



Town Administrator's Report Board of Selectmen's Meeting of June 21, 2010

Report covers from June 5, 2010 to June 18, 2010

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

A. Town Department Reports/Requests

(1) Affordable Housing Presentation

At the last meeting, the Board reviewed a request from an affordable housing consultant to discuss with the Board what the affordable housing needs might be in Essex. The Board asked that I refer the consultant to the Long Term Planning Committee, which I have done. It is possible that the LTPC will invite the consultant in at a future meeting.

Recommendation: I will update the Board as necessary.

(2) Pay-as-You-Throw and Solid Waste Contract Planning

At the last meeting, the Board agreed that I should work with the Superintendent of Public Works to review the timeline and planning process relative to renewing the Town's solid waste disposal contract and potentially dovetailing that with a pay-as-you-throw (PAYT) program. The present solid waste contract expires in January of 2013. At that time, the Town's cost to dispose of a ton of solid waste will rise sharply since we enjoy very favorable rates in our present contract. In speaking with the Superintendent of Public Works, we feel that we need to begin the contract renewal or replacement process at least one year in advance. Planning for organizing various tasks and contacts should therefore begin in the fall of 2011. The goal will be to simultaneously explore the PAYT program via a contractor on the State Contract and a solid waste contract renewal or replacement in an effort to marry the two goals together for a new protocol going forward. The PAYT program will be instrumental in keeping the expected cost increase under control.

Recommendation: I will update the Board as necessary, likely beginning in the fall of 2011.

(3) Department Head / Board Chair Quarterly Meeting

The next quarterly meeting will be held at the Board's meeting of July 12, 2010. The featured topic will be the shellfish industry and the Shellfish Constable, the Town Clerk, and members of the Shellfish Advisory Commission will be on hand. Important changes to the Open Meeting Law will also be highlighted.

Recommendation: No further action is necessary.

(4) EYC Future Events

(*)

Ms. Jessica Yurwitz of the Essex PTO has indicated that the PTO would be interested in taking over the annual Halloween party and the Santa's Breakfast event as PTO fundraisers given that no funding for the Youth Director was included in the FY11 budget. In addition, the Essex Shipbuilders would like to team up with the PTO to provide programs from noon to 3:00 p.m. on school half-days for the 2010-2011 school season.

***Recommendation:* Board discussion relative to the EYC's relinquishment of these events and roles (at least for the near-term).**

B. Computer Systems

(1) Sewer Monitoring Server Memory Problem

The computer server that monitors the status of our sewer pump stations experienced a memory-related fault during the week of June 14, 2010. The system was still operational but it appeared that at least one memory module was damaged. The system is an older model that is no longer under warranty or technical support. As such, I have ordered new memory modules and will install in an attempt to resolve the problem. If this relatively inexpensive effort is not successful, it will be necessary to determine whether a motherboard replacement is worth the expense. It is possible that the system will continue to operate until it can be replaced (necessary soon due to the system's age of over five years).

Recommendation: I will update the Board as necessary. Total time – 1 hour.

(2) Police/Fire Server Power Supply Issue

The dispatch center notified my on June 18, 2010 that the incident database could not be accessed. I investigated and found that the police/fire server was off due to a tripped circuit breaker. I re-powered the system and coordinated re-authentication of the clients. The problem has been resolved and I asked the Police Department to label the breaker in question with a note never to turn it off in the event that it was inadvertently tripped.

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

C. Personnel

(1) Board of Public Works Appointment

(*)

At the last meeting, the Board reviewed a list of two potential candidates for the soon-to-be vacant, Board of Public Works seat that was supplied by the Planning Board. The Board asked that I contact one of the candidates to verify that he is interested in the appointment versus perhaps an appointment on the Planning Board, to fill a vacancy. That candidate has indicated that he is still considering

both opportunities and will be attending an upcoming Planning Board meeting to learn more about that Board's function.

Also, the Board asked that I contact the Planning Board Chair to request some additional names for the Board's consideration. I made that request of the Chair and she was going to bring the topic to the Planning Board. I expect to have an update by meeting time.

