



Town Administrator's Report Board of Selectmen's Meeting of January 9, 2023

Report covers from December 10, 2022 to January 6, 2023

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

A. Town Department Reports/Requests

(1) Zoning Board of Appeals Meeting

I participated in a Board of Appeals meeting on January 5, 2023 that allowed the Board to speak with Town Counsel in executive session concerning an upcoming status conference with respect to a legal suit filed by an abutter to 117 Western Avenue who is contesting the validity of construction work that has been conducted at that address.

Recommendation: No further action is necessary.

B. Computer Systems

(1) North Shore IT Collaborative Meeting Summary

I participated in the subject meeting on December 15, 2022. The Collaborative has announced its fee structure for fiscal year 2024, and provided updates concerning the delivery of various services. Essex pays three separate fees to the Town of Danvers (which is the service provider for the Collaborative): basic membership fee, server hosting and backup fee, and regional security fabric participation fee. In the coming year, the Collaborative will conduct penetration testing for all member towns, which frees money up in the Essex IT budget for additional services via Microsoft 365. The Collaborative will also be bringing on line a suite of other services that are recommended or required from an insurance and an auditing standpoint (such as multi-factor authentication – MFA, and endpoint detection and response – EDR).

Recommendation: I will update the Board as necessary.

C. Personnel

(1) Safety Committee Meeting Summary

I participated in the Safety Committee meeting on December 21, 2022, as a member of the Committee, along with Chairman Preen. The meeting featured a discussion regarding the Town's progress toward MIIA Rewards credits earned against our insurance premiums for certain training and policy implementation. All participating departments will be reviewing recent accomplishments to ensure that proper credit is obtained.

Recommendation: No further action is necessary.

D. Procurement/Ongoing Projects

(1) Route 133 Essex River Bridge Replacement Project Update

I attended a construction meeting with respect to the subject project on December 13, 2022. The bridge railings and bridge posts have now been installed on the new bridge and the construction crew was going to shut down for the winter. However, since the winter has been so mild, and since the contractor has already tackled the new water and sewer connections, the contractor is moving ahead to the necessary gas line work over the new few weeks. Given the location of the gas main, this work will require a one-lane road for two weeks whether it is done now or in the spring. Doing the work now is actually more advantageous since daily traffic is at its lowest level of the year. After the gas line work is completed, it is possible that traffic will begin to pass over the new bridge much earlier than expected.

Recommendation: I will update the Board as necessary.

(2) Solid Waste and Recycling Services Contract Pricing Update (*)

At the last meeting, the Board of Public Works and the Selectmen agreed that the next step toward a new solid waste and recycling services contract is to get final numbers from both Casella and Commonwealth Hauling, for comparison.

Commonwealth has quoted \$1,450 per week to staff the transfer station and \$750 per compactor trailer haul. If Commonwealth is used, the Town will still have to separately contract with Covanta for actual solid waste disposal and Covanta has quoted a per-ton fee of \$93.60 plus CPI starting July 1, 2023. The Town would continue to use Dynamic Disposal for the hauling of recycled materials.

Casella has quoted \$1,975 per week to staff the transfer station and \$825 per breakaway container haul (and haul frequency will be approximately double Commonwealth's frequency since Casella would be using a much smaller, breakaway container versus Commonwealth's full size compactor trailer). Casella will include a disposal fee in the contract, but the cost, at \$135 per ton, is considerably higher than the Town just directly contracting with Covanta as part of the arrangement with Commonwealth. Casella also quoted recycling at \$375 per haul, with a disposal fee of \$135 per ton. Since our existing arrangement with Dynamic Disposal is more favorable, this option also does not contribute to any cost savings.

Several other, major solid waste/recycling vendors were also contacted (for a second time) and none of them are interested in entertaining a contract with the Town at this time. Also, since the Town has to replace the existing compactor anyway, it can be replaced with either a trailer unit or a breakaway unit. If Commonwealth is retained, a new trailer unit would be purchased and, pending Town Meeting approval for a contract longer than three years, it appears that Commonwealth may commit for up to eight years.

