



Town Administrator's Report Board of Selectmen's Meeting of June 7, 2010

Report covers from May 15, 2010 to June 4, 2010

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

A. Town Department Reports/Requests

(1) Town Building Committee Update (*)

I participated in the Town Building Committee meeting held May 17, 2010 along with Selectman O'Donnell, who is also Chair of the Committee. Mr. John MacMillan of Reinhardt Associates, the firm that has been selected to conduct the Town Building Feasibility Study, subject to appropriation, was present, on his own time, to help present the firm's proposed approach and to answer questions. The Chair presented the Committee's recommendation and Mr. MacMillan presented his firm's approach to the study. A variety of questions were raised that will be considered by the Building Committee including: a) Could the Town sell the John Wise Avenue land and use the funds to purchase other land in another location that would not disrupt a residential neighborhood?; b) Could the Town build the new public safety facility on the school property?; c) Could the property abutting the existing Fire Station be purchased and used for future Town purposes?; d) Could an addition be made to the existing Town Hall?; e) Is regionalization something that might obviate the need for new buildings?

Recommendation: **Board discussion relative to the various questions.**

(2) Finance Committee Public Survey Review (*)

At the Board's meeting of May 17, 2010, the Board agreed that additional time was necessary for Board members to digest the draft survey in order to provide comments back to the Finance Committee. I provided the Board with a revised, draft survey, along with the Finance Committee's ideas for potential public workshops.

Recommendation: **Board discussion and commentary on these materials at the present meeting.**

(3) Summer Program Staff Training

At the Board's meeting of May 17, 2010, the Board asked that I review a list of individuals who could potentially provide staff training for the Summer Program for the upcoming season. At the Board's meeting of June 1, 2010, the Board determined that Mr. Rusty Harnish should be utilized for the training and that his usual training program should be tailored to emphasize mentoring and positive relations among the various-aged staff members. I have contacted the Youth Director and Mr. Harnish about the training and it will be implemented soon.

Recommendation: No further action is necessary.

B. Computer Systems

(1) Accounting Software Updates

Although we just recently migrated our accounting software to a new server, the latest version of our BudgetSense software was not installed at that time by the vendor. A newer version that has corrected a problem with a particular program element needed to be installed since the Town Accountant recently experienced a problem with that element. After receiving guidance from our vendor, I downloaded the most recent version and installed it in place of the older build. The Town Accountant reports that the element that was not working properly is now working well.

Subsequently, our vendor released a major update to BudgetSense that required system security changes in addition to the usual update procedures and database maintenance procedures. I downloaded the update and viewed a training video relative to the security changes. I then installed the update, performed the database maintenance procedures, and made the necessary security changes. Our vendor became involved to complete the process after a problem was discovered that required additional configuration beyond the basic procedures they had provided to us. The updated version of BudgetSense is now working well.

Also, our vendor released a new version of our RevenueSense software during the week of May 17, 2010. I downloaded and installed that new version and performed the necessary SQL database procedures using the vendor's utility program. A file access error occurred as part of the update process and I worked with our vendor to correct that problem. The new version of RevenueSense is now working well.

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

(2) Antivirus Software Support Renewal

I have renewed our support contract for the subject software for a number of our client computer licenses for the upcoming year. Another portion of client licenses are renewed in December.

Recommendation: No further action is necessary.

C. Personnel

(1) Drug and Medical Testing Waiver, Summer Program

(*)

As is the case each year, the Youth Director has asked that the Personnel Board waive the drug and medical testing requirements for the part-time, temporary employees of the Summer Program.

Recommendation: **Board vote to grant the waiver.**

(2) Town Clerk Transition Process

At the Board's meeting of May 17, 2010, the Board asked that I provide guidance to the retiring Town Clerk and the new Town Clerk relative to critical activities that must be completed by June 30, 2010 (the end of the transition period). I developed a written list of the various requirements and provided it to both individuals for implementation.

Recommendation: No further action is necessary.