Recommendation: **Board discussion as necessary.**

(2) Chief of Police Contract Consideration

(*)

The statute authorizing employment contracts with chiefs of police requires the Selectmen to notify the Chief at least one year in advance of the expiration of an existing contract if they do not intend to seek a successor contract. Otherwise, the contract is automatically extended for a year after its natural expiration. In our case, the Chief's existing contract expires on June 30, 2011 and, if the Board does not desire to seek a successor contract, notice should be given now in order to avoid an automatic extension. I have brought this issue to the Board's attention only because the Board asked me to track this date for administrative purposes and I do not currently know of any intent by the Board not to seek a successor contract.

Recommendation: **Board discussion as necessary.**

(3) Personnel Board Meeting

(*)

The quarterly Personnel Board meeting will be conducted by the Selectmen at the present meeting in the Selectmen's capacity as Personnel Board. I have provided each Board member with an agenda.

Recommendation: **Discharge of the necessary Personnel Board business at the present meeting.**

(4) Circulation of Employee Health Insurance Responsibility Disclosure Forms

Each year at this time, in accordance with the Massachusetts Health Care Reform Law, a certain subset of employees is sent the subject forms which seek to verify employee's past choices regarding declining the Town's health plan (if eligible) and declining the Town's withholding of funds to pay another health plan (if not eligible for the Town's plan). I compiled the necessary notices for employees in both categories and they have been distributed with employee paychecks.

Recommendation: No further action is necessary.

D. Procurement/Ongoing Projects

(1) Disposal of Old Senior Van

Offers were solicited for the old senior van from late May through June 4, 2010. On June 7, 2010, a single offer was received and accepted. The van will be turned over to the offeror once the new van is received and is put into service.

Recommendation: No further action is necessary.

(2) Causeway Seawall Construction Update

(*)

At the last meeting, the Board examined a sample of new granite that could be used to create the façade of the new seawall along the causeway. The original plan was to cut the granite blocks forming the old seawall that have been removed to provide the facing stock. However, the contractor soon determined that sizing and cutting limitations would not provide enough facing stock for the whole wall. The Board asked Selectman O'Donnell to review the technical limitations with the Resident Engineer and then to issue the Board's approval on the use of new granite, if warranted. After discussing the matter with the Resident Engineer, Selectman O'Donnell did issue an approval.

Also, we learned from MassDOT staff that a proposed change order to add rebar to the new seawall in order to be able to support a future boardwalk will cost approximately \$8,000. The Resident Engineer encouraged us to send a letter to the District Highway Director and that letter was sent via fax on June 9, 2010 after review by Selectman O'Donnell. I also discussed the matter with Senator Tarr. To date, we have learned that discussions are ongoing and some technical feedback has been provided for our review.

Recommendation: **Board discussion based upon information available by meeting time.**

(3) Roadway Reconstruction Kickoff Meeting

The contractor for the Route 133 Reconstruction Project announced that he would soon be ready to commence actual roadway reconstruction work. The Resident Engineer has convened a meeting among MassDOT staff, the contractor, and the Route 133 Task Force on June 23, 2010.

Recommendation: I will update the Board as necessary.

(4) Causeway Utility Pole Update

National Grid is in the process of acquiring the necessary easements from private property owners abutting the causeway in order to make the utility pole move necessitated by the seawall construction permanent. One owner has suggested moving an additional pole to the landward side of the causeway and the National

Grid representative will consider that idea when she contacts that owner about the existing plan.

Also, all parties are in agreement that a shorter, alternative variety of tree can be planted in the areas directly under the relocated utility lines to avoid the need to trim and maintain them in the future.

Recommendation: I will update the Board as necessary.

(5) Pocket Park Planning and Design Contract (*)

At the last meeting, the Board agreed that Selectman O'Donnell and I should firm up the scope of services with the consultant that has proposed to provide pocket park planning and design work (Community Investment Associates). In conjunction with Mr. Robert Coviello of the Long Term Planning Committee, we will soon arrive at a final scope of services.

