



Town Administrator's Report Board of Selectmen's Meeting of April 13, 2020

Report covers from March 21, 2020 to April 10, 2020

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

A. Town Department Reports/Requests

(1) Review of Draft Host Community Agreement for Retail Marijuana (*)

At the last meeting, the Board agreed that all Town officials, boards, and commissions named by the Host Community Agreement Advisory Committee in the draft Host Community Agreement for a retail marijuana dispensary proposed at 242 John Wise Avenue should have a chance to comment on their proposed roles before the document moves on to the negotiation phase. Also, individual selectmen desired additional time to digest the lengthy document. The Board asked that the draft Agreement be discussed further at the present meeting and I have collected input from the Town officials, departments, boards, and commissions named therein.

Recommendation: Board discussion relative to the internal feedback collected and the Board members' own perspectives.

(2) Regular Sanitization of Fire and Police Offices and other Spaces

With Town Buildings closed to the public, those employees still working in most buildings take daily precautions to keep surfaces sanitized. However, the fire and police headquarters building has a variety of first responders and others constantly coming and going after potential frequent exposure to the public. As such, I have arranged for a professional cleaning service to contact the Chief of Police to arrange to sanitize all high-touch areas of the headquarters building, the administrative trailer, and vehicles on a regular basis. We will use the Town Property budget to pay for this service and we will transfer Blanket Insurance funds to Town Property if that is needed by fiscal year's end. We will also bring on additional, regular custodial assistance with the help of School District custodians. Since these workers are being paid their full wages but do not necessarily have the normal slate of school custodial tasks, the District is providing their services to the Town at no cost.

Recommendation: No further action is necessary.

B. Computer Systems

(1) Use of Remote Connections for Continuity of Operations

The COVID-19 crisis has demanded certain remote work options for certain employees and our centralized, virtualized environment has been very conducive to fulfilling those needs. We use encrypted tunnels and two-factor authentication to log into remote Windows desktops hosted on our central server. We also have

the benefit of the professional IT staff in the Town of Danvers to assist with higher-level needs should they arise.

Recommendation: No further action is necessary.

C. Personnel

No items.

D. Procurement/Ongoing Projects

(1) Completion of LED Street Light Conversion Work

All contracted public LED street light, spot light, and parking lot light conversion work was completed as of March 23, 2020. Work had been delayed due to one shipment of materials having been ordered incorrectly by our consultant, causing our contractor to delay the completion of installation until the materials arrived. The delay actually allowed us to receive feedback from people in certain neighborhoods with respect to glare from specific lights. Our installer made all necessary adjustments in these cases as part of their final work in Town.

I am now working with our consultant to get the incorrect fixtures returned for credit and to help us process the necessary grant and utility incentive paperwork, for full reimbursement. All work has been completely funded by grants and incentives, which makes the return on investment instantaneous. Within a few weeks, National Grid will conduct a post-installation survey and our electricity bills will be credited for this lower power consuming style of lighting back to the installation completion date. I will continue to process all of the necessary closeout paperwork with MAPC, the Green Communities Program, and National Grid.

Recommendation: No further action is necessary.

(2) Public Safety Facility Project Update (*)

I participated remotely in public safety facility project meetings on March 26, April 2, and April 9, 2020. The project contractor is starting to wrap up work on foundation footings and walls and is moving on to foundation backfilling; underground utility and mechanical, electrical, and plumbing (MEP) trenches and conduits; the large concrete slabs (both on-grade and structural); concrete support columns; the foundation drainage system; and damp-proofing. Slab pouring may begin as early as May 7, 2020.

Recommendation: **Board discussion as necessary.**

(3) Change Order: Relocation of HVAC Condensers to Public Safety Bldg. Roof (*)

In the past, the Board agreed in concept concerning the need for the relocation of some HVAC condensers to the roof of the new public safety building, along with

a roof hatch and ladder/stairs. The final price for that work, which has been included in Change Order 1 is \$17,516.89.

***Recommendation:* Formal Board approval of the change order for condenser relocation and access, within Change Order 1.**

(4) Change Order: Time Extension for Public Safety Building Project (*)

The Board discussed in the past the concept of extending the public safety facility project completion date through the end of January, 2021. The extension was to allow the contractor to absorb most small setbacks and would really only mean moving into the new facility at the beginning of February, 2021, as opposed to mid-January. More recently, our contractor has indicated that even more time may be desired, through late-March, 2021. While the exact date for building occupation is not critical to the Town, going beyond the end of January, 2021 has much more of a potential to require the payment of additional project carrying costs.