Recommendation: Selectmen's recommendation to the Board of Public Works to hire Commonwealth Hauling to both staff the transfer station and provide solid waste hauling to Covanta, as of July 1, 2023, along with the purchase of a new, trailer-style compactor to replace the existing unit.

(3) Process for the Sale of Town-owned Lots on Gregory Island (*)

At the last meeting, the Board reviewed an outline for a potential process for the sale of several, Town-owned properties in the Gregory Island neighborhood. It will still be necessary to trace back the history of each parcel to arrive at a deed that describes the boundaries of each parcel – beyond what is shown on the Assessors' map. For most properties, deeds with lot descriptions have been located by the Assessors' Clerk. Several lots may require paid deed research in order to arrive at suitable references. At the last meeting, the Board wanted to conduct further research on what the minimum acceptable bid price for each of the lots should be set at.

Recommendation: Continued Board review of the draft procedure.

(4) Quarterly Affirmative Marketing Report (AMP)

I filed the subject report with the State during the week of January 2, 2023, in my capacity as the Town's Affirmative Marketing Construction Officer (AMCO) for the quarter ending December 31, 2022. The report is intended to highlight the Town's utilization of woman and minority-owned companies on State-funded building construction projects. No such utilization occurred over the past quarter.

Recommendation: No further action is necessary.

(5) Response to Public and Planning Board Input, Apple Street Project (*)

After the public presentations and site visit with respect to the Apple Street Roadbed Elevation and Culvert Replacement Project on November 2, 2022, our engineering consultant began to consider a number of public comments and a list of Planning Board comments on the proposed project. Our consultant is ready to issue a consolidated response memo and updated draft plans and the Board has the opportunity to provide guidance prior to the issuance of those materials.

Recommendation: Board discussion as necessary.

(6) Preparation for Maintenance Dredging of the Essex River

Personnel from the Army Corps of Engineers (ACOE) have contacted me to report that progress on design and permitting of the planned, full maintenance dredging of the Essex River has been excellent. Dredging will be paid for 100% with Federal funding. Presently, the ACOE is anticipating that actual dredging will begin in October of 2023 and proceed through the winter. I have begun to answer various questions that the ACOE has with respect to the project and I am

helping the agency to coordinate with private property owners affected by the project as well.

Recommendation: I will update the Board as necessary.

E. Insurance

(1) DPW Snowplow Simulator Training

Our insurer, the Massachusetts Interlocal Insurance Association (MIIA) offered DPW snowplow driver simulator training on December 12, 2022. MIIA owns and operates a state-of-the-art, portable driving simulator used for a variety of purposes, including fire, police, and DPW training. The training included a classroom session for all of the DPW staff and each individual driver also had a chance to navigate a course in the driving simulator.

Recommendation: No further action is necessary.

F. Facilities

(1) Proposal for Long-Term Lease of Centennial Grove Cottage (*)

Although any long-term lease of Town property would require a Town Meeting vote and would need to be offered competitively to all interested parties, one organization specializing in environmental education, Kestrel Educational Adventures, would like to explore such an arrangement. Presently, the Economic Development Committee is working on a plan to leverage more revenue from the Grove, which likely will include a recommendation to rent out the Cottage to private parties for day use more often. Long-term lease of the property, instead, is also an option that could be considered.

Recommendation: **Board discussion as necessary.**

(2) Town Hall Damage in Recent Windstorm (*)

Roofing shingles were torn off of the Town Hall bell tower and a third-floor window (outer pane only – likely from a falling shingle) was broken during a powerful windstorm just before Christmas. I have made arrangements with a glass company to repair the window (replacement insulated glass unit on order). However, the roof repair work will be more complex, due to the inaccessible location that is about 80 feet off of the ground, likely requiring a mechanical lift, which costs over \$2,500 per day. Chairman Preen has been looking into repair options concerning the roof.

