



Town Administrator's Report Board of Selectmen's Meeting of February 28, 2022

Report covers from February 5, 2022 to February 25, 2022

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

A. Town Department Reports/Requests

(1) Essex Housing Coalition Meeting Summary (*)

I participated in the Essex Housing Coalition meeting along with Chairman Pereen and Town Planner Dana Menon on February 9, 2022. The meeting featured a discussion with respect to possibly including more content in the draft Affordable Housing Trust bylaw proposal that the Selectmen have been discussing. Beyond some additional basic items, the Coalition saw fit to ask if the Board would consider former selectmen rather than Housing Authority members or former Finance Committee members in addition to current members. After the meeting, Dana LeWinter of the Citizens' Housing and Planning Association (CHAPA) provided me with a revised bylaw proposal that has now been reviewed by Town Counsel. The Coalition also discussed how the owner of a large apartment complex in Essex is continuing to consider the creation of new units and the conversion of existing units that would be deed restricted as perpetually "affordable" housing.

Recommendation: Board discussion relative to finalizing the Town Meeting article proposal for the establishment of an Affordable Housing Trust.

(2) Strategic Planning Committee Meeting Summary (*)

I participated in the Strategic Planning Committee (SPC) meeting on February 17, 2022, along with the Town Planner and Chairman Pereen (who is a member of the SPC). The meeting featured a discussion relative to the content contained within the first full working draft of the new version of the Town's Strategic Plan that the Committee has been working on. Generally, the Committee was able to get through many questions I had raised in my detailed review of the draft and the Committee will meet again on March 10, 2022 to review a cleaned-up draft and work through timelines / assign a lead agency or personnel for each goal or sub-goal. Thereafter, the Committee plans to set up a public forum to collect input with respect to the draft plan.

Recommendation: Board discussion as necessary.

B. Computer Systems

(1) OpenGov On-line Permitting Software Training

The vendor that offers our new, on-line permitting software (OpenGov) conducted administrator training on February 16, 2022 for Town personnel who will be involved in running and maintaining the software once it goes live. I was

in attendance as was the Building Inspector, the Building Inspector's Clerk, the Treasurer/Collector, and others. OpenGov personnel went over the basic administrative functions and capabilities of the system so that certain key personnel will be able maintain and continuously improve the user experience. OpenGov conducted general user training for the same group of people plus several other employees who will be involved in the day to day use of the software on February 23, 2022. Our present plan is to make the system live as of March 7, 2022. Links to the platform will be placed on the website landing pages for the building, electrical, and plumbing & gas departments.

Recommendation: No further action is necessary.

(2) North Shore IT Collaborative Update

As the Board is aware, the North Shore IT Collaborative, with the Town of Danvers as the key partner, will soon roll out a regional security fabric that runs on the Fortinet platform, for member communities. Members of the Collaborative met virtually on February 17, 2022 and we expect that the hardware that will form the cornerstone of the security fabric will be shipping by late-March or early April. As equipment arrives, we will work with the Town of Danvers to systematically switch our systems over from our present equipment and software to the materials provided via the Fortinet platform.

Recommendation: I will update the Board as necessary.

C. Personnel

(1) Essex Police Benevolent Association Collective Bargaining

The management team engaged members of the EPBA in collective bargaining for a successor agreement on February 16, 2022.

Recommendation: Board discussion in executive session per the posted agenda.

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 February 15, 2022. The project is making good progress with respect to the construction of the temporary bypass bridge. While the initial estimate by Mass DOT was that the temporary bridge would open to traffic sometime in March, I was told by the project team at the meeting that traffic diversion will more likely happen by early April.

Recommendation: I will update the Board as necessary.

(2) Conomo Point Seawall Replacement Project Update

(*)

Selectman Phippen and I participated in a construction meeting with respect to the Conomo Point Seawall replacement project on February 17, 2022. Work is proceeding well and additional concrete pouring has occurred. We discussed at length plans to ensure that clambers needing to utilize the boat ramp at Front Beach will understand how to access that area as the contractor moves there for wall work. We also discussed how critical it will be for the contractor to work closely with its landscaping subcontractor to meet landscaping and planting specifications exactly. Many of the plantings specified in the project are actually integral to the protection of the landward side of the wall in a tidal overtopping event.

Recommendation: **Board discussion as necessary.**

E. Insurance

No items.

F. Facilities

(1) Proposal by YMCA to Improve Centennial Grove with Federal Funding (*)

At the last meeting, the Board indicated that it would like more information from the YMCA with respect to the YMCA's proposal to potentially improve certain areas of the Centennial Grove via Federal grant funding in exchange for the YMCA's increased access to the facility to run additional YMCA programming. The Board asked me to specifically obtain from the YMCA answers to the following basic questions:

What is the basic scope of work?

