



## Town Administrator's Report Board of Selectmen's Meeting of October 18, 2010

Report covers from October 2, 2010 to October 15, 2010

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

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### A. Town Department Reports/Requests

#### (1) Library Photo Release Form

At the last meeting, the Board reviewed with the Librarian a draft permission form for parents and guardians to allow the Library to use images of children in a variety of promotional materials. The Board asked that I review with Town Counsel appropriate language to hold the Town harmless from the misuse of photos and images by others (since electronic media is easy to copy and misuse). Town Counsel has approved a revised form with the necessary language to hold the Town harmless and the Library will use that form.

*Recommendation:* No further action is necessary.

#### (2) Regionalization of Summer Youth Program (\*)

At the last meeting, the Board asked that I explore with the Town of Manchester the potential for Manchester's Recreation Department to run the Summer Program at the Centennial Grove beginning in the summer of 2011. The Manchester Town Administrator is working with the Manchester Recreation Director and the Manchester Selectmen on this question. It does not appear based upon a preliminary review that Manchester could assist the Town without hiring additional, higher level staff. As such, it does not appear that Manchester would benefit from such an arrangement. However, the Town Administrator will continue to discuss the matter and will provide me with an update if a feasible scenario is identified.

*Recommendation:* **Board discussion of regional and other options.**

### B. Computer Systems

#### (1) Test of New Tax Billing and Collection System

At the last meeting, the Board authorized the Collector and me to work with a new vendor relative to tax billing and collection software. I provided the vendor with a copy of our current data during the week of October 4, 2010, for testing purposes. The vendor is presently working to incorporate the test data into the new system and will update us regarding progress.

*Recommendation:* I will update the Board as necessary. Total time – ½ hour.

(2) Replacement of Water Filtration Plant Server

With the most recent payment to the Town Technology Fund from Comcast, I was able to order a replacement server for the Water Filtration Plant network. The existing server was installed in 2005 and is the last of our old generation servers that needed replacement. The new server will arrive during the week of October 18, 2010. Since the Special Town Meeting will be considering the purchase of new PCs for all of our offices, I will set up and configure the new server upon its arrival but will not migrate users to it until the new PCs arrive – if supported by the Town Meeting (to avoid having to migrate old PCs to the new server and having to repeat the process with the new PCs shortly thereafter).

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

(3) Installation of Accounting Software Updates

Our accounting software vendor released updates to both our RevenueSense and BudgetSense applications during the week of October 4, 2010. I downloaded and installed the updates and performed the necessary database maintenance procedures.

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

**C. Personnel**

(1) Teamsters Collective Bargaining (\*)

Management was to engage the Teamsters in continued collective bargaining on October 14, 2010. However, the session was cancelled.

*Recommendation:* **Board discussion in executive session.**

(2) Essex Police Benevolent Association Collective Bargaining (\*)

The EPBA is presently reviewing information provided by the Town.

*Recommendation:* **Board discussion in executive session as necessary.**

(3) AFSCME Collective Bargaining (\*)

AFSCME is presently reviewing information provided by the Town.

*Recommendation:* **Board discussion in executive session as necessary.**

(4) Personnel Management Webinars

Through our insurer, we participate in a service known as HR Sentry. This service focuses on providing updated information to municipalities regarding the ever-changing environment of personnel management. The subject webinar was held on October 14, 2010 and provided an overview of HR Sentry's offerings in an effort to enhance the value that each community can derive from the service.

Later that day, I participated in another webinar that described the various elements that should be included in employee policies. This webinar was not specific to the public sector but did provide some useful information.

*Recommendation:* No further action is necessary.

#### **D. Procurement/Ongoing Projects**

##### (1) Third Biweekly Route 133 Reconstruction Report

I issued the subject report to the business community on October 12, 2010. The elements of the report did not change substantially from the information contained in the previous two reports.

*Recommendation:* No further action is necessary.

##### (2) Village Corner Pocket Park Area

The proprietor of the Village Restaurant is in the process of reviewing the State Highway layout line abutting his property with MassDOT. He may decide to explore with his attorney the possibility of utilizing a portion of the State land abutting his property for patron parking.

