/technology infrastructure that now needs to be compared with costs that might be offered by Melrose for the same functions. I have also summarized in a graphic which aspects of our current operations are presently outsourced versus in-house.

*Recommendation:* **Board discussion regarding next steps.**

### (2) Renewal of Antivirus Client Licenses

25 client licenses for our antivirus software expire at this time of the year. I have ordered a renewal for those licenses and other licenses are renewed in December.

*Recommendation:* No further action is necessary.

### (3) Police Policies & Procedures Shared Folder and Fire Software

The Police Sergeant requested a way to share revised policies and procedures with his officers so that each officer would have instant access once logged onto the Department's computer system. I set up a folder in which the Chief and the Sergeant have full read and write access and in which the officers only have read access. As new policies are adopted and existing policies are amended, the Sergeant will notify all officers and each officer can instantly review that material.

Also, in order to run the new fire incident software on various workstations at the Fire Station, the Fire Chief asked me to review a server connection issue. I was able to provide a short-term solution and have since automated that solution after discussing the matter with a network expert.

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

### (4) Replacement of SCADA System

The Department of Public Works is now under contract with a vendor to upgrade the SCADA (Supervisory Control and Data Acquisition) system and other associated systems used to monitor and control the Town's sewer pump stations and devices. I purchased two new computer systems, which have now also arrived, and the vendor is presently developing a schedule to install the latest software on the new computers. The two old computer systems will come off line once the new system is in place and fully tested.

*Recommendation:* No further action is necessary.

## C. Personnel

### (1) Personnel Board Meeting

The Board of Selectmen continues to serve as the Personnel Board (since two vacancies out of three seats presently exist). The next quarterly Personnel Board meeting is due in June but no business is pending at this time.

*Recommendation:* No further action is necessary.

### (2) Safety Committee Meeting

The next Safety Committee meeting is scheduled for June 15, 2011. I will attend as a member of the Committee.

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

### (3) Council on Aging Van Driver Position Description (\*)

In preparation for paid driver funding that will become available as of July 1, 2011, the Council on Aging has provided a draft position description for a paid van driver, for the Board's review (acting in the Board's capacity as Personnel Board). I have reviewed the draft position description and have recommended several changes.

*Recommendation:* **Board review and approval of the van driver position description, as amended.**

## D. Procurement/Ongoing Projects

### (1) 19<sup>th</sup> Biweekly Construction Update, Route 133 Project

I issued the subject update on May 23, 2011. Please refer to item D2, below, for details. Also, I have confirmed that neither the DPW nor the MassDOT have extra blue public parking signs that could be used in conjunction with the Winthrop Street detour this summer to direct motorists to the municipal parking lot. We will need to create temporary signage as necessary.

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

### (2) Route 133 Construction Project Monthly Meeting

I attended the subject meeting along with Selectman O'Donnell and the members of the Chamber's Route 133 Reconstruction Project Task Force on May 31, 2011. Presently, the contractor plans to begin partial-depth roadway reconstruction on the Essex Center side of the causeway bridge, in a fashion similar to the work that has already been completed, on June 6, 2011. The initial work area will extend from the bridge to the yellow flashing light adjacent to Americana Antiques. A second work area will extend from the flashing light to the start of John Wise Avenue after base and binder pavement has been installed in the first area.

MassDOT is continuing to work with a private traffic engineer to work out a final layout for the Pocket Park that will be adjacent to the Village Restaurant. A few technical items remain and it is possible that those could be resolved without major cost. Final locations for future street lights have been set in accordance with the Long Term Planning Committee's recommendations (via Selectman O'Donnell), as modified by various site limitations. Planters will be installed in front of several causeway businesses and the exact makeup of the plantings will be arrived at with input from each business owner and an arborist that is working with the Chamber of Commerce. The next monthly meeting is scheduled for June 23, 2011.

