



Town Administrator's Report Board of Selectmen's Meeting of Sept. 23, 2013

Report covers from September 7, 2013 to September 20, 2013

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

A. Town Department Reports/Requests

(1) Public Safety Committee Initial Meeting

The Public Safety Committee met with the Selectmen on September 16, 2013 to receive guidance from the Board relative to the Committee's charge and overall direction. After a brief discussion, the Committee broke off and met on its own. Presently, the Committee plans to meet again on September 30, 2013 (most likely date) or on October 8, 2013, and will invite the Chief of Police and the Fire Chief to the meeting. In the meantime, I have provided the Committee members with each other's contact information; I have requested the Chief of Police and the Fire Chief to provide the Committee with the State and Federal service standards under which both departments operate; I have worked with our website vendor to create a new page for the Committee; and I have provided the Committee with a link to the Metropolitan Area Planning Council's (MAPC) growth projections for the region and the Town.

Recommendation: I will update the Board as necessary.

B. Computer Systems

(1) Virus Definition Update Issue

During my usual auditing of our network, I discovered that our central virus server was not automatically receiving virus definition updates from the Internet properly. I was able to force manual updates using a workaround and then worked with our firewall vendor to address the issue more thoroughly and correct it.

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

(2) Computer Configuration for New Part-Time DPW Clerk

The DPW has hired a new, part-time clerk to replace a clerk who recently took other employment. I assisted the Wastewater Clerk and the new part-time clerk with the configuration of the new clerk's system including file, e-mail, and Internet access.

Recommendation: No further action is necessary. Total time – 1.5 hours.

(3) Configuration of New Printer

The Police Department purchased a new printer for one of its desktop computer systems. I assisted with the configuration of the printer.

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

C. Personnel

(1) Safety Committee Meeting

I attended the subject meeting as a member of the Committee on September 18, 2013. The meeting featured a discussion regarding Committee goals for the upcoming year. One item of interest is the improvement of safety orientation materials for new employees.

Recommendation: No further action is necessary.

(2) Quarterly Department Heads Meeting/Annual Risk Assessment Update

I hosted an informal department heads meeting on September 19, 2013. The meeting featured our annual discussion of the Town's Risk Assessment and Monitoring Plan. The annual update is intended to address changes in the Town's business procedures or operations. Several changes were made to this year's iteration of the Plan and I included those and sent a new version around to all departments. The group also discussed potential topics for this year's fall Special Town Meeting, which will be held on November 18, 2013.

Recommendation: No further action is necessary.

D. Procurement/Ongoing Projects

(1) Opening of Filed Sub-bids for Town Hall/Library Improvement Project (*)

As the Board may recall, filed sub-bids related to the subject project were re-invited recently, after it was apparent that the aggregate cost of the low bid from each trade would put the project over budget. Also, restrictions placed by bidders on work in one trade and a necessary clarification of the scope of work in another trade added to the need for new bids.

The second invitation featured bids that were lower in some cases and higher in others. However, with only one, restricted bid in the electrical category, it is likely that the general contractor will have the freedom to fold that category into the general bid using their own forces. Also, it is possible that steel railing work, which came in much higher than the architect's estimate, could be eliminated in favor of another type of material. Further, the masonry bid came in at about four times the architect's estimate, which is not reasonable. Our architect consulted with Town Counsel and issued an addendum that employs strategies to lower costs and keep the total cost within the overall project budget. The general bid deadline needed to be extended into October, in order to give general bidders ample time to respond to the changes.

Recommendation: **Board discussion as necessary.**

(2) Award of Annual Contract for Heating Oil (*)

Quotations for the provision of heating oil for the upcoming season were due on September 19, 2013 and a total of two quotations were received. Both companies (Fox Hill Oil and Old Yankee Fuel) offered 25 cents above the Low Daily Boston Wholesale Price. As such, both vendors assented to a witnessed coin toss on September 20, 2013 and Fox Hill Oil was the winner of the toss.

Recommendation: **Board vote to award the contract for the provision of heating oil to Fox Hill Oil for the upcoming season.**

(3) Future Electricity Supply Contracts with Constellation Energy (*)

I met with representatives of our electricity supplier, Constellation Energy, on September 18, 2013. Constellation is the recommended vendor of the MunEnergy Program, a service of the Massachusetts Municipal Association. We presently have a long-term supply contract that will expire at the end of 2015. Constellation is now offering a chance to lock in rates for several years after that expiration date during the term of the current contract. If rates hit a target that the Town is desirous of, part or all of up to three future years can be locked in at those rates at any time.

Also, Constellation has offered to perform a no-cost, no-obligation, Town-wide energy audit and could actually make renovations to lighting and other fixtures for the Town. The cost of that work would be added to the supply rate over time but no payback would be necessary until the contract starting in 2016. As such, through the new rate lock program discussed above, it may be possible to lock in a lower rate for the future that would be increased slightly by the building improvement payback (potentially still being below today's rate). The lower rate, coupled with the lower power usage by improved fixtures, may translate to level or slightly lower supply costs overall, with beneficial renovations in place.

Recommendation: **Board discussion relative to these new programs.**

(4) Discussion Relative to Solar Hosting Credit Program (*)

As the Board may recall, Synergy Energy had contacted me in the past to offer a solar energy hosting credit program. Essentially, Synergy has packaged elements of two State programs and a Federal program to offer municipalities hosting credits that would offset electricity costs. I had contacted a colleague in the western part of the State who has a good understanding of the various renewable energy programs and, after speaking with him, I was referred to a representative of the Massachusetts Department of Energy Resources (DOER).