D. Procurement/Ongoing Projects

(1) Pocket Park Permitting and Planning

(*)

At the Board's meeting of May 17, 2010, the Board agreed that I should approach the Conservation Commission to get the Commission's opinion regarding how work at the proposed pocket parks should be permitted. The Chairman of the Commission brought that topic to the body on May 18, 2010 and we have learned that a full Notice of Intent will be required, pursuant to the Rivers Protection Act, for the work at the Paglia Park (even for mowing and general maintenance due to the site's close proximity to the riverbank). The placement of stone benches at Woodman's Beach is already permitted as part of the MassDOT scope of work as is any work at the Village corner. If work at the Town Landing constitutes an "alteration" of that area, it will also need a full Notice of Intent. However, the work at Town Landing referenced to date such as the placement of benches, new signage, and general beautification, is likely not jurisdictional.

Also, Ms. Carolyn Britt has provided to the Board a revised proposal for pocket park planning that includes information that she has obtained from meeting with the Town Hall staff and the Route 133 Reconstruction Project engineering office (we met together with office staff and Ms. Britt's subconsultant on May 25, 2010). The proposal now includes a Notice of Intent feature in order to handle the necessary permitting at the Paglia Park. I provided Ms. Britt with further feedback concerning the revised proposal and her response should be available by meeting time for the Board's further consideration.

Recommendation: **Board discussion regarding: a) the Conservation Commission's requirements and how those will dovetail with the pocket park planning and design work, and b) the revised project proposal.**

(2) Martin/Main Parking Review

At the Board's meeting of May 17, 2010, the Board approved a letter to the District Highway Director asking MassDOT to formally consider parking options in the vicinity of the Martin Street/Main Street intersection. MassDOT staff asked

for the opportunity to conduct this review in advance of the involvement of State and Federal Legislators. We are presently awaiting a response.

Recommendation: I will update the Board as necessary.

(3) Seawall Design Discussions (*)

At the Board's meeting of May 17, 2010, the Board agreed that Selectman O'Donnell and I should continue to discuss with MassDOT engineers the potential to modify the design of the proposed seawall in order to make it sufficient for the support of a future boardwalk. Selectman O'Donnell provided a sketch of the proposed modification (some additional steel reinforcements) to the project designer and that proposal is presently under review.

Also, at the recent Chamber of Commerce meeting, one member suggested approaching the Essex Conservation Commission to get permission to install pilings as a backup plan with the condition that the necessary Chapter 91 license would also eventually be applied for and, if not granted, the poles would be removed. We have learned from MassDOT that, according to their design plans, the land abutting approximately 2/3's of the new seawall is actually privately owned. If this is the case, it would add another level of complexity to the pilings avenue as well as the right of way, design, and permitting aspects of the boardwalk project that would be fully reviewed in a future, feasibility study.

Recommendation: **Board discussion relative to the proposed wall modifications versus the pilings option, especially in light of the land ownership question that has been raised.**

(4) Route 133 Reconstruction Project Informal Discussion (*)

At the Board's meeting of May 17, 2010, the Board agreed that we should try to arrange an informal project discussion opportunity involving MassDOT officials, project contractor representatives, and the members of the Chamber's Route 133 Reconstruction Project Task Force. I informed the Resident Engineer about this idea immediately after the Board's meeting and we are presently awaiting a response.

Recommendation: **Additional information may be available by meeting time.**

(5) Utility Pole Relocation Update (*)

At the Board's meeting of May 17, 2010, I had informed the Board that National Grid was in the process of developing a package that would show exactly where the poles relocated for seawall work would go if they were to remain on the landward side of the causeway. National Grid completed that package and arranged to meet me in the field, along with MassDOT and the project designer. We have learned that three easements will be necessary (one at Perkins Marine, one at Fortune Palace, and one at the former Riverside Restaurant property).

National Grid is presently reaching out to each of the owners of those properties and will inform us if they need assistance after they conduct their initial discussions.