At a past meeting, the Board asked Chairman Spinney, Town Building Committee Chairman O'Donnell, and me to work with our contractor and our project professionals to arrive at a proposal that provides the extra time, but with a minimum of carrying costs. We have learned that extending the Builders' Risk policy for sixty days (the months of February and March, 2021) will cost the Town approximately \$3,500. While the contractor is not looking to be paid for its "General Conditions" during the extension period, our Project Manager will require about \$70,000 for full coverage and our architect will require about \$30,000. This brings the carrying cost of the extension to a total of \$103,500, if full coverage is desired. However, there may be a way to complete the project with only part-time coverage. We are presently waiting for the contractor to confirm some dates (which may offer an improved outlook) and it is possible that the COVID-19 crisis will force other delays.

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

(5) Change Order: Additional Bedrock Removal Work at Public Safety Site(*)

As discussed in the past, the geotechnical experts for the public safety facility project had anticipated the need to remove boulders from along foundation footing and wall excavations. However, in certain areas, the rock encountered during drilling was not boulders, but hard ledge. While the project did carry a certain quantity of ledge removal at a unit price, that quantity was far exceeded during actual work. As such, it is necessary to compensate the contractor for the extra work. We will not know the full value of this change order until all rock has been removed. This added cost may be in the neighborhood of \$70,000. We will not know the final cost until all rock is removed and our professionals have fully vetted the contractor's proposal.

Recommendation: Further Board discussion relative to this future change order.

(6) Change Order: Miscellaneous Public Safety Facility Construction Changes(*)

A variety of small change order items (all credits) have been proposed in a miscellaneous items portion of Change Order 1. Items include a deleted hydrant (credit of \$5,520), some deleted ductwork fire dampers (credit of \$3,965.94), a modification to a power supply (credit of \$300), and a light framing deletion (credit of \$2,100). Other small items will be added to future change orders including deleted ceiling painting (ceiling plastic in these areas), a deleted window, some deleted variable refrigerant flow equipment, a change to the entry vestibule ceiling construction, and modifications to one door.

Recommendation: Formal Board approval of the miscellaneous items discussed above, within Change Order 1.

(7)Change Order: Ejector Pump for to Replace Lower Oil/Water Separator(*)

The public safety facility design plans include oil/water separators for vehicle wash operations on both levels of the planned facility. Given that the contractor has encountered ledge where the lower separator (for the Police Department) is specified, our designer has proposed to replace that unit with a simple, explosion-proof ejector pump. The pump would send wash water up to the upper separator (for the Fire Department), where it could be processed for release. Our designer and Project Manager have reviewed the potential cost of hammering away the ledge in the lower area (about \$53,000 total) versus installing the pump (about \$20,000 total). Given the relatively low use of the wash system in relation to other building systems, going with the pump option seems most appropriate (and is recommended by our professionals). This change order item was not ready for Change Order 1 and may be included in Change Order 2, at some later date.

Recommendation: Continued Board discussion regarding this change order item, with an eye toward Change Order 2, at some future date.

(8) Preview of Coming Change Orders, Public Safety Facility

As noted above, items such as the oil/water separator ledge issue, the overall project completion date, and additional bedrock removal will eventually manifest in future change order. Other items that are now on the horizon include: miscellaneous window changes; concrete slab moisture mitigation measures; and other, miscellaneous items.

Recommendation: I will update the Board as necessary.

(9) Mass DOT Route 133 Bridge Replacement Project Design Process

As the Board is aware, the Town had sent the DOT limited comments regarding the agency's presentation of the 25% design stage project plans back in February. The DOT has responded to those comments, for the record, and is now working

on setting up another utility coordination meeting (the third such meeting thus far) and a public hearing with respect to the 25% design plans. It is possible that one or both of these meetings will be offered remotely, due to the ongoing COVID-19 crisis.

Recommendation: I will update the Board as necessary.