At the last meeting, the Board asked me to obtain from our pocket park design consultant how much time she can afford this decision before she must begin work on the Village Corner Pocket Park design elements. Our consultant has commented that her associate plans to meet with the proprietor in the coming week to discuss his plans and the status of his talks with MassDOT.

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

##### (3) Invitation for Bids, Ambulance

The Invitation for Bids for a new ambulance was made available on October 11, 2010, in concert with the necessary advertising and local posting. Bids are due by October 26, 2010 at 10:00 a.m.

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

#### **E. Insurance**

##### (1) MIIA Rewards Program Seminar Preparation

As noted in the past, I am participating in a seminar aimed at providing managers with insight on the challenges of employees working in various departments. On October 6, 2010, I worked alongside a Water Department employee for three hours to get a sense of that position's responsibilities and requirements. I will be working alongside the Treasurer/Collector's Clerk on October 25, 2010. I will

use the insight that I obtain to answer some standard questions that our insurer has developed for the seminar.

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

## **F. Facilities**

### (1) Winterization of Field of Dreams Irrigation System

Our irrigation contractor will winterize the subject system on October 25, 2010. The system will be turned off and blown out to prevent cracked pipes. The DPW has already cut power from the irrigation well to prevent new water from being introduced.

*Recommendation:* No further action is necessary.

### (2) Winterization of Centennial Grove Cottage

The DPW will blow out the water service lines at the Centennial Grove after the Halloween event on October 30, 2010. I will coordinate this activity with our plumbing contractor so he may blow out and winterize the lines in the Cottage.

*Recommendation:* No further action is necessary.

### (3) Future Planning for Centennial Grove Docks (\*)

The Centennial Grove beach presently has one, maintenance-free swimming float and a gangway to another float known as the “fishing dock”. An old float that was once part of the “fishing dock” assemblage was taken out of service this past season and has been stored on land off to the side of the beach. The pier from the movie that was filmed at the Grove has been placed high up on the beach by the DPW and is used as a platform by beachgoers. The remaining fishing dock float should also now be taken out of service due to its age. Both fishing dock floats should be disposed of and the Board should consider whether there is a need for replacement. Both old floats will be stored on land for the winter by the DPW since the one that was in the water needs time to dry out before disposal. Perhaps the new Centennial Grove Committee can study this issue further.

*Recommendation:* **Board discussion relative to the future need for the fishing dock and the process for disposal of the old structures.**

### (4) Conomo Point Planning (\*)

At the last meeting, the Board asked that I comment to Taintor Associates that an analysis of sales revenue should be included in Taintors’ final report. Such an analysis will allow the Town to consider the sale of northern lots, among other options. I passed along that request to the consultant and the consultant included figures that reflect both 100% and 70% (as a conservative measure) of the

assessed values. This information was discussed by the consultant at the third of three public forums which occurred on October 14, 2010.

Also, the Board indicated that Conomo Point will be discussed in open session at most future Selectmen's meetings as the Town continues to plan for post-lease circumstances. Presently, it would be useful to discuss any final comments that should be made regarding the Taintor product so that the project can be wrapped up. Discussion regarding the Planning Board's intent to review the Preliminary Subdivision Plan for the southern section of Conomo Point is also advised. The Planning Board has expressed a desire to initiate informal discussions with the Selectmen on the topic at their meeting of November 17, 2010.

Further, Chairman Randall and I will be meeting with Senator Bruce Tarr and the Inspector General on October 20, 2010 to discuss the Board's plan to have Town Meeting consider granting authority for Special Legislation exempting future Conomo Point potential sales and leases from Chapter 30b of the General Laws. At that time, we will likely also discuss with the Senator the prospect of meeting with DEP officials in the near future to broach the potential for other future options at the Point.

***Recommendation:* Board discussion regarding the content of the final Taintor report (including a discussion regarding sale values); discussion regarding the Planning Board's subdivision approval process; and discussion regarding Chapter 30b and wastewater planning.**

## **G. Fiscal/Budget**

### (1) Second Municipal-School Budget Planning Meeting

Officials from Essex, Manchester, and the Regional School District met for a second time on October 13, 2010 to discuss the upcoming FY12 budget planning process and the potential need for overrides in both communities. The meeting featured additional financial updates from each of the three communities, with the most detail coming from the School District. The entities agreed to meet again on December 1, 2010 at 7:30 p.m. at the High School to continue the discussion. Additional budgetary details from each of the two towns will be available by then.