Another issue that was of concern to National Grid was that a certain species of pear tree had been specified by MassDOT for the landward side of the causeway before the idea of a boardwalk had been introduced (the utility wires were supposed to have been returned to the seawall side). That particular species of tree grows too high for National Grid to allow it to be planted under the new wire location. As such, so long as the Town will accept another species or size of tree, the permanent wire relocation effort is not in conflict with the original design. National Grid has offered the services of their arborist to help the Town select alternative plantings.

When all of the various aspects come together, three of the four relocated poles will be placed in grass strips between the curb and the sidewalk and the fourth will be placed immediately after the curb (embedded in the sidewalk). This pole placement scheme actually matches the scheme that will be common in other areas of the causeway and, therefore, will not be inconsistent for the area. The poles cannot be moved to the rear of the sidewalk since the conductor line would come too close to one of the buildings and present a safety hazard.

In addition, one party has suggested the development of a plaque to be placed on the new, future boardwalk, thanking each of the abutters for their willingness to grant the utility easements.

***Recommendation:* Board authorization of alternative plantings as necessary and discussion of future easement acknowledgements.**

(6) Successor Ambulance Billing Agreement

(*)

Our ambulance billing contractor has provided the Town with a proposed, successor agreement to our existing third-party billing agreement. The contractor has rendered excellent service over the past year.

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

(7) Draft Town Building Feasibility Contract

At the Board's meeting of May 17, 2010, the Board accepted Reinhardt Associates' cost proposal for conducting a Town Building Feasibility Study, subject to appropriation in the fall. The Board asked that I begin to work with the firm on draft contract in an effort to be prepared for the firm to proceed immediately after funding is obtained. The firm is in the process of incorporating the Town's requirements into its standard contract language and I plan to have the package reviewed by Town Counsel after July 1, 2010, when legal funds are available in the new fiscal year.

Recommendation: I will update the Board as necessary.

(8) Proposed Pay-as-You-Throw Solid Waste Program (*)

At the Board's meeting of May 17, 2010, the Board, along with the Board of Public Works and the Superintendent of Public Works, viewed a presentation from a representative of the WasteZero company. This company is in the business of providing marked trash bags to communities (via fees paid by the consumer) in order cut down on the volume of solid waste (reducing tipping fees) and to increase recycling.

The company representative is presently working to provide the Town with a calculation that would estimate overall savings if a plan were to be put in place. The Board of Public Works will eventually make a recommendation to the Selectmen. Issues that need to be considered include: the procedure for dealing with bulk items (won't fit in bags); the procedure for monitoring the waste stream (since our present station monitor works for our solid waste contractor with a pre-defined role that does not include pay-as-you-throw compliance); the potential need for the purchase of additional recycling equipment and containers; and the path to authorization of any new system.

Recommendation: **Board discussion relative to this potential program, as necessary.**

(9) Northern Conomo Point Planning Update (*)

At the Board's meeting of June 1, 2010, the Board supported the idea of extending the present contract with Taintor and Associates, on a no-cost basis, through sometime in the early fall in order to accommodate the third public forum in September. The consultant has developed a revised project schedule based upon that desire and I have provided it for the Board's review and potential approval.

Recommendation: **Approval of the revised project schedule on a no-cost basis.**

E. Insurance

(1) Data for Insurance Advisory Committee (IAC)

Our health insurance provider supplied me during the week of May 17, 2010 with rate data for alternative health plans for the Insurance Advisory Committee to review in comparison to our current plans. I provided the lead IAC member from each of the three unions with a brochure on each of the current and proposed plans along with rate data for the IAC's consideration. The IAC will likely meet for the first time on June 7, 2010 to review the information.

Recommendation: I will update the Board as necessary.

(2) MIIA Rewards Program Annual Summary

Each year at this time, our insurer provides forms for each covered community to report on the various activities undertaken during the year that are eligible for insurance premium credits under the MIIA Rewards Program. I completed the forms for Essex and returned them to our insurer for review and the calculation of our credits.

Recommendation: No further action is necessary.