(10) Mass DOT Approval of Permit for Downtown Line Striping and Signage (*)

Mass DOT has approved the Town's application for a permit to install pavement markings along Route 133 in downtown Essex, along with associated signage, prohibiting parking in certain areas that are unsafe. Our engineering consultant, TEC, is presently working on packaging specifications for project bidding purposes and we intend to put the project out to bid in late-spring or early summer. It is possible for the necessary work to be completed mostly at night. Presently, due to the ongoing COVID-19 crisis, DOT has suspended the ability to actually implement any roadwork permit. This development may affect our timeline for project bidding.

Recommendation: **Board discussion as necessary.**

(11) Quarterly Affirmative Marketing Program Report

I filed the subject report with the State during the week of April 6, 2020, in my capacity as the Town's Affirmative Marketing Construction Officer (AMCO). The report details the use of women or minority-owned businesses on State-funded construction projects. We have no such utilization over the past quarter.

Recommendation: No further action is necessary.

E. Insurance

(1) Monthly Pothole Log

I received the pothole log for the month of March from the DPW during the week of March 30, 2020. No potholes were reported during March.

Recommendation: No further action is necessary.

(2) Freeze-up Prevention Logs

All winter, the DPW and the Police Department have been monitoring Town buildings on weekends to ensure that heat was operative, in order to avoid pipe freeze-ups and water damage. No freeze-ups occurred. The inspection forms that have been kept were provided to me recently and I forwarded copies to our insurer for credit against our insurance premiums as part of the MIIA Rewards Program.

Recommendation: No further action is necessary.

(3) Quarterly Building Self-Inspection Checklists

I completed the subject checklists for the quarter ending March 31, 2020 for the Town Hall and the Senior Center. These checklists are intended to identify any building safety issues early, to avoid potential injuries and claims. This quarter, I noted that the Town Meeting will consider replacing all flooring in the Senior Center, since many tiles have become dislodged and represent a tripping hazard. Also, I have noted that we are still working to deal with a small roof leak in Town Hall, with assistance from the original roofing contractor.

Recommendation: No further action is necessary.

F. Facilities

(1) State Elevator Inspections

As the Board may recall, the annual State inspection and testing of the Senior Center elevator had resulted in a temporary certificate being issued, since hornets had damaged an electrically-operated louver vent system. The vent system was repaired and the reinspection had been set up for the first week in April. However, due to the ongoing COVID-19 crisis, the State has postponed that reinspection indefinitely. The Town Hall elevator is usually inspected and tested each May. However, it is likely that this date will also slip.

Recommendation: I will update the Board as necessary.

(2) Spring Placement of Conomo Point Park Ramp, Float, and Stairs

Our marine contractor has placed the Conomo Point Park ramp, float, and water access stairs back on the site, as is customary around this time of year. The Conomo Point Park is not presently open to the public, as a result of the ongoing COVID-19 crisis, and the Harbormaster will ensure that access is blocked until further notice.

Recommendation: No further action is necessary.

(3) Closure of Conomo Point to non-Residents, Delayed Re-occupancy

At a special, joint meeting of the Board of Selectmen and the Board of Health on April 8, 2020, Conomo Point was closed to non-residents (with some limited exceptions) and seasonal residents were prohibited from re-occupancy, both until at least May 4, 2020. The actual joint, unanimous votes of the two boards are shown below:

Restriction on Persons Going to Conomo Point

MOVED: that, effective immediately, and until May 4, 2020, or such other date the Governor's state-wide State of Emergency is extended to, the following emergency order shall be in effect for the entirety of Conomo Point, beginning at the junction of Conomo Point Road and Harlow Street:

1. Conomo Point as described above is hereby be closed to all parties except Essex residents, year-round Conomo Point residents and guests of year-round Conomo Point residents, any Essex residents lawfully occupying property on Lufkin Point Road and/or Ralston Drive (and their invited guests), Gloucester commercial shellfish harvesters with a valid Gloucester shellfish license, and out-of-Town contractors working on projects with valid building or on-site wastewater disposal system permits issued on or before April 8, 2020; and
2. Even for the above-permitted parties, all public areas at Conomo Point, including the small parking lot across from Front Beach, the large parking lot on Conomo Lane, the Conomo Point Park, Front Beach (excepting parking of resident commercial shellfish harvester vehicles), Clammers' Beach, and roadside parking on any road (including the non-resident designated area along Conomo Point Road, except that Gloucester shellfish harvesters may park in that area) shall be closed and off-limits to all persons. The ONLY exception shall be for parking in the small parking lot immediately adjacent to Clammers' Beach and the small parking lot immediately across the street from Clammers' Beach for persons permitted to be in the area pursuant to paragraph 1. If available parking is full, a motorist must move along and attempt to return at some other time.

