



Town Administrator's Report Board of Selectmen's Meeting of Sept. 12, 2011

Report covers from August 20, 2011 to September 9, 2011

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

A. Town Department Reports/Requests

(1) Signage on Sidewalks

Pedestrians had noticed that merchants have increasingly placed sandwich boards on the sidewalks in the downtown area. At the last meeting, the Board asked that I request the Building Inspector to walk the area and informally speak with merchants about moving all such signs off of sidewalks. The Building Inspector has obliged that request and any further infractions should be reported to me so I can pass those along.

Recommendation: No further action is necessary.

(2) Statewide Public Works Mutual Aid Agreement Law

As the Board may recall, back in April of this year, the Board opted into the Statewide Public Safety Mutual Aid Agreement Law (Chapter 40, Section 4J). At that time, the State had not recommended that communities opt into the subject Public Works Law (Chapter 40, Section 4K). Opting into Section 4K allows municipal officials to share public works resources in support of everyday, non-emergency operations (as opposed to during emergencies, like Section 4J allows for public safety resources).

The Executive Office of Public Safety and Security has now announced its recommendation of the adoption of Section 4K. As such, I have asked the Superintendent of Public Works and the Board of Public Works for a recommendation on the adoption of this new section and they intend to discuss at the Board of Public Works meeting of September 12, 2011.

Recommendation: I will update the Board as necessary.

B. Computer Systems

(1) Installation of Patriot Properties Assessors' Software

As the Board may recall, the Town had entered into a contract with Patriot Properties to replace the software and services that the Assessors had been receiving from another vendor, Appraisal Vision. Patriot's technical group has now installed their product on the Assessors' server and workstations and is in the process of validating the imported data and training the Board of Assessors and staff on the software's operation.

I am working with the Treasurer and the Assessors to transfer the tracking of the sewer betterments from our old RevenueSense product to Patriot as well. This process has involved a custom data download from RevenueSense that I performed with the help of our RevenueSense vendor. Patriot's technical group is now in the process of incorporating the betterment data into their product.

Recommendation: No further action is necessary.

(2) Melrose Datacenter Update

I have worked with Town Counsel to revise the Draft Intermunicipal Agreement that will govern our relationship with Melrose concerning a future migration of our computer infrastructure to the City's datacenter. I have provided much detail about our needs and Counsel has worked that into the necessary legal language. The City of Melrose is presently reviewing the draft Agreement and will respond with comments and suggestions.

Recommendation: I will update the Board as necessary.

C. Personnel

(1) Safety Committee Meeting

The next Safety Committee Meeting will occur on September 21, 2011. I will attend as a member of the Committee. I have placed a draft agenda in the Board's reading folder.

Recommendation: I will update the Board as necessary.

D. Procurement/Ongoing Projects

(1) Fixed-Rate Electricity Contract Renewal

At the last meeting, the Board agreed to allow the Chairman and me to sign a contract for electricity supply that will begin in December of 2012 for a three-year duration once the three-year rate is equal to or lower than 7.600 cents per kWh. Favorable pricing was announced on August 23, 2011 with a prediction of a sharp and sustained increase. As such, the Chairman and I locked the rate, to begin in December of 2012, at 7.5949 cents per kWh. This rate represents a decrease in pricing of about 1.4 cents per kWh beginning in December of 2012 (down from 8.999 cents per kWh).

Recommendation: No further action is necessary.

(2) Peak Response and Demand Response Electricity Program Update (*)

Our electricity supplier, Constellation New Energy, has now completed its analysis of programs that the Town could enroll in to save money in the future. The first program, known as the Peak Response Program, would require the Town

to curtail the use of electricity and/or use generators during times when ISO New England sets base rates for electricity delivery, known as capacity tags. By showing a lower usage of electricity during peak times, the Town's tag would be lowered and base delivery rates would be lower year-round, saving money. Peak Response events typically occur about four times per year for three to four hours at a time.