Also, I reviewed the language of this new contract against a previous contract with the firm that had already been reviewed by Town Counsel and found the new contract to be in order after only minor modification. The Selectmen's Assistant and I processed several requests for line item transfers in order to secure the additional funding necessary for the environmental aspects of the project along with several encumbrances since the project will span two separate fiscal years. The Chairman of the Finance Committee will be in attendance at the present meeting with some follow-up questions on those requests.

Further, we will make clear in the scope of services that the environmental compliance work at the Town Landing, although fully-funded, will only be exercised at the sole discretion of the Town if the Town Landing planning and design indicates that environmental compliance triggers are part of the final design. The Board already voted to sign the final contract outside of a meeting once all of the details are in order..

Recommendation: **Board discussion with the Finance Committee Chairman at the present meeting as necessary.**

(6) Main/Martin Parking Update (*)

The Board had sent a letter to the MassDOT District Highway Director requesting that the agency review further the possibility of allowing head-in parking on the Martin and Main Street corner and incorporating that into the roadway design. MassDOT has responded to that request by providing two options including: a) a return to the original design incorporating rear-access parking by paving the area behind the sidewalk, or b) the Town's petitioning MassDOT to release ownership of this section of roadway.

Recommendation: **Board discussion relative to the options presented.**

(7) Northern Conomo Point Planning Update (*)

At the last meeting, the Board approved a no-cost time extension for the contract with Taintor & Associates through the early fall for planning activities associated with northern Conomo Point. The firm hosted the second public forum on June 17, 2010 and the Board members attended.

Recommendation: **Board follow-up discussion as necessary.**

(8) Regional Communication Center (RECC) Authorization (*)

The Essex County Sheriff's Department has continued to develop the administrative backbone of the subject center. The Sheriff, along with the Chairman of the new RECC have written the Town requesting the signature of a Memorandum of Understanding and the final version of the Intergovernmental Agreement (which has now been revised and approved by Counsel). The package also included a project overview and financial document, a proposed project timeframe, and the State 911 funding guarantee. The MOU is intended to assure each community that the RECC will not move forward unless and until the minimum population standard is met (which will, in turn, assure the projected, per-capita cost). I have underscored that intent and the connection to the RECC Agreement by so stating on the MOU. Both the Chief of Police and the Fire Chief have recommended signature of the referenced documents and they, along with myself, will be the designated representatives to the various governing boards.

Recommendation: **Board signature of both the MOU and the Intergovernmental Agreement.**

(9) Registration and Insurance for New Senior Van

The new van has been delivered and the dealer provided us with some information that will be necessary for the insurance and registration process. However, before I can insure the vehicle, since it will be owned by SeniorCare for the first five years, I needed to provide those terms to our insurer. The Executive Director of SeniorCare will provide me with the information I need shortly and I will insure and register the vehicle upon delivery. The old van will be delivered to its buyer and taken off of our policy.

Recommendation: I will update the Board as necessary.

E. Insurance

(1) Safety Committee Meeting

The next Safety Committee meeting will be held on June 23, 2010. I have placed a draft agenda in the Board's reading folder.

Recommendation: I will update the Board as necessary.

(2) Insurance Advisory Committee

The IAC will meet again on June 28, 2010 at 4:00 p.m. at the Fire Station. A representative of our health insurance carrier will be present to answer questions and explain differences among various plan designs.

Recommendation: I will update the Board as necessary.

F. Facilities

(1) Posting of New Signage

At the last meeting, the Board requested a new sign at the Centennial Grove indicating: "Park Open Sunrise to Sunset Only" and a new sign at the entrance to the Conomo Point area indicating: "Sticker Parking Only From This Point Forward". The Grove sign will be posted in response to the Board's decision to amend the Grove Regulations for the new hours of operation (the Selectmen's Assistant has made the necessary changes to the Regulations and has posted the changes). The Conomo Point sign is intended to clarify the existing policy by clearly indicating it at the entrance to the area. The Superintendent of Public Works has ordered the signs and they will be installed once received.

Recommendation: No further action is necessary.

(2) Implementation of Summer Program Physical Audit Recommendations

At the last meeting, the Board agreed with the implementation of a number of recommendations for physical improvements at the Centennial Grove in preparation for the Summer Program.

