



Town Administrator's Report Board of Selectmen's Meeting of October 5, 2009

Report covers from September 26, 2009 to October 2, 2009

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

A. Town Department Reports/Requests

(1) Finalization of Summer Program Documents

Mr. Russell Harnish has completed his review of the EYC Summer Program documents that the Youth Director recently completed in response to an administrative audit Mr. Harnish helped us with earlier in the season. No further changes to the documents were recommended and the Youth Director has compiled a comprehensive binder that contains all of the Summer Program forms and policies.

Recommendation: No further action is necessary.

(2) Summer Program Advisory Board

(*)

At the Board's request, I contacted several individuals regarding their potential interest in serving on a new advisory board that would help you (acting in your capacity as Youth Commissioners) to provide input that will be used to further develop the EYC Summer Program. I have heard from most of the parties and I am waiting for one reply. In addition to considering the formal committee, the idea of a private "friends" group that may seek appointments with the Board to express opinions in the future was raised.

Recommendation: **Further Board discussion relative to this topic.**

B. Computer Systems

(1) Disaster Recovery Server

I worked with a technician during the week of September 28, 2009 to prepare for the final file replication protocols necessary to stream server data to our disaster recovery server in New Hampshire. Completion of this work in the near future, coupled with the recent preparation of our near-site center at the school, will make the data recovery element of our Continuity of Operations Plan fully operational.

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

C. Personnel

(1) Annual Submittal of Employer Health Insurance Responsibility Disclosure

In October of each year, I normally file an Employer HIRD pursuant to the Health Care Reform Law via an on-line tool. However, rules concerning the Health Care

Reform Law have recently changed. The Town of Essex no longer needs to provide data relative to the law's "Fair Share" requirements using the on-line tool since our quarterly payroll is below the 25,000 hour quarterly threshold. According to the Division of Healthcare Finance and Policy, entities that are eligible for the Fair Share waiver no longer are required to submit an annual Employer HIRD.

Recommendation: No further action is necessary.

D. Procurement/Ongoing Projects

(1) Quarterly Affirmative Marketing Program Report

I filed the subject report with the State Office of Women and Minority Business Assistance in my capacity as the Town's Affirmative Marketing Construction Officer (AMCO). The quarterly reports are required to document any women or minority-owned business utilization on construction projects that involve State money. We had no such utilization over the past quarter.

Recommendation: No further action is necessary.

(2) Route 133 Reconstruction Project Update

(*)

The Board discussed a number of pending project issues at the last meeting and Selectman Lynch and I met with the Chamber's task force during the week of September 28, 2009. The following issues were discussed:

- 1) We informed the task force that the Selectmen prefer to stay with the 7:00 a.m. to 3:30 p.m. daily construction hours. **The task force members asked the Board to consider making the change to 6:00 a.m. beginning next construction season.**
- 2) I had informed the Resident Engineer that putting off seawall work until this coming spring is acceptable given the lateness of the season and the remaining overhead utility work still to be completed. We updated the task force about this decision.
- 3) We explained to the task force that National Grid had found a way to limit the power outage to five hours with some addresses only seeing an outage during the first and fifth hour. National Grid will be in touch directly with its customers about that outage.
- 4) We updated the task force on the letter to MassHighway that the Board signed at the last meeting regarding some requested changes to the area adjacent to the Route 22/Route 133 junction.

5) The task force discussed whether the utility poles that are being moved for the road project should remain in place longer than planned since the Town's plan for public docks may require the poles to be moved again if they are returned prematurely. **The Selectmen may wish to consider this issue further.**

6) I informed the task force that Grimes Landscaping has volunteered to water the mums along the causeway that cannot be easily accessed by stationary watering equipment. The DPW does not have a mobile tank unit that could be used for this purpose.

7) We discussed with the task force a variety of other miscellaneous issues and questions that had arisen.

Recommendation: **Board discussion relative to these ongoing issues.**

(3) Status of Overall Town Planning Effort

At the last meeting, the Board responded to a number of issues that our consulting planner had requested guidance on. I contacted the planner (Ms. Carolyn Britt) during the week of September 28, 2009 to provide the following input from the Board:

1) The Board desires Ms. Britt to include in her report a high level summary of the various zoning district and zoning overlay district concepts that may make sense in Essex along with an appendix that demonstrates how these types of districts have been handled in by-laws in other communities.

2) The Board approved the use of 10 hours of unused Board of Appeals consulting time to be put toward the Planning Board and zoning district wrap-up discussed above.

3) Selectman Lynch and I will meet with planning subcontractor Juliet Walker on October 6, 2009 to provide guidance regarding the Conomo Point Planning Committee section of the planning report. Ms. Britt will also attend.

4) The Board approved a "no change in scope", "no cost" extension of the project through December 31, 2009.

5) The Board of Appeals product will be deemed complete after a final review of the document by that Board.

6) The Board will accept a final report incorporating the products that were initially identified as interim products in order to avoid duplication of effort.

7) The Board will select a grant opportunity from a list including the Massachusetts Downtown Initiative, a historic survey and planning grant, and one other grant to be identified.

Ms. Britt was appreciative of the guidance and will proceed accordingly.

Recommendation: I will update the Board as necessary.

(4) Replacement of Treasurer/Collector Department Doors

At the last meeting, the Board agreed that the doors to both of the Treasurer/Collector department offices needed to be replaced. The Treasurer/Collector is in the process of instructing the successful contractor to begin work.

Recommendation: I will update the Board as necessary.

E. Insurance

No items.