The second program, known as the Demand Response Program, would require the Town to start all of its generators at least twice per year for planned audits and, possibly more, if demand requires. Each activation would be for two to three hours. Just for enrolling in this program, if our supplier's estimates are correct, the Town could be paid approximately \$1,300 per month.

With respect to both programs, the Town needs to determine if the use of the generators is feasible and what the costs would be (both for fuel and for personnel to start generators even when the power is on – which is not the normal mode). Both of the programs should be discussed with the Board of Public Works since that entity would be required to contribute the most work and coordination.

Recommendation: **Board discussion as necessary.**

(3) Update of Conomo Point Calendar (*)

As new milestones are approaching, it would be useful for the Board to review and approve an updated draft of the subject calendar.

Recommendation: **Board review and approval of this new draft.**

(4) Conomo Point Property Appraisal Update (*)

Chairman Jones and I discussed progress regarding the subject appraisals with our appraiser during the week of September 5, 2011. The appraiser was delayed a week when the Town asked for more time to allow the leaseholders to prepare for site visits. He originally thought that he could still maintain the September 9 date but he has now recognized that he will require that extra week, at a minimum.

Recommendation: **Board discussion relative to the appraisal project.**

(5) Monthly Route 133 Reconstruction Project Meeting (*)

I attended the subject meeting along with Selectman O'Donnell, MassDOT staff, and members of the Chamber's Route 133 Task Force on August 24, 2011. MassDOT staff laid out the plan for project completion (all construction is expected to be completed by the end of September). We also reviewed with MassDOT staff a variety of remaining issues including re-use of the old seawall capstones and any available surplus curbing for benches; mailbox placement; various construction claims made by private parties; the potential to slightly extend the project area limits on the Western Avenue end of the project in order to

improve sidewalks; the final plan for roadside plantings; the finalization of the permanent utility pole moves; and other issues.

I am working with the Project Manager for the contractor to place several of the old seawall capstones at the landing across from Woodman's (per the contract). The contractor is also willing to place other capstones around the downtown area as benches on a voluntary basis. Also, the contractor is determining whether they will be able to donate any leftover curbstone stock to the Town for the creation of other benches.

Selectman O'Donnell has worked with merchants to finalize a list of roadside plantings and we will request a meeting with the landscaping subcontractor to get final approval on plants and associated planting practices/landscaping. It may be beneficial to approach our legislators regarding small sections of sidewalk and curbing that are just beyond the project zone since their improvement would complement the project very well (the project is unable to assist with these areas). Further, I will continue to monitor the permanent pole moves, including notification regarding a likely associated power outage.

Recommendation: **Board discussion as necessary.**

(6) Twenty-Sixth Biweekly Report, Route 133 Project

I issued the subject report on August 29, 2011. The report basically informed parties that the project is expected to be completely wrapped up during the month of September. I updated the report later that day when it was learned that the recent hurricane delayed the installation of the final layer of pavement from August 31, 2011 until September 7, 2011. Subsequently, rainy weather on the 7th required final paving to be delayed again and it was completed on September 9, 2011.

Recommendation: No further action is necessary.

(7) Sponsorship of Various Streetscape Features (*)

The Essex Merchants' Group has asked whether various streetscape features such as traffic islands and planted areas could be maintained by local businesses that would place a small sign with their name at each site.

Recommendation: **Board discussion regarding this proposal, including any standards for signage.**

(8) Request for Quotations for the Provision of Heating Oil

Each year at this time I request quotations from fuel oil contractors for the provision of heating oil for the Fire/Police Headquarters and the Town Hall. Contractors quote a price that is in relation to the Low Daily Boston Wholesale Price as published in the Journal of Commerce, which fluctuates daily. I made

this year's requests on September 8, 2011 and quotations are due on September 22, 2011 for the Board's consideration at the next meeting (September 26, 2011).

Recommendation: I will update the Board as necessary.

(9) Arrival of New DPW Dump Truck

The new DPW dump truck is ready for delivery and will soon be brought to the Town. I have made the necessary arrangements with our insurer and for the Town's first lease/purchase payment, which is due upon delivery. Further, I will work with the Chairman to execute the necessary Certificate of Acceptance and Payment Request Form at the appropriate time.