I am working to find a volunteer carpenter to make numerous carpentry repairs that had been recommended including floor joist work, hole patching, and door jamb work. A tent has been offered for our use during the upcoming season and will soon be erected in the upper Grove area.

The Department of Public Works assembled the new swim dock. The dock will be floated into place and anchored by Summer Program staff. Thereafter, a new ladder that I ordered will be affixed to the float. The DPW also covered the fishing dock with plywood and moved a dock that is beyond repair off to the side for future disposal. Further, the DPW removed two electrical grounding rods that were remnants of the movie production.

All other physical audit recommendations will be completed by the Summer Program staff. These include trail clearance, vacuuming of buildings, and installing basketball net padding.

Recommendation: I will update the Board as necessary.

(3) Expanded Spring Hours for Memorial Park Restrooms

At the last meeting, the Board agreed to open the Memorial Park Restrooms on a seven-day basis earlier in the year next season (starting April 1, 2011) on a trial basis. The Board reserved the right to modify the schedule if unforeseen issues should arise. I informed the president of the Essex Division of the Cape Ann Chamber of Commerce and she was pleased to hear the news.

Recommendation: I will update the Board as necessary.

G. Fiscal/Budget

(1) Finance Committee Survey

At the last meeting, the Board approved a survey developed by the Finance Committee to gauge residents' opinions toward fiscal topics. The Committee will take the survey live in the coming weeks and plans to host several financial workshops.

Recommendation: I will update the Board as necessary.

H. Complaints

None.

I. Meetings Attended

None.

J. Final Judgment

(1) Conomo Point Plan Update

(*)

At the last meeting, the Board approved a letter to the Department of Environmental Protection regarding the procedures to be followed in preparation for the expiration of the Conomo Point leases. The correspondence was a requirement of the Conomo Point Plan and was a precursor to a meeting with Conomo Point tenants that is scheduled for August 19, 2010. The DEP has since responded to the Town's letter.

Recommendation: **Board discussion as necessary.**

(2) Quarterly Report

(*)

I have completed the Quarterly Report due July 1, 2010 to the DEP.

Recommendation: **Board approval to transmit the report.**

K. Town Meeting, By-Laws, and Regulations

(1) Shellfish Regulations Follow-up

(*)

At the last meeting, the Board received a recommendation from the Town Clerk regarding the best method for proving residency for clam permit purposes. The Board indicated that the issue should be discussed at the present meeting.

Also, the Chairman asked that I schedule the Shellfish Advisory Commission, the Shellfish Constable and his deputies, and the Town Clerk for a meeting in July to discuss the proposed changes to the proof of residency requirements along with a variety of other potential items including:

- a) review of the license suspension durational guidelines in the Shellfish Regulations, b) demarcation and posting of the winter flats, c) demarcation and posting of the rainfall closure lines, d) potential elimination of winter flat closure, e) potential elimination of the one-year residency requirement and license reciprocity with other communities, f) potential institution of an extra fee (a late penalty) for hardship/waiver applications, and g) potential institution of a requirement to assist with bed re-seeding or a required payment in lieu of rendering assistance.

That discussion has been scheduled for the Board's meeting of July 12, 2010. After the discussion, at the same meeting, the Chairman has agreed that the featured topic at the regular department head and chairs quarterly gathering will be the shellfish industry. As such, the same group will remain at the meeting to present various perspectives to the department heads and chairs.

***Recommendation:* Board discussion regarding selection of the above-listed topics in preparation for the July 12, 2010 meeting.**

(2) Shellfish Address Inquiry

(*)

As the Board may recall, our office had been provided with a list of shellfish license holder home addresses that may not have been accurate. The Board asked that each individual be mailed information on file to allow them to update our records, if necessary. The deadline for this process was June 14, 2010 and one address is outstanding.

Recommendation: Board discussion as necessary.