F. Facilities

(1) Potential Planning Board Office

At the last meeting, the Board reviewed a conceptual design that I prepared using guidance from designer Joe Walker relative to a potential new office on the old Town Hall stage for the Planning Board. The Board agreed that the concept should be first shown to the Building Inspector and, if feasible, to the two historical organizations that hold restrictions on the building. The Building Inspector reviewed the conceptual plan during the week of September 28, 2009 and had a number of comments that he and I need to discuss in the coming week to gauge the feasibility of the project.

Recommendation: I will update the Board as necessary.

(2) Essex Senior Housing Complex Rear Entrance

At the last meeting, the Board reviewed the fact that the Essex Housing Authority had opened the rear entrance of the Chebacco Terrace apartments to normal vehicular traffic. The entrance had traditionally only been open to emergency vehicles and area residents have viewed this new policy as a public safety threat. The Board agreed and asked me to draft a letter to the Authority for the Chairman expressing the Selectmen's preference to reverting to the former arrangement.

That letter was sent during the week of September 28, 2009 and it is my understanding that the Housing Authority may discuss the matter further on October 15.

Recommendation: I will update the Board as necessary.

G. Fiscal/Budget

No items.

H. Complaints

No items.

I. Meetings Attended

(1) Discussion with DEP Officials Relative to the Conomo Point Plan

Selectman Lynch and I visited with DEP officials in the DEP Northeast Regional Office on September 30, 2009 to update the DEP on the planning situation at Conomo Point.

Recommendation: No further action is necessary at this time.

J. Final Judgment

No items.

K. Town Meeting, By-Laws, and Regulations

(1) Southern Conomo Point Zoning District By-law

At the last meeting, the Board discussed a variety of questions that had been raised concerning the process for the subdivision of the property in the southern area of Conomo Point and will be discussing those questions with the Planning Board briefly in a joint meeting on October 7, 2009. The main focus of that meeting will be to discuss the current iteration of the draft zoning district by-law for southern Conomo Point and the Board asked that I correspond with our consultant to ensure that all lots created in that subdivision will either meet specifications or will be grandfathered by the by-laws language. Our consultant has indicated that this will be the case.

Recommendation: No further action is necessary.

(2) Special Town Meeting Warrant

(*)

I have developed a draft version of the Special Town Meeting warrant for November 9, 2009 based on the Board's guidance from the last meeting. The

final version will be presented to the Board for signature at the Board's meeting of October 19, 2009. The Finance Committee will be in attendance at that time.

Recommendation: **Board review of the draft document.**

L. Legal Issues

(1) Changes to the State Ethics Law

At the last meeting, the Board appointed me as the Town's Liaison to the State Ethics Commission relative to the implementation of new requirements contained in the revised Ethics Law (Chapter 268A of the General Laws). I have informed the Ethics Commission of that appointment.

The first requirement is to annually provide to all municipal employees (everyone with an official tie to the Town government – appointed or elected, paid or unpaid, full-time or part-time, etc.) with a summary of the Ethics Law. This requirement rests upon the Town Clerk but the Selectmen's Assistant and I will implement this first round since we will soon be transitioning to a new Town Clerk. We will reach most parties via e-mail (by providing a link to the summary on the Ethics Commission website) and we will reach other parties by U.S. mail. All parties are required to submit to the Town Clerk a written acknowledgement that they have received the summary. The Town Clerk can provide the summary to all new appointees and elected officials when they take their oath of office and the summary can be included in the Treasurer's package for new hires (a 30-day compliance window applies).

The second requirement is that all municipal employees must complete an on-line training course offered via the Ethics Commission website and must provide a certificate of course completion to the Town Clerk. On-line training must be repeated every two years thereafter. We will inform all parties about the on-line training requirement when the notice regarding the summary document is sent out. The Town Clerk can provide a notice about the training to all new appointees and elected officials when they take their oath of office and a similar notice can be included in the Treasurer's package for new hires (a 30-day compliance window applies).

Recommendation: I will update the Board as necessary.

(2) Renewal of Pedestrian License

The Town has entered into a pedestrian license with the Village Restaurant in past years to allow pedestrians from the municipal parking lot to transit across the Village's parking lot from the municipal parking lot stairway. The current iteration of the license expires in November (we renew every two years) and I have provided the restaurant owner with a proposed, successor license. Once that

document is executed by the owner I will bring it to the Board for countersignature.

Recommendation: I will update the Board as necessary.

M. Grants

(1) Public Access Project, Seaport Bond Bill (*)

I spoke to the Seaport Advisory Council Office during the week of September 28, 2009 to get an update concerning the Town's waterfront public access project. I was advised that a poorly-performing economy has not enabled the Council to consider funding new projects at this time. In fact, the prospect of new project funding is estimated to be out beyond the start of fiscal year 2012 (July of 2011).

Recommendation: **Board discussion relative to this grant program and possible additional contact with our State elected officials.**

N. Emergency Planning

(1) Cape Ann Emergency Planning Team Endorsement

At the last meeting, the Board agreed that endorsing the use of the Cape Ann Emergency Planning Team in the event of a regional emergency made sense given that Essex employees and officials have been actively participating in the coordination of this group for some time now. I have informed the current Team Leader (Manchester Fire Chief Andrew Paskalis) of the Board's endorsement and the Team will likely develop an official adoption document similar to the NIMS adoption document that the Board has already signed.

Recommendation: I will update the Board as necessary.

(2) Continuity of Operations Plan (COOP) Review

Now that I have compiled the first full iteration of the COOP, I have provided it to the various department heads for review prior to potential adoption by the Board of Selectmen. In order to provide adequate review opportunity, comments are due back to me by the end of October, 2009.

Recommendation: I will update the Board as 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.