Recommendation: No further action is necessary.

E. Insurance

No items.

F. Facilities

(1) Rail Trail Update

(*)

At the last meeting, the Board agreed that the Town should consider the purchase of property owned by the Boston & Maine Railroad at a price that is at or lower than the parcel's assessed value. As such, I contacted the members of the Community Preservation Committee and asked the Committee to convene a meeting in advance of the planned September 26, 2011 Special Town Meeting so that the Committee may make a recommendation to that Town Meeting. Unfortunately, the CPC did not have a quorum and a new meeting must be posted and held.

Regarding the price, the railroad is in the process of sending representatives out to the land in question for a site inspection. It is possible that all land between map 36, lot 94 and Landing Road could be conveyed to the Town for less than \$25,000. I may have more information by meeting time.

Recommendation: **Board discussion regarding the status of this initiative.**

(2) Minor Repairs to Seawall

The Superintendent of Public Works notified me recently about the need for some routine repairs to areas of the Conomo Point seawall. At the last meeting, the Board agreed that he should pursue these as funding and resources permitted. The areas in question are not the areas previously inquired about by leaseholders that affect pier and float attachment. I informed the Superintendent about the Board's position on the matter and he will pursue if time and resources permit. It is possible that additional funding will be necessary.

Recommendation: I will update the Board as necessary.

(4) Town Building Committee Update

(*)

I attended the Town Building Committee meeting of August 29, 2011 along with Selectman O'Donnell (who chairs the Building Committee). The meeting featured a presentation from Mr. John MacMillan of Reinhardt Associates. The firm had just completed an overall analysis of project costs for various future Town building scenarios at 24 and 30 Martin Street. The Committee then began to discuss how the possibility of the purchase of the Lahey building might factor into planning and agreed that a comparison of the costs for the various scenarios, including borrowing costs, would be very helpful.

Subsequent to the meeting, I developed a list of the various scenarios, each with their respective principal costs and provided that document to the Treasurer so that she could work with our Financial Adviser regarding borrowing costs. Our Adviser provided borrowing costs for the lowest, the middle, and the highest scenarios and I updated the document to show the cost per \$1,000 of real estate value per year and the cost per year for the average taxpayer – all over a 30-year term.

Also, the attorney representing the sale of the Lahey building has asked if the Board has any more solid information on whether the purchase of that property will be considered by an upcoming Town Meeting. The Town Building Committee is scheduled to meet next on September 13, 2011.

Recommendation: **Board review of the various scenarios and discussion relative to further communication with the representatives of the Lahey building sale.**

G. Fiscal/Budget

No items.

H. Complaints

No items.

I. Meetings Attended

(1) Meeting with Legislators

(*)

Chairman Jones and I met with Senator Tarr and Representative Ferrante on August 23, 2011. We discussed the present situation at Conomo Point with a particular focus on the need to amend the recently-passed Special Legislation

involving clemency to Chapter 30b. Chairman Jones, Town Counsel, and I met again with the Senator and the Representative on September 8, 2011.

Recommendation: **Board discussion as necessary.**

J. Final Judgment

No items.

K. Town Meeting, By-Laws, and Regulations

(1) Southern Conomo Point Definitive Subdivision Plan (*)

Now that the Office of the Attorney General has approved the various bylaw amendments from the Annual Town Meeting, the Board, at the last meeting, asked that our consultant begin the Definitive Subdivision Plan process for southern Conomo Point. We have learned that the Planning Board will likely review the application at their meeting of September 21, 2011; that the public hearing regarding the Definitive Plan will likely be opened on October 19, 2011 and will likely completed on November 2, 2011.

