



Town Administrator's Report Board of Selectmen's Meeting of August 10, 2009

Report covers from July 25, 2009 to August 7, 2009

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 of August 3, 2009. The Committee received a report from a developer who has volunteered his time to assist the Committee with future building use planning. After touring and reviewing the available space in the building, the developer indicated that it is likely not large enough to accommodate a sufficient number of housing units for tax credit eligibility. Also, since the existing window layout will need to remain the same in this historic building, the configuration of interior units becomes challenging. However, he did indicate that a developer might be able to construct an addition to the building that would make a third-party use viable (without tax credit eligibility, gap funding for the necessary building renovations is not available).

Another important realization for the Committee was that most third-party use scenarios begin with a building that is vacant or that can be vacated quickly. As such, if third-party use becomes part of the final plan, until the Town has a solution for moving the present operations out of the building, specific third-party use proposals will not be available. It does appear reasonable that some third-party use of the building will be possible in the future but details will simply not be available at the time that decisions on new buildings need to be made. The Town Building Committee plans to incorporate the insight recently provided by the developer into its overall future use plan development during a discussion that will take place at its next meeting on August 17, 2009.

Recommendation: I will update the Board as necessary.

(2) Conomo Point Planning Committee Update

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The Conomo Point Planning Committee met with the Selectmen and the Town's subdivision consultant on July 30, 2009 to discuss the draft Southern Conomo Point Zoning District By-law that the consultant has been working on. At the meeting, the group voted to recommend to the Selectmen that the Preliminary Subdivision Plan be submitted to the Planning Board for review but additional review is necessary relative to the by-law.

The Board, acting in its capacity as Conomo Point Commissioners, must submit the Preliminary Plan application in order to have that process proceed. Our consultant will have a summary of the Preliminary Plan by meeting time and the

actual plan documents are expected to be available early in the week of August 10, 2009. It is possible that the Planning Board could take up review of the Preliminary Plan as early as August 19, 2009. The Southern Conomo Point Subcommittee will meet on August 27, 2009 to continue review of the draft by-law that will eventually be necessary to make a Definitive Subdivision Plan application.

***Recommendation:* Board discussion relative to the review and submittal of the Preliminary Subdivision Plan application.**

B. Computer Systems

(1) Completion of Vision Server Migration

Our Assessors' database software vendor assisted me with the final steps necessary to migrate from our old Vision server to the new server during the week of July 27, 2009. All client computers are now connecting to the new server and the old server has been physically disconnected from our network. I will keep the old server available for a period of time in the event that unforeseen problems occur as the database is accessed and used on the new server over time.

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

(2) Accounting Software Updates

Our accounting software vendor released an update to BudgetSense during the week of July 27, 2009 and an update to RevenueSense during the week of August 3, 2009. I downloaded and installed the updates and performed the necessary database maintenance procedures.

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

(3) Provisioning of Disaster Recovery Laptops

As the Board may recall, I had ordered two laptop computers to be stored at the Essex Elementary School as part of the new near-site disaster recovery center that I am setting up. The computers arrived during the week of July 27, 2009 and I have provisioned them for use and performed test file restoration using a new, external tape drive. The computers will be physically transported to the dedicated space at the school in September and will be stored in a locking cabinet (which has also arrived) along with other equipment and supplies. I will work with the school's IT staff to configure Internet connectivity once the equipment is transported.

Recommendation: I will update the Board as necessary. Total time – 2 hours.

(4) Police/Fire Network Power Issue

A power loss and surge at the Fire and Police Station during the week of August 3, 2009 knocked two server drives offline and damaged the network switch. After the power had been restored properly I was able to correct the server drive issue and I replaced the network switch. The network is again functioning normally.

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

C. Personnel

(1) Approval of New Town Clerk Position Description

(*)

The Board reviewed the subject new position description at the last meeting and discussed the work of the Town Clerk Search Committee with two Committee members. The Board indicated that it would likely take up the approval of the new document at the present meeting and that the document will also cover the minimum qualifications and selection criteria components of the Committee's charge.

After the new position description is approved, the Board suggested that the Committee convene a meeting to pull from the document the most important job elements to be included in a scoring matrix for the interview process.