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

(3) Roadway Shoulder Design, Route 133 Project

At the last meeting, the Board discussed a suggestion from an abutter of the Route 133 Reconstruction Project that a small grass strip between the curb and sloped edging along a section of Eastern Avenue would be difficult to maintain. After discussing the alternatives, each of which had significant drawbacks, the Board determined that the chosen design was the best alternative. It is hoped that abutters along that stretch of roadway will be able to trim the strip, along with occasional assistance from the DPW. I informed the abutter about the Board's decision.

*Recommendation:* No further action is necessary.

(4) Purchase of New DPW Dump Truck

(\*)

The Superintendent of Public Works solicited a quotation for a new DPW dump truck with snowplow from a vendor on the State Contract – the cost will be \$35,515 (\$38,015 less a \$2,500 trade-in). This vehicle will be leased for three years, with an option to purchase and the first payment of \$12,561.66 will be due at delivery, which will be after July 1, 2011 (fiscal year 2012). Chapter 90 funding will be used for year one and Town funds will be used for payments in fiscal years 2013 and 2014. I have worked with the Superintendent and our financing company to prepare the paperwork for the transaction for the Board's signature.

*Recommendation:* **Board signature of the necessary lease/purchase schedule, which will be attached to our master financing agreement.**

(5) Regional Dispatch Center Construction

The Essex County Sheriff's Office has recently provided an update concerning the ground breaking for the new Regional Dispatch Center building. Final bids are due this July and it is likely that the construction project will commence in August.

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

(7) Paglia Pocket Park Theme

(\*)

At the last meeting, Selectman O'Donnell noted that proponents of relocating the ship's wheel monument from the Town Landing to the new Paglia Pocket Park desired a written statement regarding the Board's decision not to proceed with that suggestion. The Board discussed the potential to feature the monument in a more prominent area of the Town Landing, instead. I provided to the Board past correspondence regarding the matter.

***Recommendation:* Board discussion regarding the potential for further correspondence.**

(8) Conomo Point Bridge Lease Appraisal Specifications

(\*)

At the last meeting, the Board approved a proposal from our consulting appraiser to assist with the development of the technical specifications that will be included in a forthcoming Request for Proposals for bridge lease appraisals. The consulting appraiser, Mr. Stephen Dylag, has provided final specifications that will require pricing for a property-by-property appraisal service – with sub-pricing for interior inspection versus no interior inspection.

I created the body of the Request for Proposals that Mr. Dylag's specifications were to be inserted into so that he could dovetail his recommendations appropriately. I utilized sample RFPs that Mr. Dylag had on hand from other projects to develop the various ranking criteria. Mr. Dylag provided a draft document to me and we revised the document, together with Town Counsel, to arrive at its present makeup. The projected release date for the RFP is June 13, 2011 with a projected proposal due date of July 6, 2011. Completion of all work is set at September 9, 2011 in the current document.

***Recommendation:* Board review and approval of the RFP and its associated schedule.**

(9) Additional Summer Camp Options

(\*)

The YMCA contacted me during the week of May 23, 2011 to indicate that several non-residents wished to partake in the 9 a.m. to 1 p.m., eight-week camp option and were willing to pay the pro-rated portion of the non-resident fee. However, the YMCA's original proposal did not contain that option. According to the contract, other options are allowed, upon the approval of the Board of Selectmen. Since camp registration was closing before the present Board meeting, the Chairman authorized the additional offering with the intent to seek Board ratification. Also, the YMCA has since provided the Board with a list of other, elective offerings that go beyond general registration.

**Recommendation: Board vote to ratify the Chairman’s approval of the non-resident general registration option and to consider the approval of various elective options.**

(10) Plymouth County Cooperative Vehicle Purchasing Program

The Plymouth County Administrator has offered a chance for all communities to join in on the subject bid for fire, police, and DPW vehicles. The benefit of the program is that some vehicles may be offered at prices even lower than the State Contract. The Fire Chief, the Chief of Police, and the Superintendent of Public Works will determine whether they wish to join the procurement, which carries a one-time fee of \$750 per community.

