



Town Administrator's Report Board of Selectmen's Meeting of February 27, 2023

Report covers from February 4, 2023 to February 24, 2023

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

A. Town Department Reports/Requests

(1) Conservation Commission Stone Piers and Apple Street Project Hearings (*)

Given the sensitive nature of the environment surrounding the two stone piers at Conomo Point and the portion of Apple Street that the Town is proposing to elevate, it was necessary for each project to come before the Conservation Commission on February 21, 2023. Official public hearings were held at the meeting in accordance with the Wetlands Protection Act and personnel from both GZA Geoenvironmental (for the pier project) and TEC (for the Apple Street project) were on hand to present each project. I was in attendance along with the Selectmen. The Superintendent of Public Works was also present for a third project involving the renovation of the Town's public water supply wells, with personnel from EA Engineering.

With respect to the stone piers project, which was approved by the Commission with limited conditions, the following project schedule is anticipated:

- Bid Packages Became Available: Thursday, February 23
- Site Visit: Monday, March 13 at 11 AM
- Questions Deadline: Friday, March 17
- Bid Close: Thursday, March 23
- Notice to Proceed: Monday, March 27 (Selectmen's Meeting)
- Construction: Monday, April 3 to Friday, May 19

With respect to the Apple Street project, which involves very complex site conditions, the Commission concluded the public input portion of the public hearing and continued the hearing until March 14, 2023. Our team will be providing the Commission with additional information and the Commission hopes to have feedback from the Department of Environmental Protection by then. Members of the public asked a wide variety of questions and the Commission provided our team with an opportunity to answer the questions before the meeting adjourned.

Recommendation: **Board discussion as necessary.**

(2) Affordable Housing Trust Notices of Gift Acceptance

At the last meeting, the Board agreed with an idea offered by the Essex Affordable Housing Trust to notify all residents with respect to how the Trust is able to accept financial gifts and gifts of property for affordable housing purposes. Specifically, the Trust had requested to place a notice on the Town's website

home page and to send a notice out in the next round of tax bills. I worked with one of the Trust's members and Chairman Pereen on the content of the notices. The website notice is already in place and the tax bill notice will be included with the tax bills to be mailed out in April. We have already had one party about the process for making a cash gift.

Recommendation: No further action is necessary.

(3) Economic Development Committee Meeting Summary (*)

I attended the subject meeting along with the Town Planner and Chairman Pereen on February 16, 2023. The Committee reviewed the three suggestions for downtown decorative lighting that our lighting designer had made, plus another model that I came across and the Committee leaned toward that fourth option, since attention was given to dark sky compliance. However, we have since learned that such fixtures do not have glass lenses (to avoid light refraction) and likely require more frequent cleaning because the actual light gets muted with road salt and dirt.

The Committee also covered a wide variety of other projects and initiatives that it is working on. The Committee plans to feature certain components of its work on the Committee's web page from time to time and has begun with a short story on the effort to replace the Folsom Pavilion at the Centennial Grove.

Recommendation: **Board discussion as necessary and specific discussion of the style of decorative lighting fixture for the downtown area.**

B. Computer Systems

(1) North Shore IT Collaborative Meeting Summary

I attended the subject meeting on February 16, 2023 along with representatives of the other members communities and personnel from the Town of Danvers and the Metropolitan Area Planning Council (MAPC). The meeting featured a discussion regarding Danvers' imminent rollout of advanced SPAM filtering capabilities (both inbound and outbound). Shortly thereafter, Danvers plans to commence with the Collaborative's comprehensive multi-factor authentication program. Essex will be the first community to receive each of these new feature sets.

Recommendation: I will update the Board as necessary.

(2) Preparation for New Financial Software

The Town Accountant and the Treasurer/Collector are presently working to prepare for transition from our current accounting and tax collection software applications (two different companies) to new, coordinated software from one vendor (Vadar Systems). I have assisted with the installation of an underlying Citrix application that will allow for secure connection between the Town's network and the web-hosted software by authorized employees.

Recommendation: I will update the Board as necessary.

C. Personnel

(1) Further Review of Draft Fiscal Year 2024 Wage & Salary Scale (*)

At the last meeting, I presented an overview of the subject document and the Board asked that I summarize some of the data that had been collected concerning comparables for positions in other communities. I provided that summary information to the Board in advance of the present meeting and the Board members have had a chance to consider the various requests for compensation increases beyond the two-percent cost of living allowance.

Recommendation: **Board discussion as necessary.**

(2) Possible Revision of Personnel Rules & Regs. Regarding Working from Home (*)

The Town of Essex Personnel Rules & Regulations were first promulgated in 2001, when working from home was not common and when tools to support working from home were primitive if not non-existent. With the advent of the COVID-19 public health emergency, all employers were forced to rapidly deploy work-from-home provisions and workers needed to be given liberal permission for that practice. Now that the COVID pandemic has come under control, it may be beneficial for the Board, in its capacity as Personnel Board, to codify the circumstances under which an employee is allowed to work from home, with adequate controls put in place for when the practice is allowed.