Recommendation: **Board discussion as necessary.**

(3) Finalization of Tables and Bench Donors at Conomo Point

As the Board may recall, I had been asked to work with four interested donors with respect to the purchase and placement of two picnic tables and one bench at

Conomo Point. One of the donors is comprised of a large group of people and that group chose to sponsor one of the two picnic tables. The remaining three interested parties are working out whether two parties will share a bench or share a picnic table, with the other item being sponsored by the third party on its own. Once decisions have been made among the group, I expect that slabs and the items will be installed in the spring.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) Manchester Essex Regional School Dist. Tentative FY24 Budget Hearing (*)

I attended the subject hearing along with the Essex Selectmen, members of the Essex Finance Committee, and the Town Accountant on December 14, 2022. Town of Manchester personnel and officials were also present and School District personnel and officials presented the tentative FY24 operating budget. Generally, the District's proposal is still to assess a 3.5% overall increase in the apportionments to the two towns, with a \$756,000 additional gap added on to that regular increase. Such an arrangement translates to an 8.6% increase to Essex from fiscal year 2023 to fiscal year 2024 (just over \$780,000).

Recommendation: **Board discussion as necessary.**

(2) School Budget Collaboration Group Meeting Summary (*)

I attended the subject meeting along with Selectman Bradford and Finance Committee Chairman Buttrick on December 19, 2022. The meeting featured a discussion regarding the District's likely desire to maintain its current suite of programs, instructional options, and class sizes into the future. To do this, the District has forecast a need for about 4.75% overall increases to the portion of the budget apportioned to the two towns in coming years in order to avoid periodic use of reserves. This level of spending would certainly trigger regular Proposition 2 ½ overrides at certain intervals, in both communities.

Other discussion was held concerning whether Essex is in favor of an override for fiscal year 2024 and whether that override (if desired) should be to simply handle the FY24 increase and budget gap (which, together, currently add to about 8.6%) versus possibly also funding the anticipated need for several other years in the future. Finance Committee Chairman Buttrick and Town Accountant Jeff Soulard will be in attendance at the present meeting to discuss these issues further.

Recommendation: **Board discussion with the Finance Committee chairman and with the Town Accountant concerning whether Essex should plan for an override to cover the fiscal year 2024 School District apportionment, and possibly to cover some future years as well.**

(3) Selectmen’s Fiscal Year 2024 Operating Budget Request (*)

At the last meeting, the Board reviewed a draft of its fiscal year 2024 operating budget request package and made minor comments. I have now finalized that package, which is due January 10, 2023.

Recommendation: **Board to approve its fiscal year 2024 operating budget request.**

(4) Selectmen’s Fiscal Year 2024 Capital Budget Request (*)

At the last meeting, the Board reviewed a draft of its fiscal year 2024 capital budget request package. I have now finalized that package, which is due January 10, 2023.

Recommendation: **Board to approve its fiscal year 2024 capital budget request.**

H. Complaints

No items.

I. Meetings Attended

No items.

J. Town Meeting, By-Laws, and Regulations

(1) BB Botanics Site Walkthrough

BB Botanics, the sole licensed marijuana grower and recreational seller in Essex, is making plans to open fairly soon. The business owners invited the Selectmen, Board of Health Administrator, Board of Health Chairman, Chief of Police, Fire Chief, and me to a walkthrough of the building and site on December 16, 2022. The tour featured detailed explanations of the anticipated operations to be undertaken in each room and was very informative.

Recommendation: No further action is necessary.

(2) Continued Review of Annual Town Meeting Topics (*)

At the last meeting, the Board briefly reviewed a preliminary list of possible Annual Town Meeting article topics. I have revised the list in accordance with the Board’s guidance.

Recommendation: **Board discussion as necessary.**

K. Legal Issues

(1) Execution of Paperwork for the Purchase of 30 Apple Street

Town Counsel has worked with the attorney for the seller of 30 Apple Street, the purchase of which Town Meeting approved in November of 2022, to prepare the necessary documents for the transfer of the property. The Board will hold a public hearing during the present meeting to hear public comment on the proposed purchase prior to making its final decision and vote.

Recommendation: Board vote to execute all necessary purchase documents, whether at the present meeting or later, in accordance with the posted agenda.

(2) Quarterly Review of Executive Session Minutes

Chairman Pereen has conducted her quarterly review of unreleased Executive Session minutes and did not find any minutes suitable for release by the Board this quarter.

