



## Town Administrator's Report Board of Selectmen's Meeting of July 26, 2010

Report covers from July 10, 2010 to July 23, 2010

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

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### A. Town Department Reports/Requests

#### (1) Long Term Planning Committee Survey Results

The subject survey results were presented to the Board at the last meeting and I subsequently received a request from the Long Term Planning Committee Chairman to place that document on the Town's website. I have added a link to the results on the Town's homepage at [www.essexma.org](http://www.essexma.org).

*Recommendation:* No further action is necessary.

### B. Computer Systems

#### (1) E-mail Subscription Service Statistics

At the last meeting, a question was asked regarding how many people have subscribed to each of the Town's five e-mail subscription services. I contacted our website vendor and learned the following:

<u>Service</u>	<u>Subscriptions</u>
Town News/Emergency News	185
Health Advisory	128
Weekly Dashboard	82
Town Administrator's Report	141
Youth Commission	87

The Town's subscription service can be accessed by any interested party at the following location:

<http://www.essexma.org/subscriber>

*Recommendation:* No further action is necessary.

#### (2) Transfer Station Sticker Database

Last year at this time, I had written for the Wastewater Clerk a revised version of the subject database that is capable of receiving multiple sticker years for each resident. I recently reviewed the operation of that program with the Clerk and ensured that summary reports were capable of pulling up individual years.

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

(3) Water Filtration Plant Network Server Upgrade

As the Board may recall, I have upgraded all of our circa-2005 servers to more modern machines except the server at the Water Filtration Plant. The Town will likely have enough money in the Town Technology Fund in mid-August to be able to purchase this final server upgrade for this generation. I have been working with our vendor to specify a new system and should be able to have it installed by the end of the summer. This upgrade will allow for a third duplication of our new domain's Active Directory structure for improved failover protection.

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

(4) Installation of Library Wi-Fi Router

As the Board may recall, I had helped to coordinate the placement of a free, high-speed cable Internet drop at the Essex Library and had worked with the Librarian to review a specification for a Wi-Fi router. The router arrived during the week of July 12, 2010 and I installed it for public use. The system is working well and the Library now offers free Wi-Fi. Patrons should see the Librarian for password information.

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

(5) Library Notebook Computer

The Librarian has received grant funding for the purchase of a notebook computer for the library. This device will be used by library staff and will be able to take advantage of the new Wi-Fi service in the library. I worked with our vendor to develop a quote for the notebook and then customized it with the Librarian based on available funding.

*Recommendation:* No further action is necessary.

**C. Personnel**

(1) Centennial Grove Cottage Committee

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At the last meeting, the Board asked me to inquire with the Finance Committee, the Open Space Committee, the Long Term Planning Committee, the Conservation Commission, and the Essex PTO if individuals from each organization would serve on a new, Centennial Grove Cottage Committee. The Committee would review and make recommendations on potential future Town uses and/or potential sale of the property. I made the requested inquiries and am waiting for replies from most entities. I did receive comments and questions from two parties that require further Board guidance.

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

(2) Essex Police Benevolent Association Collective Bargaining

The next collective bargaining session with the Association has been set up for July 27, 2010.

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

(3) AFSCME Collective Bargaining

The next collective bargaining session with AFSCME has been set up for August 2, 2010.

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

(4) Informal Town Staff Meeting

At the last meeting, the Board suggested that I serve as a conduit to pull together the department heads from the various major Town departments from time to time for informal discussion and sharing of information. The first gathering was held on July 22, 2010 and provided good insight into the issues facing each department presently. We will reconvene from time to time to update each other on issues, projects, and developments.

*Recommendation:* No further action is necessary at this time.

(5) Sensitivity, CPR, and First Aid Training for Senior Van Drivers

Through Seniorcare I was able to contact a source for the subject training that is required for all senior van drivers pursuant to Federal grant requirements. The trainer is contracted to Beauport Ambulance Service and Beauport is willing to cover the cost of the training. I have spoken with the Chairman of the Council on Aging and he has coordinated the van drivers for an August 5, 2010 training session at the Senior Center at 10:00 a.m.

Also, the Chief of Police has arranged to offer the necessary CPR and First Aid training using Mr. Jake McNeilly and the Chief will cover the cost from his budget. The Chairman of the Council on Aging has coordinated the van drivers for an August 6, 2010 training session at the Senior Center at 8:30 a.m.

Any individual who has been considering becoming a volunteer van driver for the Council would benefit from these required trainings and should contact me at (978) 768-6531 or [bzubricki@essexma.org](mailto:bzubricki@essexma.org), if interested.

*Recommendation:* No further action is necessary.