Relative to advertising, although the exact date has not yet been released, it appears that the advertisement filing deadline for the January issue of the The Beacon will be in mid-December (this includes the MMA on-line listing as well). The Board should also decide if the advertisement will run in any other media (such as a local paper).

***Recommendation:* Board discussion relative to approval of the draft position description and development of final guidance for the Committee relative to an interview scoring matrix tool.**

(2) Draft Physical Evaluation Policy for Volunteer Drivers

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At the last meeting, the Board agreed that a policy requiring an annual physical with vision testing be instituted for any volunteer desiring to operate Town vehicles in response to a stated need for that service by a given department. I discussed the concept with our occupational health contractor and with Town Counsel and have developed a draft policy for the Board's review.

***Recommendation:* Review and adoption of the subject policy.**

D. Procurement/Ongoing Projects

(1) Business Construction Signage

The Board had written to the Massachusetts Highway Department District Highway Director July 21, 2009 to inquire about the placement of signage indicating that downtown businesses are open during the Route 133 Reconstruction Project. The Resident Engineer for the project subsequently forwarded to me for review a proposed sign reading "Local Businesses Open".

I forwarded that suggested wording to the Chamber Task Force and the group met on August 4, 2009 to discuss. The group resolved to ask the Highway Department if four signs could be supplied with the above message plus a listing of the contract construction hours and days (so motorists will know when travel is likely to be tied up). The group also suggested that we request four sandwich boards that will allow motorists to see that individual businesses are open and where the entry point is when construction gets more complex. Further, the group suggested that we look into whether the Department will allow substitution of some of the proposed final plantings with plantings that will thrive better in our area.

I presented all of the above requests to the Resident Engineer and he brought both signage requests to the attention of others in the Department for a response. Presently, we understand the four permanent signs have been approved and that the sandwich board request is still under review. The Resident Engineer also indicated that plantings will likely be able to be substituted near the end of the project so long as the alternative plantings are of equal or lesser value.

Recommendation: I will update the Board as necessary.

(2) Temporary Overhead Utility Relocation

National Grid installed new, temporary utility poles on the Essex causeway during the week of August 3, 2009. The new poles will allow overhead wires to be moved to the opposite side of the roadway from planned seawall work (to allow large equipment to operate there). I will continue to be in touch with National Grid, Verizon, Comcast, and MassHighway regarding the physical movement of the wires. The relocation of the National Grid electric wires is presently scheduled for the third week in August and the other two utilities will follow.

Recommendation: I will update the Board as necessary.

(3) Arrival of New Water Filtration Plant Generator

The new generator for the Water Filtration Plant is expected to arrive during the week of August 10, 2009. I have prepared the necessary paperwork and will tender that along with the necessary initial payment to our lease/purchase financing company upon delivery.

Recommendation: I will update the Board as necessary.

E. Insurance

No items.

F. Facilities

(1) State Elevator Reinspection

As the Board may recall, this year's annual State elevator inspection at the Senior Center required several issues to be corrected by our fire alarm and elevator contractors. That work was performed and the State inspector returned for a reinspection on August 3, 2009. The elevator passed inspection and is in compliance until the next annual test.

Recommendation: No further action is necessary.

(2) Town Hall Tour

The developer who is presently volunteering time to assist the Town Building Committee with potential future building use plans toured the Town Hall with me on July 30, 2009. From the tour, the developer was able to gauge the potential for sale of the Town Hall / Library building to a third party (likely including a senior and affordable housing component). The developer reported back to the Town Building Committee on August 3, 2009 (see Town Building Committee Update above in Section A1).

Recommendation: No further action is necessary.

(3) Placement of Sand at Clammers' Beach

The Essex DPW placed sand above the high water mark at Clammers' Beach on behalf of the Essex Enhancement Committee during the week of July 27, 2009. I had assisted the Committee with the necessary Conservation Commission approval in advance of the project.

Recommendation: No further action is necessary.

(4) Repair and Maintenance of Town Hall Tower Clock

At the last meeting, the Board indicated that David W. Graf should be retained to conduct some basic repair work and maintenance on the Town Hall tower clock in order to keep the instrument running well. I contacted Mr. Graf and he will commence work in two to three weeks.