If the Town and the YMCA do go ahead with a partnership for improvement, what are the additional hours of the day, days of the week, and seasons or weeks of the year where there would be restrictions against the average resident being able to be at the Grove?

If there will be additional restrictions, will they be limited to specific areas or facilities or is the proposal for total prohibition throughout the site, like the summer camp requires?

How many years of lease time does the YMCA expect to get in return for the YMCA successfully obtaining Federal grant funding and getting all of the improvements constructed?

The YMCA has since provided answers to these initial questions for the Board's review.

Recommendation: **Board discussion as necessary.**

(2) Fire Station Roof Leak

The Fire Chief recently reported to me that the roof over the fire station “day room” experienced leakage in a recent rain event. Since the building is still under warranty, he contacted the general contractor and a crew came and attended to the problem. We will note in our ongoing discussions with the contractor that this recent leak, while possibly unrelated, may be a result of the roof problems that we have called to their attention and that they are currently disputing.

Recommendation: No further action is necessary.

(3) Town Hall Exterior Sprinkler Head Leak

The Librarian called to my attention during the week of February 7, 2022 that an exterior sprinkler head above the entrance door to the Library had begun to leak. The water from the leak was causing a dangerous icing condition. I contacted a sprinkler specialist (Metro-Swift Fire Sprinkler and Inspection Service) and a technician identified the problem as a faulty sprinkler head. After isolating the zone, the technician was able to remove the bad head and to cap the line inside the building by reaching in from the outside. The contractor is presently working to provide me with a quotation for the replacement of the head with an 18-inch dry line segment, as opposed to the 9-inch segment that the old head had. The old head likely weakened over time as freeze/thaw cycles caused partial freezing for the past five years. I will have the replacement work done once we have more information.

Recommendation: No further action is necessary.

(4) Public Safety Facility Elevator Maintenance and Testing

For the last year, the elevator in the new public safety facility has been under warranty and the original installer was responsible to obtain the first State inspection certificate when the building opened. The Town must now choose an elevator contractor for regular maintenance of the system and for support during annual State inspection and testing. To that end, I have arranged for the facility to be added to our existing contract with United Elevator. United will be present when the State inspection occurs in late March or early April.

Recommendation: No further action is necessary.

(5) Public Safety Facility Backup Generator Maintenance Contract

The backup generator for the new public safety facility has been under warranty for the past year. The warranty will soon expire and the Town must now choose a generator contractor for regular maintenance of the unit and for support during State elevator inspection and testing. Since we already use FM Generator for some of our other buildings, I am arranging to add the public safety facility to our

contract and FM will be present when the State inspection occurs in late March or early April.

Recommendation: No further action is necessary.

(6) Public Safety Facility Elevator Phone Monitoring and Fire Alarm Support

The elevator in the new public safety facility will be inspected and tested by the State Elevator Inspector in late March or early April. As noted above, I have lined up an elevator and a generator contractor to be on site as required by the State during an inspection. We are also required to have our fire alarm service on site. We presently use an alarm service in the western part of the State for fire alarm monitoring (since that company installed the system and it was necessary to have them on line for monitoring when the elevator was first inspected and tested).

That company (Wel-Design) can continue to monitor our fire alarm system but we do not want to use them for elevator inspection support or alarm repairs since they are so far away and would cost additional money in travel charges. As such, we will be using American Alarm for inspection support service and any future repairs and American will pick up the elevator phone monitoring contract which Wel-Design had for the first year. Once we get through our first annual inspection and test, I plan to turn the entire suite of monitoring and support service contracts over to the fire and police chiefs for them to manage or make changes, etc. in the future.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) School Budget Collaboration Group Meeting Summary

(*)

Selectman Bradford, Finance Committee Buttrick, and I participated in the subject meeting on February 15, 2022. Selectman Bradford updated the group with respect to the Selectmen's position that the FY23 increase in the Essex apportionment from the District needs to be lower than the FY22 increase (which was 3.96%). The School Committee was going to decide upon a final budget request package later that evening but decided to delay action, since the Town of Manchester had announced that its Annual Town Meeting was going to be delayed, due to lingering issues with COVID-19. Generally, the collaboration group was not settled with the Board's request and discussed how lowering costs for the FY23 budget will increase the amount of the gap that has been proposed to be funded by an override request for FY24.

Recommendation: **Board discussion as necessary.**

H. Complaints

No items.

