

Memorandum

Office of the
Board of Selectmen and Town Administrator

TO: Honorable Board of Selectmen

FROM: Jill R. Myers, Town Administrator

DATE : November 5, 2009

SUBJECT: Town Administrator's Report for the BOS Meeting of November 10, 2009

FY2011 Planning:

Budget submittals and narratives are due on November 12, 2009. The FinCom meets that night as well. I hope to present a preliminary glimpse of identified impacts to services. As you are aware the FY11 budget directive is a 3% reduction to the total FY10 Department operating budgets.

Kingston Place; Thorndike 40R Coordination and Accounting

A. Special Counsel: We are seeking Special Counsel (53G) review paid by the applicant, authorized/coordinated through the Planning Board as additional services not included in the Town's retainer for Town Counsel services. They will assist with implementation/coordination of the 40R project and the Smart Growth Overlay District. The Planning Board will be meeting with Special Town Counsel, Attorney Mark Bobrowski on 11/9 to discuss the following *proposed* scope of services which may be amended at that Planning Board meeting:

- 1. Education.** The firm will provide training and/or education, as may be necessary to the Planning Board.
- 2. Coordination of Peer Review.** The firm will work with the Town Planner, the Planning Board and other staff to coordinate, evaluate and expedite peer review.
- 3. Negotiate on Behalf of the Town.** There are many issues to work out on a project of this scale. The firm will advise the BOS and PB, negotiate on their behalf, and try to get the best result for the Town, while expediting the process.
- 4. Coordinate with DHCD.** The firm will work with the Commonwealth's Department of Housing and Community Development (DHCD) to review issues as they may arise in the course of plan review.
- 5. Monitor Compliance with Development Agreements.** Any promises of infrastructure improvements or financial contributions will be tracked, coordinated, enforced and/or amended in order to ensure compliance. These include any and all agreements with the Planning Board, BOS, Sewer Commissioners or Water Commission or any other municipal entity.
- 6. Attend Required Public Hearings and Deliberations.** If asked, the firm will send Attorney Bobrowski, Attorney Mead or Attorney Talerman to hearings to help with the orderly processing of the application.
- 7. Prepare Draft Decision.** At the instruction of the Planning Board, the firm will prepare draft decisions for the Board's consideration, negotiate terms with the applicant.

8. Review, Revise and Draft Required Documents. The affordability requirements of Chapter 40R may generate the need to review regulatory agreements, deed riders, and monitoring agreements during the permitting process.

These services should also set the blueprint for any future 40R projects in regards to administrative and technical policies and review.

B. 40 R Escrow Account: the Thorndike 40R account needs to be replenished by a total of \$12,500 to cover the additional cost of engineering review by BSC by \$5,000 which includes their attendance at the November 23, 2009 Planning Board meeting, and to fund Special Town Counsel involvement at \$7,500. Thorndike has been presented the additional funding request, and has agreed to pay.

The Pre-development Agreement with Thorndike notes the following process:

1. Consultant Services. The Developer will be responsible for funding all consultant services required in connection with the design and construction of all infrastructure improvements described in this letter including peer review of drawings completed by the Developer's consultants reasonably required by the town. The Developer shall fund an escrow account to be maintained by the town sufficient, in the reasonable opinion of the Town Administrator after having consulted with the Town Planner and the Board of Selectmen, to pay all anticipated bills of consultants employed by the town in connection with tasks covered by this agreement for a six month period. Sixty days prior to the end of each six month period, the Town Administrator will notify the Developer of any additional funds required for the next six month period based on estimated anticipated expenses as reported by the Board of Selectmen. The Developer shall deposit these funds into the escrow account no less than thirty days prior to the end of the current six month period.

If there is no objection by the BOS, I will inform Thorndike, in writing, to replenish the account in the amount of \$12,500. I plan to notify them on or before 11/12/09, for payment to be submitted to the Town of Kingston by December 13, 2009. Town Planner Bott will process the check and update the balance in the consulting account that he monitors.

Continuity of Operations Plan ("COOP"):

The purpose of the COOP is to provide policy and guidance to ensure the provision of essential functions in the event any of the Town departments are threatened by a major emergency, such as a pandemic or H1N1. Traditionally COOPs have been prepared for Board of Health operations; the BOH has a COOP on file from June 2008. Many Towns are looking to broaden out the COOP to include all municipal departments. I am meeting with the BOH Emergency Planner and public safety staff to review our emergency response pandemic planning efforts to incorporate into a COOP or modified COOP. The expanded version will include current personnel policies/procedures and collective bargaining sections related to leave, a line of succession for Dept staffing and working outside of grade. We may also need to update our Emergency Contact Information to include a management line of succession or primary individuals with two back-ups. The COOP will be circulated for review and presented to the BOS.

SEMASS:

We received the proposed Amendment/extension last week, and I have forwarded it to Town Counsel. The Cape Cod Planning Commission is conducting a solid waste disposal and alternatives study and has included the South Shore Recycling Cooperative towns, which includes Kingston, at no charge. They provide a phase 1 preliminary draft summary which I have as a power point presentation that I will

forward if interested. They are evaluating the SEMASS extension proposal as well. I have a meeting with the SEMASS officials scheduled for 12/16.

Nonetheless, the way to reduce our disposal costs is to reduce the amount of waste disposed before it gets to the transfer station by source reduction (avoid creating the waste) and recycling. Paul Basler is seeking direction relating to solid waste budget planning for FY11 and beyond in preparation for FY14 when our SEMASS contract expires or the Amendment which provides incremental disposal increases FY11-14. We are working with Claire Sullivan of the South Shore Recycling Cooperative to make a presentation/initiate the discussion on solid waste/transfer station program and operations options. Some of the items will include single stream or co-mingled recycling at the Transfer Station, contracting out for recyclables hauling, capital equipment needed to maintain current operations, and trends of other communities, such a Pay as you Throw (PAYT) at the transfer station. The presentation will be fairly basic so that with direction we can solicit more information from other interested parties and preliminary quotes for desired services. We have tentatively scheduled this item for 11/24.

Other/Miscellaneous:

- NSTAR Reimbursement: We received the check in the amount of \$36,404.35 for costs associated with the power surge this summer.
- Kingston Heritage Center Renovation – The Committee has provided me a ranking of the Architects/Designers with reference checks completed, and I am working to negotiate a fee and contract.
- Grant opportunity – there is \$150 available to Kingston as part of the energy renewal contributions residents make on the energy bills. The Green Energy Committee will provide a recommendation. A letter signed by the Chairman of the BOS is required by 11/30/09. *The BOS may want to authorize the Chairman to submit the application at this meeting presuming we will find some use of the funds for energy conservation education.*

Should you have any questions regarding the foregoing, please do not hesitate to contact me. Thank you!