Recommendation: No further action is necessary.

L. Grants

(1) Community Planning Grant Kickoff

(*)

The State Community Planning Grant that will provide the Town with actual proposals for zoning bylaw changes in the fall of 2023 commenced on December 13, 2022. The Metropolitan Area Planning Council (MAPC) is coordinating this work and both the Selectmen and the Planning Board will be very involved in the project. At the kickoff meeting, attended by Chairman Pereen, Acting Planning Board Chairman O'Donnell, the Town Planner and I, MAPC personnel laid out their plans for getting the project moving. The effort will enlist the help of "zoning ambassadors" who will be residents who will work within their own spheres of influence to educate other residents about what is taking shape.

In the near-term, MAPC will be fully analyzing the new Section 3A multi-family zoning requirements against Essex's status as a MBTA-adjacent Small Town and will ensure that any zoning changes proposed do not make compliance with those new rules and more difficult. One goal that was discussed is perhaps to bring a reorganized and reformatted zoning bylaw to Town Meeting in May of 2023 (something that needs to happen anyway) so that changes proposed in the fall of 2023 are not hampered by concurrently trying to accomplish reorganization. A larger group will convene to discuss the project again on January 17, 2023 and the Selectmen will meet with the Planning Board and MAPC personnel on January 25, 2023.

Recommendation: **Board discussion as necessary.**

(2) Massachusetts Downtown Initiative (MDI) Placemaking Grant Kickoff (*)

At the last meeting, the Board signed a contract with Civic Space Collaborative (CSC) to develop a placemaking plan for downtown Essex, using grant funding. That work kicked off on January 4, 2022 at a meeting involving Chairman Preen, the Town Planner, personnel from CSC, the Economic Development Committee Chair, the Strategic Planning Committee Chair, and others from the Economic Development Committee and the business community. At the meeting, the group provided general input on what the Town is looking to achieve with the plan and CSC is now in the phase of gathering detailed information about our downtown's "existing conditions" so that recommendations can be developed for further discussion. The working group that is assisting CSC will meet again on January 30, 2023 after participating in another site walk with CSC personnel on January 19, 2023.

Recommendation: Board discussion as necessary.

(3) Urban Agenda Grant Kickoff (*)

At the last meeting, the Board signed a contract with Civic Space Collaborative (CSC) to plan and produce an off-season (March) event in downtown Essex, using grant funding. On December 15, 2022, CSC kicked off this grant by convening an Event Working Group, which included representatives of several local businesses, the Economic Development Committee, the Council on Aging, the Essex Library, the Town Planner, and myself. We explained how the choice of the event is really up to the business community and how we expect that the event will mesh well with the Placemaking Plan grant that CSC is also working on and the eventual installation of downtown decorative lighting.

At this first meeting, our consultant reviewed some general planning principles and participants began to discuss some specific ideas. I attempted to broaden the Event Working Group with a notice sent via BluDot (our communication system with local businesses) and people were invited to the next planning session, which will be held on January 5, 2023. At that second meeting, the group agreed that the grant should shoot for a May event, instead of a March event, possibly spanning two weekends (Mothers' Day weekend and the following weekend). Generally, the group is focusing on a spring theme featuring flowers and pollinators and additional meetings will be held as the planned program begins to take shape.

Recommendation: **Board discussion as necessary.**

(4) National Grid Electric Vehicle Incentive Analysis

Since the Town is a Green Community and has benefitted from various grants over the years, it is necessary for the Town to keep pace with electric vehicle offerings, especially when incentivized. The Chief of Police, the Superintendent of Public Works, and I discussed the possible future use of certain electric vehicles with National Grid personnel on December 13, 2022. Presently, based

upon the Town's fleet needs, only five vehicles made financial sense for replacement with electric equivalents.

However, even those recommendations were based upon rear wheel drive models with low ground clearance for police (when all wheel drive and decent ground clearance is necessary) and were estimated using mileage (not total run time) with respect to whether batteries will need replacement during the Town's ownership (vehicle run/idling time would be a better predictor). As such, National Grid personnel will run the model again, accounting for those needs. It is possible that the state-of-the-art for electric vehicles is not yet sufficiently advanced to meet the Town's needs, something which will probably change in the future.

