



Town Administrator's Report Board of Selectmen's Meeting of July 12, 2010

Report covers from June 19, 2010 to July 9, 2010

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

A. Town Department Reports/Requests

(1) Future EYC Events

At the last meeting, the Board agreed that the Essex PTO and Essex Shipbuilders should team up to provide activities during half days for the upcoming school season. The Board also agreed that the PTO should run the Halloween party and the Santa's Breakfast as fundraisers. I informed both organizations about the Board's agreement with those proposals and will monitor and report back as necessary this coming fall and winter.

Recommendation: I will update the Board as necessary.

(2) Dog Licensing

The Dog Officer and the Town Clerk are working together to improve our dog licensing database and compliance rate. We met to discuss this effort on June 24, 2010. The Dog Officer is presently getting a quotation from a vendor to provide a custom, web-based database for license tracking. In the meantime, the Town Clerk will work with our website vendor to post rudimentary data on our site with a password-protected login system. The web-based nature of the system will allow various players to update the central record in real time, from any location. It is possible that databases from other communities or area animal facilities could eventually be merged with our data to assist with enforcement.

Relative to enforcement, the Town Clerk is conducting a postcard mailing that warns individuals who have not renewed dog licenses that they could be fined or could be subject to dog impoundment if licensing does not occur. The Dog Officer plans to warn an owner the first time, fine an owner the second time, and impound the dog, at the owner's expense, if the same dog is found unlicensed after the first two infractions.

Recommendation: I will update the Board as necessary.

B. Computer Systems

(1) Library Internet Service

As the Board may recall, I had been working with the Librarian to request that Comcast provide the Essex Library with a free, high-speed Internet connection. The Library is interested in offering free Wi-Fi to its patrons and a dedicated connection is desired for bandwidth reasons. Comcast installed the connection on

June 22, 2010 and I am presently working with the Librarian to identify and order a suitable wireless router (she is polling other libraries to locate the best model).

Recommendation: I will update the Board as necessary.

(2) Replacement of Sewer System Server Memory Modules

As discussed previously, I had ordered replacement memory modules for the subject server (which monitors our sewer pumping stations) after the server displayed a memory error (but was still functional). The error was either associated with the modules or the motherboard and the least expensive solution was to try the memory modules. The modules arrived during the week of June 21, 2010 and, after installation, the server reverted to normal operation, free of error codes. Fortunately, this result demonstrated that the server motherboard is not in a failing state.

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

(3) Replacement of Network Attached Storage Device

I purchased the subject device to replace an older model device near the end of its service life. The new device is identical to a device in Town Hall that operates at much higher speeds for data backup. The software shipped with the device was unfortunately flawed and I worked with technical support to update the unit via an on-line download.

Recommendation: No further action is necessary. Total time – 3 hours.

C. Personnel

(1) Teamsters Collective Bargaining

The Management team was to engage the Teamsters in continued collective bargaining on June 22, 2010 but a scheduling problem prevented that meeting. The next session will be held on August 3, 2010.

Recommendation: I will update the Board as necessary.

(2) Distribution of Sexual Harassment and Discriminatory Harassment Policies

I provided the subject policies to the Treasurer/Collector for distribution with employee paychecks in accordance with the General Laws and Town policies during the week of June 21, 2010.

Recommendation: No further action is necessary.

(3) Board of Public Works Appointment

At the last meeting, the Board agreed with a suggestion by the Planning Board that I post a notice on the Town's website indicating that the Planning Board is

seeking additional candidates for their Board of Public Works recommendation list. I posted the notice, sent it around via the Town's list-serve, and the Boston Globe reporter agreed to carry the notice as well. The Planning Board Chair indicated that a third party expressed interest and the Board received a letter from that individual. However, the individual did not realize that the Special Act governing the Board of Public Works does not allow a member to serve in any other post in Town (and this individual is a call firefighter). As such, this new candidate has withdrawn since he desires to continue serving as a firefighter.

Recommendation: I will continue to work with the Planning Board Chair to field additional candidates.

(4) Essex Police Benevolent Association Collective Bargaining (*)

I am working to put together another collective bargaining session with the Association.