*Recommendation:* No further action is necessary.

**E. Insurance**

No items.

**F. Facilities**

(1) Replacement of Fishing Dock Gangway

The Finance Committee was prepared to provide funding to replace the old fishing dock gangway using a Reserve Fund transfer. I studied the issue further with Skip Crocker, who donated the new dock, with the Harbormaster, and with the Superintendent of Public Works. The Superintendent of Public Works was prepared to construct a simple, wooden ramp out to the dock. However, the Harbormaster, with tremendous assistance from the Deputy Harbormaster, was able to secure a high-quality gangway at a very low cost. This unit will be installed in the near future.

*Recommendation:* No further action is necessary.

(2) Repair of “Welcome to Essex” Sign (\*)

At the last meeting, the Board discussed the potential use of volunteers to repair and refurbish the subject sign. Selectman Coviello determined later that the main issue involved a planter that had become separated from the sign. A volunteer reaffixed the planter and Selectman Coviello referred the planting of new flowers in the planter to the Essex Enhancement Committee.

**Recommendation: Board discussion as necessary, depending on whether additional work is required.**

(3) Site Walk, Lahey Building (\*)

At the last meeting, the Board learned that the Lahey Building on Martin Street is for sale. The Board agreed that the Town Building Committee should be offered a

chance to visit the site, along with the Board members. I contacted the realtor representing the facility and was able to arrange a site visit on May 24, 2011. All Town Building Committee members, all Selectmen, and the Chairman of the Finance Committee were invited.

*Recommendation:* **Further Board discussion relative to the building as necessary.**

(4) Damage to Stone Pier, Conomo Point (\*)

Over the past winter, one stone pier at Conomo Point was badly damaged in a winter storm. The damage is currently preventing the Conomo Point Association from attaching the ramp and floats that are usually deployed and the Association would like the Board's permission to repair the stone pier.

*Recommendation:* **Board discussion regarding the requested permission.**

## **G. Fiscal/Budget**

No items.

## **H. Complaints**

(1) Outdoor Shower Complaint

The Department of Environmental Protection (DEP) has now issued State-wide guidance concerning the existence of outdoor showers. Consistent with the recent joint opinion of our Plumbing Inspector and our Board of Health Administrator, the DEP has indicated that outdoor showers that do not legally drain to on-site wastewater systems or the sewer ARE permissible under the following conditions: the shower in question cannot have privacy partitions; users of the shower cannot utilize soap (a sign prohibiting the use of soap must be posted); the area beneath the shower is pervious; if hot water is available, an approved mixing valve is used; a permit from the Plumbing Inspector is obtained; and the dwelling must have full bathing facilities within that drain to an on-site wastewater system or sewer.

Presently, the Board of Health is developing orders associated with all known outdoor showers, requiring compliance with all of the above conditions, permanent abandonment, or connection to an on-site system, if permissible - within 30 days. Town Counsel will review the order format before finalization.

*Recommendation:* No further action is necessary.

## I. Meetings Attended

### (1) Massachusetts Municipal Management Association Spring Conference

I attended the subject conference in Lenox, MA on June 2 and 3, 2011. The conference featured useful information regarding recent developments in municipal law and regarding the State budget. The conference also featured a leadership session.

*Recommendation:* No further action is necessary.

## J. Final Judgment

### (1) Revised Consolidated Conomo Point Calendar (\*)

I revised the subject calendar per the Board's discussion at the last meeting. The revised document is available at the Town's website: [www.essexma.org](http://www.essexma.org) under the Conomo Point Reference Materials section.

The next milestone on the calendar is the submission of the Preliminary Subdivision Plan to the Planning Board. Our consultant, the Horsley Witten Group, is prepared to make a presentation to the Planning Board on June 15, 2011 and has provided the Selectmen with draft copies of the Preliminary Plan for review. The Selectmen have been posted to attend that meeting.