Recommendation: I will update the Board as necessary.

(5) Apple Street Roadbed & Culvert Replacement Project Monthly Report

I worked with our engineering consultant to develop the required monthly report to the Massachusetts Municipal Vulnerability Preparedness (MVP) grant office during the week of December 19, 2022. The report was finalized and provided to the State on December 29, 2022. The project design is moving forward well and our engineering consultant has developed a draft, consolidated response memo concerning comments made by the public after the public site visit on November 2, 2022 and comments forwarded from the Planning Board on December 12, 2022. Further, our engineering consultant has prepared an updated set of design plans. Also see item D5, above.

Further, we have learned from the Massachusetts Emergency Management Agency (MEMA) that MEMA's technical consultant, Atkins Global, successfully met the Benefit Cost Analysis (BCA) threshold for the proposed project. This means that the project is eligible to keep advancing toward the prospect of possible 90% Federal funding.

Recommendation: No further action is necessary at this time.

(6) Possible Grant for Centennial Grove Improvements vs. Other Grants (*)

As the Board may recall, last year at this time, the Board considered collaborating with the YMCA to apply to the Rural and Small Town Development Fund grant program for physical improvements at the Centennial Grove (perhaps a public restroom building and associated wastewater system). No such application was filed since it would have been in competition with the Town's effort to obtain Community Planning Grant funding for zoning review (which the Town did, in fact, obtain).

This year, other possible projects in the Town may again compete with this project, since several other projects of interest fall under the Community One Stop for Growth umbrella. The Board could again consider collaborating with the YMCA (Rural and Small Town Development Fund); or could explore other

options such as a grant that may provide the Town with title search funding with respect to owner-unknown parcels over by Route 128 (MassDevelopment Site Readiness Program) or a grant that could help to frame a future use for the 30 Apple Street purchase (MassDevelopment Real Estate Services Technical Assistance Grant). Further, the long-term lease of the Grove Cottage in exchange for building improvements and some continued Town use of the structure (see item F1) is another idea that has been proposed. The first step in the One Stop process, if interested, is an Expression of Interest (EOI), which is due by February 3, 2023. Up to five projects can be discussed in an EOI.

Recommendation: **Board discussion as necessary.**

(7) Award of Gap III Grant for Drinking Water/Wastewater Facilities (*)

As the Board may recall, the Town Planner applied for the subject grant back in July of 2022. The grant application proposed to install variable frequency pump drives (VFDs) in two sewer pump stations, and a new boiler and upgraded transformers in the Water Filtration Plant. The Massachusetts Department of Environmental Protection (DEP) has awarded the Town a grant of \$109,499 for this work, which will be paired up with incentives from National Grid to arrive at the full cost. The grant aims to provide new, more energy efficient equipment and the Town benefits from both lower energy bills and replacement of equipment that would need to be replaced due to age anyway.

Recommendation: **Board authorization of the Chairman to sign all necessary grant paperwork when available.**

M. Emergency Planning

No items.

N. Other Items

(1) Consideration of State-mandated Mosquito Spraying Opt-out for 2023 (*)

Last year, the Board decided to attempt to opt-out of any State-mandated mosquito spraying that would occur under a State-declared public health emergency. The Board of Health Administrator assisted with the development of an opt-out application involving chiefly public education and outreach and, while we did not expect to obtain approval, the process was helpful in organizing what can be done on a local basis. The State will be expecting opt-out applications from cities and towns in the coming months for calendar year 2023.

Recommendation: **Board discussion as necessary.**

(2) Town Administrator Leave

I was out of the office for a portion of the day on December 13, 15, 27, and 28 2022 and January 4, 2023 and all day on December 22 and December 23, 2022.

(3) Christmas Holiday

The office was closed on December 26, 2022, in observance of the subject holiday.

(4) New Year's Holiday

The office was closed on January 2, 2023, in observance of the subject holiday.

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