I. Meetings Attended

(1) Discussion Concerning Regional Wastewater Plant for Cape Ann (*)
Congressman Moulton hosted a virtual meeting of Cape Ann municipal officials on February 15, 2022 to discuss the possibility of funding for a regional wastewater treatment plant serving all of Cape Ann. Selectman Phippen and I were in attendance, along with Senator Tarr and staff from Representative Ferrante's office. In the near future, the City of Gloucester is going to be required by the EPA to equip the existing wastewater treatment plant with secondary treatment capability (the plant is one of very few left on the east coast that operates on only primary treatment). When that occurs, by operation of the Intermunicipal Agreement between Essex and Gloucester, Essex will be required to pay for a portion of that retrofit. If Federal funding can be marshalled to improve the Gloucester plant to have capacity for all four Cape Ann communities, at the secondary treatment level, Essex would tremendously benefit.

At the suggestion of Senator Tarr, all four communities were asked to put together a summary sheet on the current status of its sewer system. I completed that work and provided a copy to the other three communities and to the various State and Federal legislators involved with the discussion.

Recommendation: **Board discussion as necessary.**

J. Town Meeting, By-Laws, and Regulations

(1) Zoning Bylaw Study Public Forum Summary (*)
I participated in the subject public forum coordinated by our zoning bylaw consultant, the Metropolitan Area Planning Council (MAPC) on February 15, 2022, along with the Selectmen, the Town Planner, the Planning Board, other Town personnel and officials, and many residents. The forum was intended to get a general sense as to whether the Town should consider putting traditional zoning districts in place versus other possible zoning bylaw amendments such as adding detail to the Special Permit section. The forum was very well attended and I assisted with moderating one of several virtual breakout groups. MAPC released a zoning survey that all residents are encouraged to take. The survey and a dedicated zoning study website may be accessed [here](#).

The present zoning study work was funded by a \$45,000 Community Compact Cabinet Grant and will result in general recommendations for zoning changes in Essex. In order to actually get to specific zoning bylaw revision proposal language, a second phase of work will be required and we are working with MAPC to apply for a Planning and Zoning grant through the Community One

Stop for Growth State grant portal. Our recent submission of an Expression of Interest (EOI) in the Planning and Zoning grant (which may provide up to \$75,000 in additional funding) has been reviewed by various State agencies and personnel and a feedback document was generated. The document confirms that the best grant program to apply to for continued assistance is, in fact, the Planning and Zoning grant, with a possible emphasis on the Rural and Small Town Development Fund. MAPC is presently looking into next steps.

Recommendation: **Board discussion as necessary.**

(2) Discussion of Housing Choice Act Requirements Among Area Towns (*)

The recently-enacted Housing Choice Act requires all communities that are classified as “MBTA Communities” to designate an area that is zoned for multi-family residential, by right. Further, the draft guidelines for implementation of this requirement suggest that the minimum number of new, multi-family units that could be constructed via this zoning change be at least 750. In such a small Town like Essex, that type of requirement is entirely unrealistic (not to mention that we are only an “MBTA Community” due to our proximity to surrounding communities with MBTA service (Essex has none).

I had a discussion with other town administrators and town managers on February 10, 2022 with respect to how these new requirements are generally held as unreasonable and unrealistic in the region. The group has started to put together a multi-community letter to the State that points out the difficulty that will attend such a zoning change and how communities in the area are actually already reviewing individual zoning rules based on local needs.

Recommendation: **Board authorization of the Chairman or myself to sign a multi-community letter when available.**

(3) Continued Review of Draft Annual Town Meeting Warrant (*)

I have revised the draft Annual Town Meeting warrant in accordance with the Board’s guidance from the last meeting. Several other articles have been requested by various departments as well.

Recommendation: **Further review of the draft warrant.**

K. Legal Issues

No items.

L. Grants

(1) Discussion of Essex Dredging Plans with the Trustees and the Army Corps

Selectmen Phippen and I discussed the Army Corps of Engineers’ (ACOE) plan to conduct maintenance dredging of the Essex River in the next couple of years on

February 7, 2022 with personnel from the Trustees and the ACOE. It is possible that some of the sediment that will be dredged from the River channel could be beneficially reused within the Essex River system. Since the Trustees own appreciable marshland and beach areas within the Great Marsh and desire to preserve and protect those areas in the face of climate change, the Trustees represent a willing landowner with respect to sediment reuse. During the meeting, it was not readily apparent that any beneficial reuse of sediment on Trustees' property is feasible. However, as the ACOE continues to review the possibilities as part of its ongoing Section 204 Study, the Trustees remain open to discussion.

Related to the discussion above, I met virtually with other ACOE personnel on February 24, 2022 with respect to the Corps' ongoing assessment of private property that may be suitable for dredge spoil placement. The Corps' Section 204 Study is considering filling in old mosquito ditches, reconstructing damaged marsh banks, and other possible techniques. The recent meeting was focused on an explanation from the Corps as to how any necessary property acquisitions would occur. Essentially, the Corps would put together the forms of various easements (both temporary and perpetual) and would provide detailed plans showing parcels in question and the specific areas that would need to be under easement on each parcel. The Town would then reach out to the various property owners to understand whether the owners would be amenable to granting the necessary easements. I expect that the Corps will furnish more of this detailed information in the coming weeks.