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

D. Procurement/Ongoing Projects

(1) Affirmative Marketing Program Quarterly Report

I completed and filed with the State the subject report in my capacity as the Town's Affirmative Marketing Construction Officer for the quarter ending June 30, 2010. The report documents expenditures made to women and minority business entities relative to funds provided via State grants. We presently have no such grants and, as such, no such expenditures were required.

Recommendation: No further action is necessary.

(2) Seawall Construction Issue (*)

At the last meeting, Mr. Ed Perkins visited the Selectmen to suggest that the final plan for the seawall will likely leave key structural members (steel pilings) unprotected from the elements, potentially leading to premature failure. The Board asked that I develop a letter to MassDOT for the Chairman's signature regarding the issue after getting an update from the Resident Engineer.

The Resident Engineer was able to provide me with a narrative from the designer that responded to the concerns. Selectman O'Donnell reviewed that report and agreed that the letter to MassDOT should still proceed since the designer may not have covered all of the issues adequately. As such, I finalized the letter and attached the designer's narrative as a vehicle for framing the issue. I also informed Senator Tarr's office about the issue as recommended by the Board. I have learned that MassDOT engineers have conducted their own review of the matter and will likely reply in writing that they feel that the design is adequate.

In addition, Selectman O'Donnell continued to work with MassDOT to build in the potential for attaching a future boardwalk to the seawall as requested by the Board. The final solution will likely involve protruding sections of concrete that anchors can be inserted into and the contractor is presently estimating associated costs for MassDOT.

Recommendation: **Board discussion as necessary.**

(3) Main Street / Martin Street Parking Appeal

(*)

At the last meeting, the Board reviewed a reply from MassDOT regarding options that the Department posed to the Town for head-in parking near the subject intersection. Specifically, the Department proposed that the Town either take over that particular section of roadway or that we return to the original design plan that allowed parking in the area in question via access from a private parking lot to the rear. The Board did not favor either option and directed me to prepare a letter to Congressman Tierney and Senator Tarr regarding whether any other options could be made available. The Town's original letter to MassDOT actually indicated to MassDOT that the Town may choose to work further with our various legislators should MassDOT be unable to provide a head-in parking option (without the Town taking over the roadway). I finalized that letter and the Chairman signed and sent it on June 23, 2010. We are presently awaiting the Congressman's response. Subsequently, the Chairman of the Long Term Planning Committee contacted our office to express his desire for the Board to reconsider enlisting the assistance of the Congressman.

Recommendation: **Board discussion relative to the LTPC Chairman's comments.**

(4) Roadbed Elevation Update

(*)

As the Board may recall, the Town had requested that a certain portion of the roadbed be elevated further than the present design plan specifies in order to better reduced roadway flooding during storm events. MassDOT has now completed their review of that request and has offered to make the necessary design changes if the Town will agree to acquire the necessary Right of Entry Agreements from private abutters and if the Town will absolve MassDOT of future responsibility since the requested changes are not standard practice. I have discussed the Department's proposed agreements and other terms with members of the Chamber of Commerce and the Essex Merchants' Group and can work with these individuals to acquire the Right of Entry Agreements once MassDOT provides draft plans (if the Board desires to move forward).

Recommendation: **Board discussion relative to potentially moving forward with this design change proposal and its associated requirements.**

(5) Main Street Crosswalk Concern

(*)

The plans for the Route 133 Reconstruction Project presently specify a crosswalk across Main Street at Martin Street. The plans do not indicate that a pedestrian stoplight will be available to stop traffic and the Chief of Police has concerns about motorists being able to clearly recognize pedestrians in the crosswalk with ample time to stop. I brought this concern up in a recent meeting with MassDOT and the Resident Engineer recommended that the Town write a letter to the District Director inquiring about this possibility if the Board is interested.

Recommendation: **Board discussion relative to this pedestrian concern.**

(6) Roadway Reconstruction Update

(*)

I attended a meeting involving MassDOT staff, the Route 133 Task Force, and the construction contractor on June 23, 2010. The contractor outlined the fact that he intended to begin actual roadway reconstruction work shortly after the Fourth of July holiday, beginning with the stretch of road between John Wise Avenue and the causeway bridge. The work would involve two major areas where the Town should provide input.