Recommendation: **Board consideration of commencing a process to add content to the Personnel Rules & Regulations regarding working from home.**

D. Procurement/Ongoing Projects

(1) Route 133 Essex River Bridge Replacement Project Update

The Project Manager for the contractor for the subject contract has provided the following project update:

- National Grid's gas division completed gas line as of February 17, 2023.
- National Grid's electric division is began overhead line work during the week of February 20, 2023 and work should be completed during by early March.
- The bridge contractor will be on site in mid-March and will commence Verizon duct bank work, off-bridge sidewalks and guard rail.
- Once the risk of winter weather passes, the contractor will begin working on the approach road way and anticipates opening the bridge to traffic by end of April or early May. Intermittent, single lane closures will be necessary from March through early June.
- Final Paving on the project will be completed upon removal of the temporary bridge.

Recommendation: I will update the Board as necessary.

(2) Gregory Island Lots Sale Process Update (*)

At the last meeting, the Board heard from Gregory Island residents who were concerned about the Board continuing toward the sale of Town-owned lots on Gregory Island as authorized by the Town Meeting. Additional input was received after the last meeting as well. The Board has been waiting for the Board of Assessors to review the list of lots to ensure that all assessed values are current and accurate and the Assessors are presently collaborating with the Building Inspector to rule out the lots as being buildable. The Economic Development Committee also commented recently that it may be a useful exercise to determine if a number of contiguous lots could be combined to meet zoning for a buildable lot. Even if that appears to be the case, the Town is not in a position to say with certainty that any particular property is buildable (especially when water and wastewater are considered).

Recommendation: **Board discussion as necessary.**

(3) Contracts for Solid Waste Mgmt./Hauling, Disposal, and Trash Bags (*)

At the last meeting, given that the Board of Public Works has recommended contracting with three separate companies for the Town's new transfer station program that will begin on July 1, 2023, the Selectmen asked me to obtain draft contracts from all three players for the present meeting. Commonwealth Waste Transportation, LLC will manage the transfer station and transport solid waste; Covanta Haverhill, LLC will dispose of solid waste via incineration; and WasteZero, Inc. will provide pay-as-you-throw trash bags and stickers to the public via local retailers. I obtained draft contracts from all three vendors for the Board's consideration and both the Commonwealth and the WasteZero contracts have been finalized. It is also possible that the Covanta contract will be finalized by meeting time.

Recommendation: **Board vote to sign contracts with Commonwealth Waste Transportation, LLC (for transfer station management and solid waste hauling); WasteZero, Inc. (provision of pay-as-you-throw bags and stickers); and Covanta Haverhill Associates, LLC (for solid waste disposal); all subject to appropriation and contract length approval by Town Meeting, for the fiscal year beginning July 1, 2023.**

E. Insurance

(1) Monthly Pothole Log

I received the monthly pothole log from the Department of Public Works during the week of February 6, 2023. The log is aimed at documenting reports of potholes and the DPW's rapid response thereto. No potholes were reported during the month of January.

Recommendation: No further action is necessary.

F. Facilities

No items.

G. Fiscal/Budget

(1) Manchester Essex Regional School District Turf Field Financing Discussion (*)

I participated in the subject call on February 16, 2023 along with Chairman Pereen, Town Accountant Soulard, and Finance Committee Chairman Buttrick. Personnel from the Manchester Essex Regional School District and its financial adviser (First Southwest) also participated, along with personnel and officials from the Town of Manchester. The present proposal of the District is to borrow under its own authority all of the necessary funding for two turf field replacement projects in Manchester and to ask the two towns to pay off the necessary debt service over time.

The option of allowing Essex to pay for its share of the work in a one-time payment was also discussed (possible via an Intermunicipal Agreement with Manchester) since Manchester will likely opt for a gradual repayment arrangement anyway. Although the District already has the project work fully bid, the amount of actual contingency cost (up to about 20% of the as-bid cost) will not be known until after the work has been completed. The Board and the Finance Committee should consider the present proposal and should determine whether the Town desires to pay off its share over time versus a one-time payment and whether the Town desires to seek funding from Town Meeting in May versus in November, after final project cost is known.

Recommendation: **Board discussion with the Finance Committee as necessary.**

H. Complaints

No items.

I. Meetings Attended

(1) North Shore Regional 911 Center Meeting

I attended the subject meeting on February 15, 2023 in my capacity as Executive Advisory Board and Administrative Advisory Board Chairman. The meeting featured a discussion about preparations that have been made to allow the Town of Manchester to join the Center and updated plans for a shared radio frequency arrangement for member fire departments were discussed.

Recommendation: No further action is necessary.