(3) Expansion of Dependent Eligibility (*)

Our health insurance provider has notified us that Blue Cross Blue Shield will soon be responding to the recent, Health Care Reform legislation by extending the age that dependents can remain on their parents' health plans to the age of 26. This expansion is not technically required under State insurance laws governing municipalities until July 1, 2011 and our insurer is giving us a chance to opt out, if desired.

Recommendation: **Board acceptance of the extension at this time as a service to our employees. Premiums will not change and the loss experience exposure is limited.**

F. Facilities

(1) Summer Water at Grove Cottage

I met Water Department employees at the Grove Cottage on May 18, 2010 to deactivate the alarm system so that the summer water service to the Cottage could be turned on and the basement checked for leaks or problems. The procedure went well and I reactivated the alarm system.

Recommendation: No further action is necessary.

(2) Removal of Discarded Metal

After a report was made that sheet metal had been dumped in an area adjacent to the Field of Dreams parking lot, I asked the DPW if they could find and remove that material to our recycling center. The area was checked but, apparently, the metal had already been removed. The party making the report was also able to verify removal.

Recommendation: No further action is necessary.

(3) Field of Dreams Improvements

At the Board's meeting of May 17, 2010, the Board agreed that the Manchester Essex Little League should proceed with a variety of improvements including the replacement of the old planks on the bleachers that serve the main field (now

completed), the modification and electrification of the concession stand (pending), and outfitting the new bleachers with skids to make them portable (pending). The Board also agreed to allow the League to deduct their field maintenance costs from this year's field use fees since the Town usually contracts for that work using those fees and does not need to take that step this year.

Recommendation: No further action is necessary.

(4) Posting of Centennial Grove Closing Time (*)

At the Board's meeting of May 17, 2010, the Board asked me to verify whether a sign informing the public that the Grove is closed at sunset is on display. I visited the Grove and found that no sign is posted. However, my review of the present Centennial Grove Regulations indicates that the area is open until 10:00 p.m.

Recommendation: **Board discussion relative to whether a sunset closing should be implemented and posted instead.**

(5) Public Restroom Hours of Operation (*)

At a recent Chamber of Commerce meeting, the membership asked if the Memorial Park restrooms could be opened seven days per week beginning earlier in the year. Presently, the restrooms are closed from November 1 through March 31; open Thursday through Sunday only from April 1 until Memorial Day (8:30 a.m. – 5:00 p.m.); open seven days from Memorial Day through September 30 (8:30 a.m. – 8:00 p.m.), and open Thursday through Sunday only from October 1 through October 31 (8:30 a.m. – 5 p.m.).

The group specifically asked if the restrooms can be open seven days per week beginning April 1, right through to September 30. This change would mean opening the facility for three extra days each week for an additional two months. Additional funding will be spent on supplies and the Town Custodian would have less time off from restroom duties to tend to other job elements. However, if those extra three days are fairly low use, these differences may not be appreciable. One way to gauge the situation better would be to try the first season as a test case, with the option to discontinue and revert to the former hours if some major issue presents itself.

Recommendation: **Board discussion relative to being open seven days two months earlier than in the past (starting April 1, 2011).**

(6) Public Beach Signs

As the Board may recall, I had worked with the DPW to formulate and order the signage necessary to be in compliance with the State's new public beach regulations. Those signs have arrived and have been posted at each of our three beaches.

Recommendation: No further action is necessary.

(7) Summer Program Physical Audit

(*)

As the Board may recall, I had conducted an administrative audit of the Summer Program along with the Youth Director and a volunteer consultant last season. This year, the Board, acting as the Youth Commission, requested that an audit of the physical features be undertaken.

I visited the Centennial Grove with the Youth Director and the same, volunteer consultant, Mr. Rusty Harnish, on May 25, 2010 and we walked the site together in order for Mr. Harnish to point out necessary site repairs and/or improvements. We identified a number of items ranging from minor repairs to more major policy and code questions that the Board should consider and provide guidance on. The most major question is whether the Grove Cottage garage should be used for actual programming (versus its traditional storage role) given the improvements that will be necessary to meet various codes. The docks for the Grove beach have been deployed for the season but the fishing dock this year will only include one segment. The second segment was in such poor condition that it will need to be discarded. The segment that has been deployed has been covered with plywood to provide a safe surface.