First, the contractor explained that he could either strip pavement in one lane for approximately 800 feet at a time and come back for the other lane later; or, the contractor could strip both lanes in parallel. The single-lane method will depress one side of the roadway by about 12 inches, making it impossible to change from one lane to the other within the work zone. Barrels or Jersey barriers would have to be used in the work zone so that motorists do not stray beyond the drop-off. The parallel option will allow for travel from one lane to another to make turns, etc. I posed these options to the Fire Chief and to the Chief of Police and both Chiefs indicated that the parallel option was much preferred when public safety is considered.

Second, since the contractor will be stripping pavement using an excavator, opening the lane that is being worked in on short notice will be impossible (cleanup and prep work will be required each afternoon to make the lane passable). This presents a problem if traffic builds up too quickly during peak times since MassDOT will not allow more than a twelve-minute delay. In order to provide a relief option in such a circumstance, the contractor and MassDOT have suggested the use of Pickering Street as a detour on an as-needed basis. No trucks would be allowed to take the detour and police details would be used to convey the traffic while monitoring the needs of emergency response vehicles.

Subsequent to our meeting, the contractor informed us that, due to delays associated with seawall design changes, the seawall subcontractor will need to work in the roadway longer than expected. As such, the contractor elected to conduct curb replacement work on the Water Street end of the project for two to

three weeks before they will move to the pavement stripping process discussed above.

***Recommendation:* Board discussion relative to stripping option preferences and detour protocol (including a discussion of neighborhood impact and notification).**

(7) Causeway Utility Pole Coordination

At a recent meeting, the Route 133 reconstruction contractor asked me to assist with the coordination of a meeting among him, MassDOT staff, and National Grid to coordinate plans for the routine relocation of utility poles between John Wise Avenue and the causeway bridge. I had already conducted a pre-discussion of this issue with National Grid staff and was expecting National Grid to be reaching out regarding this issue soon anyway. After further coordination, National Grid met with the contractor and MassDOT staff on July 2, 2010 and the utility will start to unfold its plans for coordination of the pole moves in the near future. The utility will contact me at each new stage so that I can make MassDOT and the contractor aware of planned activities.

Recommendation: I will update the Board as necessary.

(8) Pocket Park Planning Proposal

(*)

At the last meeting, the Board agreed that a proposal for pocket park planning should be revised to provide prioritized services for the available amount of \$7,500. Selectman O'Donnell and LTPC Member Coviello have worked with the proposing consultant to make the necessary changes and a final contract will likely be available for the Board's review and approval by meeting time.

***Recommendation:* Board approval of the subject contract if available by meeting time.**

(9) Licensing and Registration of New Senior Mini-Bus

(*)

SeniorCare, the recipient of a Federal grant offering the Town the use of the new senior mini-bus, provided us with a Memorandum of Understanding during the week of June 21, 2010 outlining the terms under which the Town will operate the vehicle. The Chairman signed the MOU in order for me to proceed with insuring and registering the vehicle and the vehicle is now on the road (many thanks to Mr. George Harvey for his legwork associated with that process).

An important aspect of the MOU is that the Town's drivers are all required to be certified in first aid and CPR in accordance with the requirements of the Federal grant that provided the vehicle to SeniorCare. The grant also requires that all drivers attend sensitivity training regarding the needs of the elderly and disabled. We have 60 days to institute the above requirements (inclusive of a 60-day waiver on the CPR and first aid requirements that was issued by SeniorCare's Executive

Director). I have notified the Chairman of the Council on Aging about the various training requirements and he will ensure that only drivers who have met all requirements will be allowed to drive after the 60 days is up (August 23, 2010). I am working with the Chief of Police regarding offering the first aid and CPR training and the Chairman of the Council is working with SeniorCare to arrange for the sensitivity training.

Recommendation: **Board vote to ratify the Chairman's signature of the MOU.**

(10) Additional Option for Disposal of Surplus Tangible Supplies (*)

The Chief of Police recently commented to me that many municipal police departments dispose of surplus items via live auction conducted by a municipal employee. He asked if the Town's policy for disposal of tangible supplies valued at less than \$5,000 could be modified to add a live auction option. I discussed the concept with Town Counsel and have arrived at a revised policy that provides that option. The General Laws already provide for a separate auction procedure for unclaimed property held by a police department.

Recommendation: **Board approval of the revised policy.**

E. Insurance

(1) Safety Committee Meeting

I attended the subject meeting on June 23, 2010 as a member of the Committee. The meeting featured follow-up discussion regarding an improving water situation in the police locker room and future plans for HAZMAT and video training topics.