(3) Greater Cape Ann Chamber of Commerce Essex Division Meeting

I attended the subject meeting along with Chairman Pereen and Chief of Police Paul Francis on February 22, 2023. The meeting featured a presentation from Civic Space Collaborative (CSC) with respect to the off-season event grant the CSC is helping the Town and the local business community coordinate. The weekend-long event will be known as “Spring into Essex for: Essex in Bloom” and will occur from May 19-21, 2023.

Recommendation: No further action is necessary.

J. Town Meeting, By-Laws, and Regulations

(1) Zoning Review Project Steering Committee Meeting Summary (*)

I attended the subject meeting along with Chairman Pereen, Planning Board Chairman O’Donnell, Town Planner Dana Menon, and personnel from the Metropolitan Area Planning Council (MAPC) on February 15, 2023. The meeting featured an update from MAPC with respect to the structure of the zoning review project, with the firming up of key milestones and meeting dates. MAPC has produced a document that summarizes the program.

Recommendation: **Board review of the MAPC zoning review program summary document.**

(2) Further Review of Draft Annual Town Meeting Warrant (*)

At the last meeting, the Board conducted a preliminary review of the Draft Annual Town Meeting Warrant. I have revised the draft document in accordance with the Board’s guidance and have received preliminary comments from Town Counsel.

Recommendation: **Further Board review of the Draft Annual Town Meeting Warrant.**

K. Legal Issues

(1) License for the Use of Centennial Grove, Kestrel Educational Adventures

At the last meeting, the Board agreed that I should put together a license for the use of the Centennial Grove by Kestrel Educational Adventures (KEA) for outdoor nature programs. The fee for use of the Town’s facility was to be \$400 per day and the license would outline other terms and conditions, including the need to name the Town of Essex as an additional insured on KEA’s insurance policy. The license would also not allow the storage of any of KEA’s materials or equipment on the Town’s property overnight and would be for outdoor space only. However, after I had put together the draft document, KEA’s founder and

program director indicated that KEA would not be able to operate their program for the Town's desired fee and is no longer pursuing a license from the Town.

Recommendation: No further action is necessary.

L. Grants

(1) Apple Street Project Federal Funding Update (*)

As the Board is aware, the Apple Street Roadbed Elevation and Culvert Replacement Project is presently eligible for up to 90% Federal construction funding if the project moves forward. Since the project is not ready for construction yet, it had to be wait listed and is currently second on the wait list for the 90% funding possibility (pending eventual advancement to FEMA by MEMA and a favorable review by FEMA). In order to actually advance for consideration by FEMA at the 90% funding level, two other projects that MEMA reviewers already have before FEMA must either be rejected or reprogrammed to other grants by FEMA. Although chances are good, there is no guarantee that this will occur and we may not know the result until around July 1, 2023. If the project does not move off of the wait list, it will no longer carry the potential for 90% Federal funding and the Town could apply for the standard Federal share of 75% in the future.

Another possibility has been presented by MEMA personnel involving the same grant program but a different disaster number that only carries the potential for 75% Federal funding. The possible advantage to moving to this other disaster number is that our project can be put right into the queue and will receive FEMA review (and hopefully, approval) much sooner. Moving to the new disaster would foreclose the wait list for the 90% funding but will start the slow process of FEMA review and approval earlier.

In speaking with personnel from the Municipal Vulnerability Preparedness (MVP) Action Grant program on February 22, 2023, the MVP program certainly has the capacity to fund the other 25% of the project (as opposed to just 10% under the 90% Federal funding scenario) and our project would be looked upon just as favorably whether the non-State match is 75% or 90% (both are much higher than the MVP program usually encounters). With respect to MVP application timing, the Town will be expected to have both its non-State match and ALL of its permits in hand by the time MVP personnel make final funding decisions for the fiscal year 2024 funding round (decisions to be made in June). We already know that we will not have met those conditions by June and we will need to apply next spring. In the meantime, engaging MEMA in the lower Federal share disaster could have the Town in great shape for next spring with MVP.

***Recommendation:* Board discussion relative to whether to wait to see if the 90% pathway pans out before applying for funding at 75% in the future**

versus allowing MEMA to attempt to advance our project to FEMA much sooner, albeit still for 75% Federal funding (with the MVP program able to absorb the difference).

(2) Planning for Housing Production Grant Program (*)

The quasi-public agency MassHousing has announced its guidelines for its Planning for Housing Production Grant Program for 2023. The grant could provide technical assistance for the future use of municipal property or other sites for affordable housing. With the Town zoning review project going on presently, it may be best to look at this housing grant program next year, especially after the Affordable Housing Trust has had a chance to formulate its own plan and possibly get some of its own funding behind it.

Recommendation: **Board discussion as necessary.**

M. Emergency Planning

No items.

N. Other Items

(1) Presidents' Day Holiday

The office was closed on February 20, 2023, in observance of the subject holiday.

(2) Town Administrator Leave

I was out of the office, on leave, on February 13-14, 2023 and for a portion of the day on February 21, 2023.

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