L. Legal Issues

(1) Waiver of Option to Purchase 61A Land

At the last meeting, the Board agreed that a certain parcel of land that is under agreement for development (coming out of Chapter 61A agricultural status) cannot be afforded by the Town. As such, the Board voted to waive the Town's

option to purchase the parcel. I worked with the attorney for the transaction to produce the appropriate waiver letter and the Board signed and transmitted that letter thereafter.

Recommendation: No further action is necessary.

(2) Commercial Clamming Permit Suspensions

At the last meeting, the Board conducted hearings relative to seven, alleged violations of the Town of Essex Clamming Regulations. The Board found violations to be present in three cases and issued seven-day permit suspensions in those cases. Violators were informed in-person at the hearing and written decisions were also issued and mailed the following day.

Recommendation: No further action is necessary.

(3) Revised Governor's Bill Language

At the last meeting, the Board voted to revise the language of the proposed Governor's Bill intended to cure a one-day posting problem with the Annual Town Meeting warrant. The new language was recommended by Town Counsel after the State Elections Division completed its review as part of the Governor's vetting process. I provided the new text to our Senator and Representative for introduction into the process and we are awaiting a further update.

Recommendation: I will update the Board as necessary.

(4) Use of Town Seal on Commercial Products

At the last meeting, the Board asked me to consult Town Counsel relative to a request for the use of the Town seal on flags to be sold commercially. The Board was agreeable unless there was some legal impediment. After learning that the allowance of the use of the seal is entirely within the Board's discretion, I informed that party in question that the seal could be used for flags and that any future use, product, or project was subject to the Board's new approval.

Recommendation: No further action is necessary.

(5) Successor Lockup Agreement

(*)

The existing lockup agreement with the Town of Manchester expires on June 30, 2010. The Chief of Police recommends a six-month successor agreement. Both boards of selectmen have been asked to consider the agreement.

Recommendation: **Board signature of the successor lockup agreement.**

(6) US Census Bureau Boundary Validation Program

We received during the week of June 7, 2010 from the US Census Bureau a set of maps associated with the Town's boundaries and other features for review by the

Chairman. The Bureau requested that the highest elected official for the Town review the material and report any inaccuracies within five days. The Chairman visited my office and we found the materials to be accurate and reported that to the Bureau.

Recommendation: No further action is necessary.

(7) Paglia Park License Agreement (*)

The owner of a parcel of land adjacent to the causeway bridge that the Town desires to create a pocket park on has offered to license the use of the parcel to the Town. The license document is in a form supported by Town Counsel and the area will be known as “Paglia Park” with a sign to read “The Paglia Park in memory of Eva and Louis Paglia”.

Recommendation: **Board countersignature of the license.**

M. Grants

No items.

N. Emergency Planning

(1) Emergency Generator Update (*)

At the last meeting, the Board agreed that the emergency generator that formerly served the old High School building should be installed at the Essex Elementary School. Sharing the cost of moving and installing the equipment will be beneficial to the building even if the old generator only lasts for a few years (since most of the installation cost will be for placement and wiring – aspects that will benefit a replacement generator in the future). The Board authorized me to sign a Reserve Fund Transfer request when the funding is needed.

I have learned from the District Superintendent that the School Committee intends to discuss the issue at its meeting of July 15. As such, the FY11 Reserve Fund will be used as opposed to the FY10 Reserve Fund. Also, the Assistant Superintendent is working on figures for the cost of the move/installation and for the annual cost of maintenance. The Chairman of the Finance Committee is aware of the timeline and I will continue to coordinate the issue among the Board, the District, and the Finance Committee.

Recommendation: **Board discussion relative to the potential sharing of annual maintenance costs, a topic not discussed in the past.**

O. Other Items

(1) Summer Intern and Mentoring Program

At the last meeting, the Board asked me to contact the School District about offering a summer intern and mentoring program that would allow high school students to learn about a variety of municipal departments and to provide community service. I contacted the High School principal and he was enthusiastic about the concept. He connected me with the guidance department and a notice went to all students. Two students have expressed interest thus far but no firm commitments have been made.

Recommendation: I will update the Board as necessary.

(2) Town Administrator Leave Use

I was out of the office on vacation leave on June 14, 2010 and on the afternoon of June 16, 2010.

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