Recommendation: No further action is necessary.

F. Facilities

(1) Quarterly Facility Self-Inspection Checklist Forms

I completed the subject forms for the Town Hall and the Senior Center during the week of June 21, 2010. The forms are intended to call attention to safety hazards that might be present in a given facility. No hazards were identified.

Recommendation: No further action is necessary.

(2) Carpentry Repairs at Centennial Grove

Mr. James O'Donnell was kind enough to volunteer his time to attend to a variety of small carpentry repairs that were necessary after the Summer Program Director and I participated in a physical audit of the Summer Program grounds with Mr. Russell Harnish. The Town purchased the necessary materials supplies using the Grove Revolving Fund and Mr. O'Donnell completed the work during the week

of June 21, 2010. I wish to extend my thanks to Mr. O'Donnell for his timely assistance.

Recommendation: No further action is necessary.

(3) Emergency Generator Installation at Essex Elementary School

At the last meeting, the Board reviewed with the Chairman of the Finance Committee estimated figures for the installation of a ten-year-old generator at the Essex Elementary School (\$22,500) and annual maintenance thereof (\$1,000). The Board and Chairman agreed that a 50/50 split of those costs between the District and the Town is very reasonable given that the equipment may have 10-20 years of service life left and given the fact that most of the cost will provide the necessary wiring for the building (which is needed whether the generator is new or used). I have informed the Assistant Superintendent that the Town is willing to split the costs as estimated above (FY11 Reserve Fund will be utilized). The School Committee meets on July 15, 2010 to discuss further.

Recommendation: I will update the Board as necessary.

(4) Letter of Support Regarding Tennis Court Construction

At the last meeting, the Board agreed to provide a draft letter of support to a private group that has been advocating for new tennis courts and a new basketball court in Memorial Park. The group, known as the Essex Parks Improvement Committee, has already completed the necessary permitting for these new facilities and is beginning to raise funding for construction. Per the Board's request, I developed a letter and provided it to the group in draft form after comments from Board members. The group reviewed the letter and agreed with its content and the Board members have signed and sent the letter.

Recommendation: No further action is necessary.

(5) Grove and Conomo Point Signage

Two new signs that had been ordered by the Department of Public Works at the Board's request have been produced and will be deployed during the week of July 1, 2010. At the Centennial Grove entrance, a sign will read "Park Open Sunrise to Sunset Only". At the entrance to Conomo Point, a sign will read "Sticker Parking Only from this Point Forward".

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) Fiscal Year 2012 School District Budget Discussion

Manchester Town officials have agreed that beginning the discussion concerning the fiscal year 2012 school budget as early as possible will be helpful to the

process. The Chairman had asked me to coordinate a potential, late-summer meeting between Essex and Manchester officials after Manchester Chairman Tom Kehoe suggested a range of dates. I have learned from Manchester that Essex's suggested date of September 8, 2010 will work for Manchester. Chairman Kehoe will suggest an agenda along with a time and venue later this summer.

Recommendation: I will update the Board as necessary.

(2) Department of Public Works Maintenance Challenges

As the Town adds new facilities and improves existing facilities, the demand on the Department of Public Works for maintaining these areas steadily increases, often without a commensurate increase in resources. The Chairman has asked that I schedule the Board of Public Works and the Finance Committee for an upcoming Selectmen's meeting to discuss this issue and it appears that August 9, 2010 will work for all parties.

Recommendation: I will update the Board as necessary.

H. Complaints

No items.

I. Meetings Attended

No items.

J. Final Judgment

(1) Notification of Tenants Regarding Summer Meeting

The Board provided to the Department of Environmental Protection on June 8, 2010 a list of procedures to be followed for both the northern and the southern sections of Conomo Point at the expiration of the leases. The Department responded to the Board in a letter dated June 14, 2010 and approved an extension of time for properties in the southern section since a variety of legal and administrative steps will be necessary and are expected to be lengthy. After the Department provided the Town with that letter of response, the Selectmen signed and the Selectmen's Assistant mailed (on July 8, 2010) a specific notice of a meeting, along with a copy of the procedures, to each Conomo Point tenant for each plot of lease property. The meeting will be held on August 19, 2010 at 7:00 p.m. at the Essex Elementary School and is a requirement of the Conomo Point Plan. The meeting is intended to present the procedures to the tenants.