Recommendation: **Board discussion relative to the list of items in question.**

G. Fiscal/Budget

(1) Calculation of Conomo Point Property Values

I assisted the Chairman of the Conomo Point Planning Committee with the calculation of both the settlement values and the full assessed values of leased land at Conomo Point for both the northern and the southern sections. I also assisted with the calculation of the building values (full assessed values). The Assessors' database was used as the basis for the calculations, which the Committee may use as they continue to study various issues at the Point. I also posted for the Chairman on the Town's website a collection of reference documents relative to Conomo Point that the public may be interested in reviewing.

Recommendation: No further action is necessary.

(2) Fiscal Year 2010 Audit

Our Auditor has begun preparatory work for the FY10 audit. As usual, the Auditor has asked various Town departments to update basic tables and summaries from the previous fiscal year. The Selectmen's Assistant and I have provided feedback to the Town Accountant on all requests made to date.

Recommendation: I will update the Board as necessary.

H. Complaints

(1) Review of Essex Clammer Address Information

At the Board's meeting of May 17, 2010, the Board reviewed a letter from a party asserting that the in-Town addresses of certain Essex clammers was not accurate and that said certain individuals actually reside at different addresses in the Town or have incomplete address information. The Board asked that we pose these assertions to the clammers in question in order to provide those individuals with an opportunity to officially update the Town's records. The Selectmen's Assistant sent individual letters to the individuals in question and responses are due no later than June 14, 2010. All of the addresses that had been asserted to be incomplete were reconciled by the Selectmen's Assistant before letters had to be mailed (the party had reviewed an older draft of the shellfish license database which had since been updated).

Recommendation: I will update the Board as necessary.

I. Meetings Attended

(1) Cape Ann Chamber of Commerce Essex Division Meeting

I attended the subject meeting on May 19, 2010. The meeting featured a discussion relative to the ongoing Route 133 Reconstruction Project and I updated the group on other ongoing Town projects and initiatives.

Recommendation: No further action is necessary.

(2) Massachusetts Municipal Management Association Spring Meeting

I attended the subject meeting in Hyannis on June 3 and 4, 2010. The meeting featured a variety of useful presentations and discussions relevant to administration and provided an excellent networking opportunity with other town administrators/managers.

Recommendation: No further action is necessary.

J. Final Judgment

No items.

K. Town Meeting, By-Laws, and Regulations

(1) Proof of Residency for Clamming Permits

(*)

At the Board's meeting of May 17, 2010, the Board agreed with the Shellfish Advisory Commission that the clamming regulations needed to specify more stringent requirements for proof of residency in the Town. The Board asked me to request that the Town Clerk survey proof of residency for clamming in other

coastal communities so that other ideas could be presented and considered. The Town Clerk has completed that exercise and her findings will be available by meeting time.

Recommendation: **Board discussion relative to the potential selection of new criteria for Essex.**

(2) Regulation of Parking at Conomo Point

At the Board's meeting of May 17, 2010, the Board reaffirmed that all Gloucester clambers displaying the special parking sticker must park their vehicles at Clammers' Beach, regardless of where they launch their boat. We have provided each Gloucester clammer that presently holds a special sticker with a note that clearly recites that parking rule (and will hand the same notice to any new applicants). The Board also reaffirmed that only residents, with appropriately-stickered vehicles may park on Front Beach during the allowable parking window. Non-residents who are not parked as guests on leased land will be ticketed at any other location at the Point (including Front Beach). I have informed the Chief of Police about the reaffirmation of the above policies.

Recommendation: No further action is necessary.