Recommendation: I will update the Board as necessary.

G. Fiscal/Budget

No items.

H. Complaints

(1) Trimming of Shrubbery

At the last meeting, the Board reviewed a letter from a Conomo Point tenant that described (with an enclosed photo) shrubbery and vegetation on a neighboring leased lot that had grown to block their view of the waterfront. The Board asked that I call the leaseholder on the neighboring lot to see if they were willing to trim the shrubbery. The leaseholder indicated that the vegetation had actually been trimmed the day of the last Selectmen's meeting and that the matter has been addressed (the letter had preceded the trimming work).

Recommendation: No further action is necessary.

I. Meetings Attended

No items.

J. Final Judgment

(1) Essex River Basin Water Quality (*)

The Division of Marine Fisheries (DMF) hosted a meeting involving Senator Tarr and the various shellfish industry stakeholders on July 27, 2009. DMF personnel discussed the status of the water quality in the Essex area and one major question that remains is whether and when the rainfall closure restrictions will be relaxed. As the Board may recall, I had met with Mr. David Road of the DMF some time ago and he had explained that the agency needed time to evaluate the positive effects of the recent Essex sewer project.

Mr. Roach contacted me recently in preparing for the referenced meeting and indicated that Essex River water quality has responded positively to the sewer system installation. He is hopeful that, within a year's time, the Division will likely modify some of the rainfall restrictions (i.e. additional rainfall will be required to trigger a closure). However, Mr. Roach commented that pollution is still present, mainly from the upper reaches of the Essex River, above Route 133. He suggested that the Town focus on finding pollution sources in that area first and that all non-sewered properties be evaluated. It is possible that just a few problem properties are causing the continuing problems since it was not mandatory for all properties to connect – only those that had failed a Title 5 inspection. Presently, a total of 302 properties that are eligible to connect to the sewer system are not connected.

If progress can be made in the upper reaches of the Essex River, it is possible that rainfall closure restrictions can be relaxed even further or eliminated. Thereafter, focus can shift to other areas such as the properties abutting Soginese Creek (a major agricultural area). Mr. Roach commented that this area may also have some influence but that the Essex River is the major factor.

***Recommendation:* Board discussion relative to further scrutiny of potential polluting septic systems in the upper reaches of the Essex River. The Board of Health will need to be involved.**

K. Town Meeting, By-Laws, and Regulations

(1) Potential Municipal Wind Turbine Installation (*)

At the last meeting, the Selectmen spoke to the Board of Public Works further about a potential municipal wind turbine installation at the Town's transfer station property. At that time, the Board asked that I compare the setback requirements in the Town's new wind turbine by-law to the space available at that site. The by-law requires 1.25 times the height of the turbine as a setback to a road or right of way, overhead utilities, and property lines. There is no setback to a building. The maximum turbine height under the by-law is 150 feet.

I reviewed the site using the Town's new pictometry (aerial photography) system and discussed the proposal further with the engineer who has been providing us with general grant program information. It appears that all of the property is ruled out by road and property line setbacks (both are 365 feet), wetlands, and filled land. The 365-foot setback is a product of the proposed 292-foot turbine (something that is far beyond the maximum height allowed in the by-law anyway). As such, it appears that the constraints of our existing site will not allow a wind turbine installation.

***Recommendation:* Board discussion relative to the project's viability.**

L. Legal Issues

(1) Waiver of Chapter 61A Option

At the last meeting, the Board voted to waive the Town's option to purchase a 12-acre parcel of land in Chapter 61A agricultural use status after verifying that the Essex County Greenbelt was not interested in an assignment. After the meeting, I developed the necessary waiver notice using a format supplied by Town Counsel and the Chairman signed the document before a notary and we sent the notice July 30, 2009.

***Recommendation:* No further action is necessary.**

M. Grants

(1) Seaport Bond Bill Grant Application

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The Salem State Center for Economic Development and Sustainability has completed the necessary addendum to our original grant application for Seaport Bond Bill funding. The Center has been in touch with Seaport Advisory Council staff as to how to present the addendum and we have learned that the Council may be able to tap into non-bond bill funding for this first phase (feasibility and design). The addendum proposes a boardwalk along the causeway seawall that continues behind the old Riverside Restaurant and provides access to a set of public floats via a single gangway.