Recommendation: I will update the Board as necessary.

K. Town Meeting, By-Laws, and Regulations

(1) Shellfisherman's Address

At the last meeting, I informed the Board that the Licensing Clerk had been able to reconcile the official addresses of all commercial clambers against a list of potential inaccuracies provided by a Deputy Constable in the past, except for one. The Board asked me at the last meeting to contact the individual in question to inquire as to why he did not respond to the Licensing Clerk's letter requesting address verification. I left a message for the individual by telephone and did not receive a response. As such, the Licensing Clerk sent a second notice via certified mail and the individual in question did provide a response.

Recommendation: No further action is necessary.

L. Legal Issues

(1) Paglia Park License

At the last meeting, the Board signed a license granted by the owner of property abutting the Essex Causeway near the Essex River Bridge in order to eventually create a pocket park at that location. I provided the executed license to the attorney handling the matter for the owner and have added the area to our insurance policy as required by the license. I have also begun to work with the Superintendent of Public Works regarding the production and erection of a sign dedicating this new pocket park to the memory of Eva and Louis Paglia (also a term of the license). Before any work can begin on the pocket park, a design will be completed under contract with Community Investment Associates and a Conservation Commission Order of Conditions will need to be applied for and issued (under the auspices of the same contract).

Recommendation: I will update the Board as necessary.

(2) Successor Lockup Agreement

At the last meeting, the Board signed a successor lockup agreement with the Town of Manchester for a six-month term. The Manchester Selectmen were meeting that same evening and, the next day, I learned that the Manchester Board also chose to sign the agreement. Each community sent the other the signed document for countersignature thereafter. The Chief of Police will work with Manchester on future terms and will explore other options as necessary.

Recommendation: I will update the Board as necessary.

M. Grants

No items.

N. Emergency Planning

(1) Review of Multi-Hazard Mitigation Plan

At the last meeting, Mr. Sam Cleaves of MAPC presented to the Board the process involved regarding the development and adoption of the subject plan, a precursor to Federal funding for mitigating natural hazards before the fact. Mr. Cleaves had just received comments from various Town departments regarding the initial draft of the document and offered to provide an updated draft for the Board's review which incorporated those comments. I sent that draft around to the Board for the Board's information and review.

The document will now undergo review by the Massachusetts Emergency Management Agency (MEMA) and, via a more a lengthy process, by the Federal Emergency Management Agency (FEMA). The final draft of the plan will eventually be provided to the Selectmen for potential adoption and implementation.

Recommendation: I will update the Board as necessary.

(2) Homeland Security Regional Equipment Cache

(*)

The Northeast Homeland Security Regional Advisory Council (NERAC) has provided the Town with an option to subscribe to available emergency equipment stored in a Beverly location. Use of equipment is subject to daily fees but may be the best and most cost-effective option in a time of emergency. If the Town is interested, a subscription form must be provided to NERAC by July 30, 2010.

Recommendation: **Board approval and signature of the subscription form.**

(3) Cape Ann Emergency Planning Team Certification

The Cape Ann Emergency Planning Team (CAEPT) has been certified by the State Emergency Response Commission (SERC) at the startup level of certification under the name of the Cape Ann Regional Emergency Planning Committee (CAREPC). This certification allows the CAEPT to continue developing planning and preparedness tools with the assistance of SERC and to compete for funding opportunities offered to certified entities. CAEPT will next work toward the provisional level of certification by completing other planning, training, and drills.

Recommendation: I will update the Board as necessary.

O. Other Items

(1) Summer Student Intern Program

Two high school students began volunteer community service work for the Town during the week of July 5, 2010 and they will be joined by two other students in the coming weeks. We have been able to utilize the students to conduct work that includes important reorganization work such as a project that will restructure the Conservation Commission's filing system by street address (it is presently by property owner – which changes over time with sales – and by DEP file number, which is not always known by those interested in older files). Each department head has taken the time to explain the roles of the department to the students and we still have many departments to introduce the students to.

Recommendation: I will update the Board as necessary.

(2) Town Administrator Leave Use

I was out of the office on vacation leave for the entire week of June 28, 2010.

(3) Independence Day Holiday

The office was closed on July 5, 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.