L. Legal Issues

(1) Joint Legal Review of Regional Dispatch Agreement

At the Board's meeting of May 17, 2010, the Board approved the review of the subject Agreement by Town Counsel (to be paid for by the Essex County Sheriff's Office). The Board's approval was necessary since several of the communities that will be involved in the regional dispatch are recommended by the same firm. Presently, we are awaiting the commencement of the review.

Recommendation: I will update the Board as necessary.

M. Grants

No items.

N. Emergency Planning

(1) Emergency Generator Installation, Essex Elementary School (*)

At the Board's meeting of May 17, 2010, the Board agreed that we should pursue with the Regional School District a proposal by the District to install the generator that formerly served the old High School at the Essex Elementary School. I have informed the Superintendent that the Town is interested in splitting the moving and installation costs with the District and I contacted the Chairman of the Finance Committee to get the Committee's feedback on the use of the Reserve

Fund. The Finance Committee had several questions and the Superintendent is presently working to provide answers.

***Recommendation:* Further Board discussion relative to this matter based upon whatever new information is available by meeting time.**

(2) Cape Ann Emergency Planning Team Meeting

I attended the subject meeting in Essex along with Fire Chief Doucette, Board of Health Administrator Wozny, and Public Health Nurse Paskalis on May 27, 2010. The meeting featured a discussion of upcoming Planning Team initiatives, including working toward a master, continuity of operations plan for the Cape Ann area.

Recommendation: No further action is necessary.

(3) Hazard Mitigation Plan Update

As the Board may recall, major department heads have been working with MAPC to develop a Hazard Mitigation Plan that is a prerequisite for Federal funding intended for projects that will lessen the impact of a disaster in advance. MAPC has provided the Town with a draft of the complete plan for commentary and MAPC representative Sam Cleaves will attend the Board's next meeting on June 21, 2010 to explain the plan further before it gets submitted to State and Federal reviewers. After review, the Board will have the opportunity to adopt the plan. A draft copy is on file in the Board's office.

Recommendation: I will update the Board as necessary.

(4) Comprehensive Emergency Management Plan (CEMP) Supplement

I met with the Fire Chief, the Board of Health Administrator, the Superintendent of Public Works, and the Public Health Nurse on May 27, 2010 to discuss the next iteration of a streamlined document aimed at rapidly establishing lines of communication and assessing the need for sheltering in an emergency. This document, known as the CEMP-S, will complement the full CEMP and the Town's Continuity of Operations (COOP) Plan. I have revised the document in accordance with comments provided at the recent meeting and the group will meet again in July to develop the CEMP-S further.

Recommendation: I will update the Board as necessary.

O. Other Items

(1) Surveyor of Bark and Lumber; Pound Keeper

(*)

At the Board's meeting of May 17, 2010, the Board asked that I investigate further the statutes behind each of the subject Town appointments. I found both appointments to be derived from archaic laws that were much more applicable in

the past when agriculture was more predominant. The governing statutes give the Town (which delegates to the Selectmen in the case of the Surveyor of Bark and Lumber) and Selectman (in the case of the Pound Keeper) the option to make these appointments.

Recommendation: No action on these appointments need be taken unless and until an issue that would somehow benefit from filling a vacancy arises. If such an issue should arise, the Board can locate and appoint an individual with the best skill set at that time.

(2) Proposal for Summer Student Intern Program (*)

Selectman Jones asked that I review with the various Town departments the potential for allowing interested high school students the opportunity to cycle through the various Town departments during the summertime to learn more about municipal government and to contribute volunteer labor on various, appropriate tasks. I have learned that most departments are interested in participating and are offering times ranging from an hour or so (in departments where the experience will simply consist of a discussion of roles and duties) to a day or so (where hands-on work is also desired). A complete rotation could probably be accomplished in a week's time for each interested student with the possibility of additional volunteer work if a particular department happens to have a suitable need at the time of rotation.

Recommendation: Board discussion as necessary.

(3) Town Administrator Leave Use

I was out of the office on leave for a portion of the afternoon of May 26, 2010 and all day on May 28, 2010.

(4) Memorial Day Holiday

The office was closed on May 31, 2010 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.