***Recommendation:* Board approval of the addendum for transmission to the Seaport Advisory Council.**

(2) Clean Energy Choice Grant

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As the Board may recall, the Massachusetts Renewable Energy Trust had announced that the Clean Energy Choice Grant Program was to be phased out after the end of fiscal year 2009 with more information to follow as of August 2009. At that time, the Board had agreed that two solar-powered trash compactor receptacles should be purchased with the accrued funds (with the concurrence of the Superintendent of Public Works).

The Trust has since concluded its final accounting and the final Essex total for available grant funds is \$7,677.16. Each solar compactor normally costs \$3,995 but the Massachusetts Technology Collaborative has negotiated pricing and two units can therefore be purchased within our allowable budget (\$7,110.00). The Trust provided a grant agreement for the Town to complete and will send the Town a check for the grant amount within 60 days after the signed grant agreement is received.

***Recommendation:* Board vote for the Chairman to sign the grant agreement.**

(3) Federal Stimulus Funding Update

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As the Board may recall, the Town Hall / Library exterior renovation project was by far the Town's most "shovel-ready" project submitted to the Federal Stimulus funding program. However, by letter of August 3, 2009, Mr. Jeffrey Simon, the Director of the State's Office of Infrastructure Investment, sent a general memo to all communities with an attachment that indicated the types of work that was ultimately not allowed by Federal rules. That list includes rehabilitation of municipal buildings. As such, it does not appear that the Stimulus program will be a funding source for our Town Hall / Library needs or for our Fire / Police building needs.

However, recently, the Superintendent of Public Works and I met with an engineer whose firm is willing to apply to the State Revolving Loan Fund for water system improvement work. Water infrastructure funding from the Stimulus has been provided to the Massachusetts Water Pollution Abatement Trust and it is possible that some of that funding will be provided to communities as outright grants (rather than the traditional, low-interest loan route). The firm would develop the necessary application at no cost and the Town would proceed only if grant funds become available and are awarded. Presently, the Superintendent of Public Works is considering a project that would create a redundant water main loop along Apple Street since the Essex causeway is presently the only means of connecting both ends of the Town. He will be posing this SRF application prospect to the Board of Public Works.

***Recommendation:* Board approval for the consultant to proceed if the Board of Public Works finalizes and approves a project scope. All application paperwork will come before the Selectmen before being submitted.**

(4) Safe Routes to School Infrastructure Grant

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I met a consulting engineer working for the Safe Routes to School program at the school on August 5, 2009. He described to me the thoughts of the program staff relative to their ongoing analysis of infrastructure improvements that could improve pedestrian access to and from the school. He provided me with a graphic that summarizes those recommendations.

Under Federal guidelines, extending the Story Street sidewalk would not serve a large enough population to be considered for funding under the Safe Routes program. However, a modification to the Story/Winthrop/Western intersection and the construction of a better pedestrian conduit from Prospect Street to the rear entrance of the School on Western Avenue have been proposed as eligible items.

I reviewed those preliminary recommendations with the Chief of Police and the Superintendent of Public Works and they have agreed that it is worthwhile to request the next level of conceptual detail from the designer. At that point, Town officials can review the specific proposal and can either request that the project be submitted for the possibility of final design and construction funding or can decline. It is possible that a minor right of way easement will be necessary in one area and the Town would be responsible for acquiring that.

***Recommendation:* Board vote to request formalization of more detailed conceptual design plans.**

N. Emergency Planning

(1) Cape Ann Emergency Planning Team Monthly Meeting

I participated in the subject meeting held in Gloucester on August 7, 2009. The meeting featured a continuing discussion relative to intermunicipal coordination and cooperation. It is possible that the coming flu season will be more disruptive than usual and the Team desires to be fully prepared. Also, the Team continues to work toward certification as a stand-alone Emergency Preparedness Committee.

Recommendation: No further action is necessary.

O. Other Items

(1) Town Administrator Leave

I was out of the office on leave for portions of the afternoons of July 29 and July 30, 2009.

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