It was acknowledged that this order has the general effect of encouraging only moving vehicular, bicycle, and pedestrian traffic for most permitted people and their pets on all streets at Conomo Point, with proper social distancing, and, generally, with no other activities allowed during the pendency of the order.

Order Delaying Seasonal Re-occupancy of Conomo Point

MOVED: that the Board vote to allow seasonal water to be turned on April 15, 2020 and that we further order that no person shall return to, enter into or occupy any premises within the area known as Conomo Point where occupancy of such premises is limited to seasonal use only by deed restriction or lease until May 4, 2020, or such other date the Governor's state-wide State of Emergency is extended to, that we adopt the findings set forth in the document prepared by town counsel and that we authorize the chairs to sign on our behalf. Notwithstanding this vote, contractors working pursuant to open building or on-site wastewater disposal system permits may continue and complete the work provided that the minimum number of workers are present and social distancing requirements are met.

Recommendation: No further action is necessary at this time.

G. Fiscal/Budget

(1) School Budget Collaboration Virtual Meeting (*)

The School Budget Collaboration Group convened a virtual meeting on March 25, 2020. Selectman Phippen and I both participated. Both the Town of Essex and the Town of Manchester have postponed annual town meetings (Essex until June 15 and Manchester until a date in May). Both towns have completed budget preparations for fiscal year 2021, as has the School District. The recent virtual meeting featured a discussion relative to the three entities' ongoing response to the COVID-19 crisis and how local revenue projections may force the towns to be austere in the final quarter of fiscal year 2020 and going into fiscal year 2021. Perhaps the District will also find a way to cut back on spending and/or share retained earnings back to the towns. Coordination amongst the three entities is excellent and all have pledged to assist each other, to the extent feasible.

Recommendation: **Board discussion as necessary.**

(2) Control of Municipal Spending (*)

As noted above, the COVID-19 crisis is likely to result in reduced municipal revenue, bringing fiscal year 2020 short of estimated goals and starting off fiscal year 2021 at a marked disadvantage. Section 52 of Chapter 41 of the General Laws states, in part: "The auditor or officer having similar duties in cities, and the selectmen in towns, shall approve the payment of all bills or pay rolls of all departments before they are paid by the treasurer, and may disallow and refuse to approve for payment, in whole or in part, any claim as fraudulent, unlawful or excessive..."

As such, with sufficient advanced warning, the Selectmen are authorized to inform any and all departments, boards, commissions, and the like that certain categories of spending will be frozen and that any requests for payment in those categories will be denied. This authority may assist with slowing the pace of spending toward the end of fiscal year 2020 and, for fiscal year 2021, this authority can be cited in the Annual Town Meeting motion with respect to the approval of the operating budget.

Recommendation: **Board discussion relative to how and when to exercise fiscal constraint in response to the ongoing COVID-19 crisis.**

H. Complaints

No items.

I. Meetings Attended

No items.

J. Town Meeting, By-Laws, and Regulations

(1) Signature of Election Warrant for Annual Town Election (*)

The Board signed the Annual Town Meeting warrant at the last meeting and, due to the COVID-19 crisis, set the date of that meeting to June 15, 2020. That warrant did not include the Annual Town Election as usual (the Board usually signs a combined warrant). The Massachusetts Legislature passed legislation allowing communities to move annual town election dates just prior to the convening of the last Board meeting and I have now prepared a separate warrant for the Annual Town Election (moving from May 11, 2020 to June 22, 2020). Given the likely scarcity of usual election attendants to supervise the election and to count ballots (due the COVID-19 crisis), the Town Clerk has recommended limiting the election hours to noon to 6 p.m.

***Recommendation:* Board signature of the Annual Town Election warrant for June 22, 2020, with limited hours.**

(2) Preliminary Review of Draft Annual Town Meeting Motions (*)

The Board approved the Annual Town Meeting Warrant for June 15, 2020 at the last meeting. As such, I have developed an initial set of draft motions for the Board's preliminary review and discussion.

***Recommendation:* Preliminary Board review and discussion relative to the draft motions.**

K. Legal Issues

(1) Quarterly Review of Executive Session Minutes

Once each quarter, the Chairman reviews the collection of executive session minutes that have not yet been released for public disclosure. Chairman Pereen has conducted this review for the quarter ending March 31, 2020 and has not identified any new minutes that are suitable for release.