Recommendation: I will update the Board as necessary.

(2) Eastern Essex Regional Health Support Services Collaborative Update

As the Board may recall, the Chairman executed a Statement of Commitment on behalf of the Town back in November of 2021 concerning Essex's participation in the subject collaborative, along with Hamilton (lead community), Wenham, and Rockport. The Town of Hamilton has hired a director for the program and she will coordinate with the Essex Board of Health to understand the Town's needs. Chairman Pereen signed the official Intermunicipal Agreement during the week of February 7, 2022 as previously authorized by the Board.

Recommendation: No further action is necessary.

(3) Rebuilding American Infrastructure with Sustainability and Equity Grant (*)

As the Board is aware, after the Town hopefully obtains MVP Grant funding for the final design and permitting of the project to elevate the roadbed on the Southern Avenue end of Apple Street, it will be necessary to seek funding for actual construction. To date, we have explored Federal BRIC and HMGP grant funding and each of those programs requires the project to meet a certain benefit-cost ratio after conducting a Benefit Cost Analysis (BCA). An additional Federal

program, known as RAISE, has also recently been announced and it focuses on transportation. RAISE also requires a favorable BCA in order to even apply.

I contacted officials from the Massachusetts Emergency Management Agency (MEMA) and I discussed RAISE with them and their consultants on February 10, 2022. MEMA has been providing technical support to the Town with respect to the BCA since the Federal Emergency Management Agency (FEMA) has been slow to accept future predictions concerning flooding events and has focused on flooding event occurrences in the past. The problem with that dated way of thinking is that much more flooding is set to occur in the future and modeling has been produced to very accurately make predictions. It had been difficult for MEMA to get access to the MA DOT (Woods Hole) sea level rise data set, which is considered the best available data for coastal Massachusetts. However, MEMA has now obtained access and our discussion on the use of the data in the BCA (whether related to BRIC, HMGP, or RAISE) can continue.

Recommendation: **Board discussion as necessary.**

(4) Downtown Decorative Lighting Installation/Maintenance Discussion (*)

As the Board is aware, the Town Planner is presently researching grant opportunities for the provision and installation of decorative lighting in the downtown area. One idea would be to potentially use the services of the Ipswich Municipal Light Department for installation and maintenance after a design is finalized and construction documents are available.

As such, the Town Planner coordinated a virtual meeting with the director of that department on February 17, 2022 to better understand whether Ipswich would be able to serve in this role (Ipswich already performs public lighting maintenance and repairs for Essex, but has never done any installation work). We learned that Ipswich does, in fact, have interest in the project and will be able to give a firmer commitment after they are able to review a design plan. Even with assistance from Ipswich, the Town would still have to hire a general contractor to prepare light pole bases and to repair the concrete sidewalk after lights have been installed.

The Town Planner has identified design funding through a dedicated technical assistance program and the Stantec design firm has been contracted by the State to provide up to \$15,000 of technical assistance to requesting communities. I met with Stantec personnel on the Essex causeway on February 23, 2022 and it seemed to them that, given the limited funding available, the first grouping of lights should be placed along the causeway. Future projects could continue from either end of the causeway thereafter. The Town Planner will be applying to the Massachusetts Shared Streets and Spaces Grant for this new lighting and will use the Stantec design as the basis for construction funding. Spring grant deadlines are near and the exact selection of light style cannot be vetted in advance of applying. However, it may be possible to substitute fixtures before the project

goes out to bid (if funding is awarded). With respect to other sources of funding, it is possible that the project could benefit from an earmark from the State Legislature (Representative Ferrante is looking into that) and the group known as “Light Up Essex” may be able to donate funding as well.

Recommendation: **Board discussion as necessary.**

M. Emergency Planning

(1) North Shore Regional 911 Center Joint Advisory Board Meeting

I attended the subject meeting on February 18, 2022 as chairman of the Finance Advisory Board and the Executive Advisory Board. The Finance Advisory Board appointed a new, at-large member (Topsfield Town Administrator) and the group received a variety of updates from Center personnel. Further, a study of factors that need to be considered if the Town of Manchester is to join the Center has been undertaken and additional discussion between Manchester and the Center will eventually decide whether Manchester has interest and, if so, what the process for admission will be.

Recommendation: No further action is necessary.

N. Other Items

(1) Presidents’ Day Holiday

The office was closed on February 21, 2022 in observance of the subject holiday.

(2) Town Administrator Leave

I was out of the office, on leave, for a portion of the day on February 14 and 22, 2022.

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