Also, Town Counsel has developed a draft of a fully-formed bridge lease for the Board's review.

*Recommendation:* **Board review of the revised Preliminary Subdivision Plan documents. Board review of the draft bridge lease in executive session.**

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

### (1) Amendment to Special Legislation (\*)

As the Board is aware, the Legislature passed Special Legislation relative to Conomo Point on May 2, 2011. However, that Act did not include a right of first refusal for existing leaseholders beyond the term of the bridge leases. I have discussed with Senator Bruce Tarr's staff the Board's intent to seek an amendment to the Act that would allow a right of first refusal for future sales or long-term leases as well. I have learned that further authorization from Town Meeting may be necessary.

*Recommendation:* **Board discussion regarding next steps.**

### (2) Renewal of Permits to Operate Bathing Beaches

As the Board may recall, approximately one year ago, the Department of Public Health instituted regulations requiring the operator of any public bathing beach to

obtain a permit. The Board operates beaches at the Centennial Grove (Chebacco Lake), Clammers' Beach (Conomo Point), and Front Beach (Conomo Point). The Board of Health samples and tests the water, during the swimming season, weekly at Centennial Grove and monthly in the marine areas. I have completed and filed the necessary permit renewal applications on behalf of the Board and this round of permits will be good for two years.

*Recommendation:* No further action is necessary.

## **L. Legal Issues**

### (1) Notice of Intent, Alewife Brook Clearing (\*)

The Finance Committee has approved a Reserve Fund transfer to pay for the unexpected need to prepare a full Notice of Intent (NOI) for the annual clearing of Alewife Brook. I have asked a wetlands scientist to prepare a full proposal for this task, with the addition of annual phragmites and siltation removal in critical areas as recommended by the Superintendent of Public Works and Commission Member Brophy. I should have the proposal by meeting time and the NOI is expected to be completed within the month of June.

*Recommendation:* **Board approval of the wetland scientist's proposal.**

### (2) Flu and Pneumonia Third Party Billing Contract (\*)

The Board of Health desires to enter into a third-party billing contract with Public Sector Partners, Inc. so that flu and pneumonia vaccination clinics offered by the Board can reap the benefit of reimbursements from participants' insurers. The Board of Health Administrator reviewed contracts with other communities to find a contract form that was acceptable to Town Counsel.

*Recommendation:* **Board approval of the subject contract.**

## **M. Grants**

### (1) Great Marsh ACEC Assembly

At the last meeting, the Board discussed a grant from the Mass Bays program for the production of a management plan for the Great Marsh. Grant organizers are working to form various steering groups (the Assembly) for the project and Selectman O'Donnell will serve as one of the Essex representatives. The Conservation Commission met the following evening and determined that Commission Members Ahearn and Brophy will also serve as Essex representatives. All three representatives attended the Assembly's first meeting on May 24, 2011.

*Recommendation:* No further action is necessary.

(2) FEMA Snowstorm Reimbursement

(\*)

Superintendent of Public Works Paul Goodwin has devoted considerable effort to coordinating the Town's application for reimbursement for the snowstorm that occurred back on January 11 and 12. As the Board may recall, he provided the Massachusetts Emergency Management Agency (MEMA) with an application for reimbursement and he has now forwarded to me the actual reimbursement contract paperwork. The Superintendent's excellent work has obtained for the Town a reimbursement from FEMA, through MEMA, of just over \$20,000.

*Recommendation:* **Board approval and signature of the necessary paperwork.**

**N. Emergency Planning**

No items.

**O. Other Items**

(1) Town Administrator Leave

I was out of the office on vacation leave for the afternoon of May 26, 2011 and all day on May 27, 2011.

(2) Memorial Day Holiday

The office was closed on May 30, 2011 in observance of the subject holiday.

*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.*