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

## **H. Complaints**

### (1) Construction Complaint

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An individual has asserted that construction activity on Cogswell Court (2 different projects on two different properties) is obstructing and/or degrading Town-owned conservation land with respect to one project and is contemplating the establishment of a non-permitted business with respect to the other property.

I inquired to the Building Inspector regarding the non-permitted business allegation and he indicated that he was aware of the complaint and had spoken to the property owner on a number of occasions. He has clearly indicated to the property owner (who has repeatedly denied plans for any business activity) that any future business activity will require additional review and permitting.

Regarding the conservation land, I have learned that the conservation property in question was last owned by an entity known as the Essex Conservation Trust (ECT). The ECT was originally a non-profit, tax-exempt land trust, established by a Declaration of Trust in 1970, that may or may not still be in existence. It is possible that the ECT no longer exists and that ownership has reverted to another entity (perhaps even the Town). In fact, the Declaration of Trust states: *“If the Trustees elect to terminate the trust, and real property shall be distributed as provided above in the Trustees’ discretion, and any other assets shall be given, conveyed and transferred to the Town of Essex for the purposes set forth herein.”* However, without confirming the continued existence of the ECT and going through any subsequent required process, it is not possible to determine if the Town has any interest in the conservation land.

***Recommendation: Board discussion relative to whether Town Counsel should be engaged to review the matter further.***

#### **I. Meetings Attended**

No items.

#### **J. Final Judgment**

No items.

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

##### (1) Shellfish Regulations Review

At the last meeting, I indicated to the Board that an individual had commented that the recently-revised shellfish regulations might not be in keeping with the General Laws. At the request of the Board, I reviewed the regulations against the General Laws with assistance from Counsel and the regulations appear to be consistent.

During the discussion however, Counsel asked if the Town had an area set aside for family shellfishing only (referring to a statute we had reviewed together). I verified that this was not the case and asked a longstanding member of the Shellfish Advisory Commission to bring the issue to the SFAC for the SFAC’s recommendation on a suitable area. Setting that area aside would not prohibit

those with family permits from harvesting other areas as well. However, commercial harvesting would be prohibited in that area. A recommendation should be forthcoming from the SFAC shortly and the Selectmen can consider and vote on that recommendation at a subsequent meeting.

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

(2) Final Special Town Meeting Warrant

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I have produced a final draft of the Warrant for the Special Town Meeting of November 15, 2010 per the Board's guidance from the last meeting. The only item that is not in final form is Article 17, which will benefit from a meeting among Chairman Randall, Senator Bruce Tarr, the Inspector General, and myself of October 20, 2010.

***Recommendation:* Board vote to add the articles as they appear on the final draft with the final wording of Article 17 being contingent upon advice from the Office of the Inspector General and final review by Town Counsel; Board vote to close the warrant; Board to approve the warrant; and Board vote to sign the warrant outside of a meeting after the final text of Article 17 has been resolved.**

**L. Legal Issues**

No items.

**M. Grants**

(1) Seaport Advisory Council Funding Meeting

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I attended the subject meeting along with Dr. Bill Hamilton and Dr. Lorri Krebs of Salem State University on October 7, 2010. The Council considered a variety of projects seeking Seaport Bond Bill funding and drew upon their staff professionals who had previewed the various projects back on October 1, 2010. The Council voted to approve funding in the amount of \$155,000 for Salem State to conduct a feasibility and conceptual design study. We expect to learn about the process for arriving at a grant contract shortly. After the study is performed, if the project appears to be feasible, it is likely that the Town would apply for additional Seaport funds for a permitting and final design phase, followed by a construction phase.

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

## **N. Emergency Planning**

### (1) Cape Ann Emergency Planning Team Tabletop Exercise

The Cape Ann Emergency Planning Team has finalized the subject exercise for October 29, 2010 from 9-4 at the Fuller School in Gloucester. The tabletop will simulate a major ice storm and will involve individual community responses in the morning session with an evolution to regional response in the afternoon session. Other key Essex personnel will also attend.

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

## **O. Other Items**

### (1) Columbus Day Holiday

The office was closed on October 11, 2010 in observance of the subject holiday.

*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.*