## D. Procurement/Ongoing Projects

### (1) Pocket Park Planning Contract

The Board signed the subject contract with Community Investment Associates (CIA) at the last meeting, subject to final agreement between Selectman O'Donnell and the consultant regarding certain wording in the Scope of Services. Selectman O'Donnell and I developed final proposed language during the week of July 12, 2010 but CIA has not yet countersigned the contract since minor additional discussion is in order. We hope that countersignature will occur during the week of July 26, 2010.

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

### (2) Exploration of Parking at Village Corner

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I have discussed further with Congressman Tierney's staff the Board's recent request to explore further the possibility of head-in parking at the Village Corner. At the last meeting, the Board indicated that correspondence with the Congressman's office should continue until a final answer can be provided either way. The Congressman's staff has indicated that they have made contact with Federal Highway officials and will provide us with additional information as soon as it becomes available.

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

### (3) Pickering Street Detour

At the last meeting, the Board authorized the use of Pickering Street for a detour on an as-needed basis while a section of Main Street is being worked on as part of the Route 133 Reconstruction Project. I developed a notice from the Chairman to be provided to each Pickering Street resident by the contractor in advance of the potential use of the detour and sent that to the Resident Engineer after review by the Fire Chief, the Chief of Police, and the Superintendent of Public Works. Work along that stretch of Main Street will commence soon and I will assist with the coordination of the issue.

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

### (4) Paglia Park Environmental Permitting Process

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At the last meeting, the Board asked that I investigate the process necessary to have the grass cut and the hay bales moved back toward the River at the Paglia Park site without any additional cost to the Town. The Town's consultant will be filing a Notice of Intent regarding the final park design after that has been completed but the Board and others are interested in taking some basic site preparations steps before the final design is available.

Mr. Bob Coviello of the Long Term Planning Committee and I spoke with the Conservation Agent during the week of July 12, 2010 and we learned that the historic mowing practice at the site is sufficient to allow that practice to continue without further permitting at this time. When I had first spoken to the Agent, he was not aware of the historic practice. The existing hay bales are part of the MassDOT Order of Conditions and must stay in place for the time being. When the Town's consultant applies for a Notice of Intent regarding the final park design, she can dovetail that effort with a request from MassDOT to modify their Order of Conditions to allow the hay bales to move (since the Town will need to install erosion control anyway). The new park was mowed during the week of July 26, 2010 and an initial park sign should be installed.

*Recommendation:* **Board discussion relative to the design of the initial park sign.**

(5) Seawall Life Expectancy Review and Future Boardwalk (\*)

MassDOT has replied to the Town's request to review the life expectancy of the new causeway seawall. The letter explains that the design relies on only a certain portion of the steel for the needed support and that a large portion of steel can corrode and still provide the required, intact material. In addition, the steel pilings around which the debate was centered have all been completely driven and the crane necessary for pipe encapsulation work has been taken off site.

The design for boardwalk anchors to be cast into the new seawall during construction that Selectman O'Donnell produced has been approved by MassDOT and will be implemented, along with the approval of additional rebar needed to support the future load. When the boardwalk is designed in the future, that design will be able to take advantage of these pre-cast anchors and will not require the driving of pilings.

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

(6) Roadbed Elevation Increase Update

At the last meeting, the Board authorized me to send a letter to the Massachusetts Department of Transportation agreeing to certain conditions concerning the Department's proposal to revise Route 133 Reconstruction Project plans along an area of the causeway in order to better mitigate flooding concerns. I produced and sent the letter during the week of July 12, 2010.

Also, I have obtained four of the six Right of Entry documents necessary to allow additional grading on adjacent, private properties. I am working with the Chamber of Commerce and the Essex Merchants' Group to acquire the necessary Right of Entry documents from two other property owners. I was able to attach a copy of the revised construction plan to each Right of Entry document to show each abutter the exact nature of the need for the Department to enter their property

during construction. I also inserted the appropriate data on each document for the convenience of each abutter.

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

(7) Pedestrian Traffic Signal

At the last meeting, the Board agreed that I should write to the District Highway Director regarding the potential for the installation of a traffic signal at a crosswalk that traverses Main Street at Martin Street. The Chief of Police and area property owners have pointed out that the crosswalk is adjacent to a busy intersection and would benefit from additional controls. I drafted and sent the letter during the week of July 12, 2010 and we are awaiting a reply.

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

(8) Draft Contract for Town Building Study

I asked Reinhardt Associates to send me a draft contract for their proposed work regarding the Town Building Feasibility and Cost Study which could be used to engage the firm's services should the Study be funded by the Town Meeting in November. The firm sent me a contract that was best suited for building design and construction oversight work and I proposed instead that the firm consider the Town's standard contract for consulting services. The firm has agreed to review the Town's standard format.