I have learned that various commercial companies do commonly package a variety of programs together to offer such products. However, entering into a contract

with a full understanding of the issues can be a challenge. Both individuals recommended proceeding slowly and potentially reviewing various resources that can be provided by the DOER's Green Communities Program.

Packaged products offered by private companies often include the private construction of solar projects and credits for using municipalities as "oftakers", or hosts of that capacity (municipalities are afforded more credits than other types of entities). The companies use Solar Renewable Energy Credits (SREC's), virtual net metering, and Federal tax credits to eventually translate into energy savings for the "host". The arena is very complex and does contain pitfalls, such as relying on a promise of a project but not ever seeing it begin to produce due to problems interconnecting the project with the grid. It would also be unfortunate to contract with one entity that underperforms and not have the ability to immediately move to some other provider.

***Recommendation:* Invite the interested vendor to provide the Town with a written overview of the program and a sample contract for review.**

E. Insurance

No items.

F. Facilities

(1) Further Discussion Relative to Federal Channel Encroachment Study (*)

Selectman O'Donnell and I met with the owners of the three marinas in Essex to discuss a proposal from a marine engineering firm relative to the study of encroachments in the Federal Channel of the Essex River. Since it is likely that the Town Meeting will be asked to consider funding this study in November, it was useful to get the perspective of the marina owners. The owners are in support of the study and agree that it is the first step toward identifying the current boundaries of the channel and the various encroachments into the channel. Without a plan to identify and eliminate encroachments, no Federal funding will be approved for future dredging. The owners understand that they would have to pay for their own dredging to occur simultaneously with any future channel dredging and would like to work to avoid having to duplicate permitting efforts when the Federal Government may in the future be going through the process anyway.

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

(2) Proposal to Revise Sidewalk Adjacent to Village Restaurant Property (*)

As the Board is aware, the owner of the Village Restaurant property had been working through his own engineer to propose changes to the sidewalk adjacent to the property to the Mass DOT. Recently, the property owner informed DOT

through his attorney that the plans for changes to the sidewalk layout and grade were acceptable. Presently, DOT is obtaining a price from a contractor and running the work through the standard approval process. It is still possible that the work will be completed before this coming winter but it depends on how rapidly the approval process proceeds.

Recommendation: **Board discussion as necessary.**

G. Fiscal/Budget

No items.

H. Complaints

No items.

I. Meetings Attended

(1) Monthly Regional Dispatch Center Meeting

I attended a meeting of the Essex Regional Emergency Communications Center Finance Advisory Board (FAB) on September 20, 2013. A meeting of the Subcommittee on Communities of Interest (which I also serve on) was postponed until October. The FAB meeting featured a discussion relative to a variety of operational improvements that have come on line or will be coming on line shortly such as: a dedicated, high-speed VPN for connection of the various communities to Middleton; an improved station vestibule camera system; and absorption of mobile unit air card charges, land-based Internet connections, and ported phone lines by the Center.

Recommendation: No further action is necessary.

J. Final Judgment

(1) DEP Final Judgment Quarterly Report (*)

I have prepared the Quarterly Report to the DEP for the quarter ending September 30, 2013.

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

K. Town Meeting, By-Laws, and Regulations

(1) Discussion of Potential Marijuana Facility Special Permit Category (*)

The Selectmen met with the Planning Board on September 18, 2013 to review the prospect of bringing the subject bylaw proposal to Town Meeting in November. After much discussion, the two boards agreed that the use “medical marijuana

facility” should simply be added to the list of uses requiring a Special Permit under zoning bylaw section 6-3.4.2. Town Counsel is presently reviewing that proposal and will assist with the crafting of an appropriate Special Town Meeting warrant article for the November 18 Special Town Meeting. The Planning Board will hold the requisite public hearing during the month of November and supports/will sponsor the Special Permit approach.

Recommendation: **Board discussion as necessary.**

(2) Review of Potential Topics for Special Town Meeting, November 18 (*)

At the Board’s meeting of September 9, 2013, the Board agreed that the best date for a fall Special Town Meeting would be November 18, 2013. I have prepared a list of potential topics to be addressed at that meeting for the Board’s review. I have learned that the Town Moderator is available that evening.

Recommendation: **Board review of potential topics for a November 18, 2013 Special Town Meeting.**

(3) Central Conomo Point Subdivision Definitive Plan Application (*)

Our consultant, Horsley Witten, has developed the subject Definitive Plan based upon comments received from the Planning Board as part of the Preliminary Plan approval and the firm will soon be ready to make the formal Definitive Plan application. As such, it will be necessary for the Chairman to sign various application forms.

Recommendation: **Board discussion relative to the finalization of the Definitive Plan application and authorization for the Chairman to sign, when ready.**

L. Legal Issues

(1) Walker Legal Suit

The subject lawsuit relative to the rates charged by the Town for the second-year Bridge Leases will commence on Tuesday, October 1, 2013 and will continue through that week.

Recommendation: I will update the Board as necessary.

M. Grants

(1) Massachusetts Downtown Initiative Grant Update (*)

Our consultant on the subject grant has considered input received at the preliminary meeting and specific input from the Board through Selectmen O’Donnell and from the Long Term Planning Committee. The Board will host a second, evening public forum during late-September or early October to present a

revised approach that draws upon the input from the first forum and the guidance from Town officials.

Recommendation: **Board discussion as necessary.**

N. Emergency Planning

(1) Cape Ann Emergency Planning Team Meeting

I attended the subject meeting in Essex on September 12, 2013. The meeting featured a discussion regarding some basic reorganization of the various working groups. Also, the Planning Team has officially, through the Massachusetts Emergency Management Agency, reached the “full certification” status as a recognized regional emergency planning entity.

Recommendation: No further action is necessary.

O. Other Items

No items.

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