Recommendation: **Board discussion as necessary.**

(2) Special Town Meeting Warrant (*)

At the last meeting, the Board voted to sign the warrant for a Special Town Meeting on September 26, 2011 at 7:30 p.m. outside of a meeting after three financial articles were added and approved by Town Counsel. The meeting had originally been tentatively scheduled for September 12, 2011 but was called for the 26th instead in order to accommodate a voter registration challenge. However, upon review of the magnitude of the challenge and the final schedule for hearings, Town Counsel advised the Chairman that the 26th may still not provide enough time to complete the hearing process, especially if continuances are necessary. The law requires the process to be completed before a Town Meeting may be held.

Recommendation: **Board nullification of the past votes as recommended by Town Counsel, who will be in attendance at the present meeting.**

(3) Proposal for Acceptance of Lowe Hill Road (*)

Residents of Lowe Hill Road recently approached the Board of Public Works regarding their potential recommendation on acceptance of the road as a public way. However, two of the members of the Board of Public Works may have conflicts of interest and declined to participate. As such, the residents have asked if the Selectmen will begin the necessary review process. Normally, the process begins with the Board of Public Works since the Selectmen are interested in that Board's recommendation before proceeding further. It is possible for the

Selectmen to handle the entire process. Perhaps the Superintendent of Public Works could serve as a technical resource as that unfolds.

Recommendation: **Board discussion as necessary.**

(4) Town of Essex Alcohol Service Training Regulation (*)

Several restaurant proprietors have asked why the Town's regulations require alcoholic beverage service training recertification annually when the training products are good for longer periods of time per the training organizations. I indicated that I would take this issue to the Board for discussion.

Recommendation: **Board discussion relative to training the training validity period.**

L. Legal Issues

(1) Renewal of U-Mass Influenza Immunization Billing Contract (*)

The Town has for two years used the services of the University of Massachusetts Medical School to receive non-Medicare reimbursement for both the purchase and administration of flu immunizations via third-party billing. The Board of Health desires to enter into a contract with this vendor for a third year and an updated contract must be executed.

Recommendation: **Board signature of this successor contract, if available by meeting time.**

(2) Addendum to Public Sector Partners Billing Contract (*)

Since the supply of free flu vaccine is limited this year due to State budget cuts, the Board of Health will be purchasing vaccine in order to offer it to seniors and intends to seek reimbursement. Public Sector Partners has traditionally handled reimbursement billing for flu administration under Medicare for us. However, PSP did not handle purchase reimbursement since we formerly got the vaccine for free. As such, PSP requires any communities that wish to seek Medicare reimbursement for flu vaccine purchase to execute an addendum to the existing agreement.

Recommendation: **Board signature of the necessary addendum, if available by meeting time.**

M. Grants

No items.

N. Emergency Planning

No items.

O. Other Items

(1) Assistance for Cape Ann TV

The Director of Cape Ann TV recently reached out to the Town in search of ways to assist Cape Ann TV with coverage of events, etc. The Selectmen discussed the topic at the last meeting and recommended that Cape Ann TV contact the Essex Division of the Cape Ann Chamber of Commerce and the Essex Merchants' Group regarding those entities' interest in purchasing a camera that could be run by volunteers to provide programming to CATV. I provided the names of the chairs of those groups to the Director for follow-up.

Recommendation: No further action is necessary.

(2) YMCA Summer Camp Discussion

(*)

As the Board may recall, the Town's contract with the YMCA to provide summer camp services (Camp Dory) requires the two parties to meet and discuss how the recent summer camp season went, with an opportunity to improve on various elements. By far, the most common negative comment regarding the camp from residents was the unavailability of the Centennial Grove Beach during camp hours. Otherwise, all of the comments received by the Town and by the camp staff were very positive. Representatives of the YMCA will attend the Board's meeting of October 3, 2011 to discuss the program and, hopefully, the design of next year's program.

Also, it has been suggested that the YMCA might be a great solution for the half-day programs that are usually run at the school.

Recommendation: **Board discussion relative to the upcoming appointment with YMCA representatives and relative to inquiring about the half-day programs.**

(3) Labor Day Holiday

The office was closed on September 5, 2011 in observance of the subject holiday.

(4) Town Administrator Leave

I was out of the office on vacation leave on September 2, 2011.

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