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

(9) Consideration of Request for Night Work

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Now that work on the Route 133 Reconstruction Project has ramped up and even more disruptive elements will soon be implemented, members of the business community have asked that the potential for night work be investigated more directly with MassDOT and the contractor (perhaps a 11 p.m. to 7:00 a.m. arrangement). A portion of the construction area is commercially-oriented but other areas are residential.

*Recommendation:* **Board discussion relative to the potential for again discussing night work with the construction officials.**

(10) Property Access During Concrete Work

The Resident Engineer for the Route 133 Reconstruction Project indicated that concrete sidewalk and driveway apron pouring work will commence soon in the area between Water Street and Southern Avenue and will require property owners to move vehicles for up to two days (to allow for each pour to set properly). The contractor will notify each property owner 24-48 hours in advance of the work so that owners can move vehicles to other locations and has already met each affected property owner personally to explain the process.

Given that the area in question is very thickly-settled with no on-street parking, I was able to arrange for the use of adjacent properties and streets for alternative parking and property owners may contact me directly for more information if alternative parking is needed during this inconvenient but necessary process (978-768-6531 or [bzubricki@essexma.org](mailto:bzubricki@essexma.org)). Other potential parking areas perhaps include, with permission, neighbors' driveways across the street from affected properties.

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

(11) Curb Replacement Specifications (\*)

It has come to my attention that discrepancies may exist between curbing specifications listed on the plan sheets versus specifications in the specification and calculation books prepared by MassDOT's consulting engineering firm. It is therefore possible that additional granite curbing will need to be ordered or more than expected existing curbing may need to be re-used. The consulting design engineer is presently reviewing the issues so that he can offer the Town an explanation.

*Recommendation:* **Board discussion if additional information is available by meeting time.**

(12) Letter Concerning Northern Conomo Point Planning Effort (\*)

Mr. Paul Collins, a spokesperson for the tenants at Conomo Point, has written a letter to Taintor & Associates which includes various questions related to the work Taintor is conducting north of Robbins Island Road. The Board may wish to direct and/or focus Taintor's response based upon available resources and matters of policy.

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

## **E. Insurance**

(1) MIIA Loss Control Grant Program

As the Board may recall, the Department of Public Works used the subject program two years ago to purchase new trench safety equipment and, last year, the Police Department used the program to purchase cameras for cruisers. This year, the Fire Department is considering applying for the up-to-\$5,000 grant award for safety equipment or other eligible expenses. I am presently working with the Fire Chief to determine what the department is most interested in pursuing.

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

#### (2) Town Property Insurance Review

Our insurer has provided to the Town our present listing of vehicles, special property, and buildings, along with their associated values. Each year, the various departments check the listing for accuracy. I have completed the review of elements within the Selectmen's purview and have recommended minor changes. The Selectmen's Assistant will compile all responses into a master reply to our insurer and we will ask our insurer to send an appraiser to review and update our building values.

*Recommendation:* No further action is necessary.

### **F. Facilities**

#### (1) Essex River Dredging

At the last meeting, a suggestion was made to contact Congressman Tierney regarding Essex's potential participation in upcoming Federal dredging efforts. I made that contact and have learned that no present projects will likely expand into Essex. However, the Congressman's Office is working to set up a future meeting with Federal officials to discuss the matter further.

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

#### (2) Library Parking Lot Restriction

At the last meeting, the Board asked me to look at erecting at the entrance to the Library parking lot reading: "Library Parking Only, No Athletic Field Parking". I contacted the Superintendent of Public Works and the Librarian about the matter and the Librarian brought it to the Board of Library Trustees for consideration. The Trustees, who have statutory control over that area, prefer not to implement any restrictions on the Library lot at this time. As such, I will refer all inquiries about this topic to the Trustees.

*Recommendation:* No further action is necessary.

#### (3) Purchase of Tent

The individual who let the Town borrow a tent for the Summer Program this season offered to sell the tent to the Town for future use. The Board asked that I indicate that the Town is interested in purchasing the tent and we will be invoiced in the near future. We will store the tent in the Grove Cottage garage at the end of the season.

*Recommendation:* No further action is necessary.

#### (4) Emergency Generator for Essex Elementary School

The Manchester Essex Regional School Committee discussed the subject generator on July 20, 2010. The Committee has agreed that the work should

move forward and will split the cost 50/50 between the District and the Town. When the exact cost of the move and installation is known, I will complete the necessary Reserve Fund Transfer request for the Town's share and will reference the Board's approval vote of June 7, 2010.

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

## **G. Fiscal/Budget**

No items.