Recommendation: No further action is necessary.

L. Grants

(1) Division of Ecological Restoration (DER) Culvert Grant Deadline Extension

The Board has already authorized the Town's application for a second round of grant funding with respect to the replacement of the culvert passing beneath Apple Street on the Southern Avenue end. This portion of Apple Street is known to flood during severe tidal surges, after Route 133 at the Essex causeway has already been inundated. While the project involves replacing the culvert to improve the ecological value of the stream crossing, the State has agreed that increasing the roadbed elevation along this stretch of road at the same time will serve the Town well with respect to its coastal resilience planning strategy.

Given the current crisis involving COVID-19, DER has extended the grant application deadline until May 11, 2020. Our engineering consultant, TEC, has been working steadily on the application with its subconsultants and I have been collaborating on reviewing the draft. We fully expect to have a high-quality grant application submitted by the new deadline. If funded, this second year of work will take the project all the way through final permitting. Once we complete the permitting phase, we will seek other grant funding to design a roadbed elevation increase at a second dip in Apple Street in that general area. Once that second area has been designed and permitted, we will seek construction funding for the entire problem area.

Recommendation: I will update the Board as necessary.

(2) Initial Draft of Essex Economic Development Plan (*)

The continuing COVID-19 crisis certainly imposes a massive impact on business continuity and development, both locally and globally. Nonetheless, our planning consultants at the Metropolitan Area Planning Council (MAPC) have continued to take the input collected from Essex residents, businesses, and other stakeholders from late-2019 and earlier this year to compile an initial draft of the Essex Economic Development Plan (EDP). The Plan leads with a section that recommends steps for near-term recovery and then goes into a variety of other sections with some detailed and well-thought future recommendations. Presently, the draft document is out for review with the Essex Merchants' Group and the Essex Division of the Cape Ann Chamber of Commerce.

Recommendation: **Initial Board discussion relative to the draft EDP.**

(3) MVP Action Grant Monthly Report

Personnel from Boston University submitted the subject monthly report during the week of March 30, 2020. The project is modeling sediment transport along Crane Beach and throughout Essex Bay. Our hope is to have a much better understanding of how we may be able to alter damaging tidal currents and surges in the future, possibly using beach nourishment out at the spit. Given that the University labs are presently closed in association with the COVID-19 crisis, we have asked for an extension of the project, through the end of 2020. We will eventually have a great synthesis of information that the Town will be able to use in its further coastal resilience planning.

Recommendation: No further action is necessary.

(4) Seawall Design Grant Quarterly Report

As the Board is aware, we recently altered the scope of services with GZA Geoenvironmental in order to prepare well for our second attempt at a seawall replacement construction grant. I have learned from the State that the recent scope of work write-up that we provided them is sufficient for this quarter's

quarterly report. As such, no additional reporting is necessary until next quarter. We will soon learn when the State plans to release the Request for Responses (RFR) for the next round of construction funding.

Recommendation: No further action is necessary at this time.

(5) Green Community Grant Quarterly Report

I have been working with the Town Planner to complete and file the subject report. Given the ongoing COVID-19 crisis, we were able to secure an exemption to having to file this report, in favor of just filing a final report (since the project is now complete). The Town Planner will work on the final report during April.

Recommendation: No further action is necessary.

M. Emergency Planning

(1) Review and Update Concerning Management of COVID-19 Pandemic (*)

The Town government has taken a variety of steps to remain effective during the COVID-19 crisis. The Police Department has gone to twelve-hour shifts, with the same pair of officers working together (a positive test for one officer would only primarily affect one other officer). The Department of Public Works has gone to split work shifts, so that the entire DPW workforce is not exposed to a positive worker all at once. The Board of Health Administrator is working with the DPW Clerk to get set up on FEMA's disaster funding reimbursement system. Eventually, once the Town has a better idea of total COVID-related costs (being tracked presently), the Town will be eligible for a Federal reimbursement (likely 75%). Further, on April 8, 2020, the Board of Health and the Selectmen jointly voted to close Conomo Point to non-residents and to delay re-occupancy of seasonal residences until at least May 4, 2020. See item F3, above, for more details concerning Conomo Point.

Recommendation: **Board discussion as necessary.**

N. 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.