## **H. Complaints**

### (1) Farm Stand and Other Signage (\*)

Signage for two, separate farm stands was erected during the week of July 12, 2010 and was called to our attention. The Building Inspector and I reviewed the matter and found the signage, at both ends of Apple Street, to be on Town property and, as such, not authorized. I spoke with both farm stand owners and the signage has been removed. Signage that is located at each of the stands was found to be acceptable by the Building Inspector since it is not on Town property and its specifications are exempt from the normal controls under an agricultural exemption.

The same complaint also referenced a sign regarding lots for sale on Apple Street. The Building Inspector sees that sign as a temporary, real estate-type sign that is similar to numerous other signs that are in use in the community at any given time. I have been asked to review that response further.

*Recommendation:* **Board discussion relative to the use of real estate-type signs around Town.**

## **I. Meetings Attended**

No items.

## **J. Final Judgment**

No items.

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

### (1) Clamming Regulations and Protocols (\*)

At the last meeting, the Board reviewed a variety of potential changes to the clamming regulations and protocols in the company of the Shellfish Constable, the Deputy Shellfish Constable, the Town Clerk, and members of the Shellfish

Advisory Commission. The following items were discussed and the disposition and/or action item associated with each are listed. Before final preparations can be made, it is necessary to get agreement on the details from the Board.

1. *Verification of Resident Status* – the group agreed that any party desiring to prove residency for the purposes of the shellfish and eel regulations, beginning with the spring, 2011 license renewal period, would need to be listed on the annual street census if they resided in Essex at the time of the census which is currently being undertaken by the Town Clerk. Thereafter, since the census will be updated annually, any applicant residing in Essex for more than one year will need to be listed on the census. Those not residing in Essex for the present census or for less than one year relative to future censuses will have the opportunity to have the street census listing requirement waived for their first application. In addition to being listed on the street census, all applicants will need to provide with their application three of the following forms of proof of residency (all with their name and the same Essex address on each): driver's license, vehicle registration, real estate tax bill with mailing address matching Essex property address, copy of lease or rental agreement. Other forms of proof of residency were also discussed but may not offer as much certainty as the ones listed above. The Regulations could be revised, with review by Town Counsel and the Commission, to reflect this new requirement.
2. *Annual Recreational Digging Permit (Mess Permit)* – the group agreed that only residents (vetted as discussed above) should be able to obtain annual recreational digging permits. Also, the group agreed that any non-resident desiring a one-day digging permit should be sponsored by an Essex resident (vetted as discussed above), who would countersign the one-day permit. The Regulations could be revised, with review by Town Counsel and the Commission, to reflect these new requirements.
3. *Punishment for Violation of Local/State Rules* – The Board agreed that such punishment will be meted out on a case-by-case basis and the group agreed that the present guidelines in the Regulations did not need to be changed.
4. *Elimination of One-Year Residency Requirement and Reciprocity Provisions* – Given that, according to public documents issued by the Division of Marine Fisheries and others, the enforceability of a minimum residence period is questionable; and given that the Regulations already limit the number of commercial licenses that will be issued, the group agreed that both of the subject provisions should be eliminated from the Regulations. The Regulations could be revised, with review by Town Counsel and the Commission, to reflect these changes.
5. *Posting of Winter Flats* – the group agreed that the winter flats should not be eliminated as a management tool but conceded that marking with signage could be difficult and could pose a safety hazard. As such, the Constable agreed to install additional marking stakes in safe areas in a safe fashion.

6. *Posting of Rainfall Closure Areas* – The group agreed that these areas are so vast that only major natural landmarks can effectively be utilized to determine one’s location. This practice will continue.
7. *Assessment of Late Application Fee and Seeding Fee/Seeding Labor Requirement* – The group agreed that the Selectmen should explore some type of late fee for late applications that do not have extenuating circumstances and should explore the assessment of a seeding fee or a requirement to provide seeding labor as part of each year’s licensure. A revolving fund could be set up to capture payments intended to defray the cost of continued seeding efforts.

*Recommendation:* **Further Board discussion relative to the above items.**

#### **L. Legal Issues**

No items.

#### **M. Grants**

##### (1) Safe Routes to School Infrastructure Grant

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MassDOT has completed its review of proposed infrastructure improvements in the vicinity of the Essex Elementary School that will improve pedestrian convenience and safety in that area. As the Board may recall, a consultant working for the agency had proposed several improvements that required further review. I have learned via a telephone conversation that we will be soon receiving a letter explaining the results of the review and the next steps.

*Recommendation:* **Board discussion if the letter is available by meeting time.**

#### **N. Emergency Planning**

No items.

#### **O. Other Items**

##### (1) Town Administrator Leave Time

I was out of the office on vacation leave on July 23, 2010.

*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.*