



Town Administrator's Report Board of Selectmen's Meeting of January 24, 2022

Report covers from January 8, 2022 to January 21, 2022

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

A. Town Department Reports/Requests

(1) Strategic Planning Committee Meeting Summary

I participated in the subject meeting on January 13, 2022, along with Chairman Pereen and Town Planner Dana Menon. The meeting featured a discussion of an advanced draft of the Town's updated Strategic Plan. As indicated at the meeting, I have since reviewed the draft and have inserted comments about its contents based upon my institutional knowledge of the Town and with respect to elements that perhaps have already been explored or have already been completed. The Committee will meet again on February 17, 2022 and is expected to begin the process of editing the Plan's contents in earnest. Eventually, the Committee will bring the Plan to the public for input and comment.

Recommendation: I will update the Board as necessary.

(1) Draft Affordable Housing Trust Bylaw from Essex Housing Coalition (*)

I participated in the subject meeting on January 19, 2022, along with Chairman Pereen and Town Planner Dana Menon. The meeting featured a discussion of next steps toward the adoption of an Affordable Housing Trust bylaw. The Selectmen had asked the Coalition to make recommendations with respect to what a new bylaw should include for use in Essex. The Town Planner and Dana LeWinter from the Citizens' Housing and Planning Association (CHAPA) have taken that input and have developed a rough outline of a bylaw for the Board's review.

Recommendation: **Board review of the recommended draft bylaw.**

B. Computer Systems

(1) Cybersecurity Awareness Training Program Rollout

As program coordinator for the Town, I participated in webinars with respect to the State's Cybersecurity Awareness Training grant year-long rollout on January 11 and January 12, 2022. Over 200 municipal organizations are taking part in this training opportunity and the webinars described how the program will cover a total of 16, 5-to-10-minute training modules, two user assessments, and eight simulated phishing campaigns. Assessments and training modules will automatically be sent to our users for completion based upon an e-mail list that I have already provided to the State. We will receive regular reporting with respect to progress on assessments, learning assignments, and how well people managed to avoid the simulated phishing attacks.

Recommendation: I will update the Board as necessary.

(2) On-line Building Permit and Related Trades Software Rollout

I have been working with the Building Inspector, the software company for our new on-line building permit and related trades system (OpenGov), and our third-party expert who is helping to customize the software for use in Essex to provide necessary information and decisions relative to the software rollout. The process is moving along well and we expect that we will have a functional system by early February (after which we will put our users through all necessary vendor training). User training will occur on February 16 and February 23 and we can perhaps open the system for public use by March 1.

Recently, I have coordinated elements such as: a) electing to include in the system a feature that allows applicants to auto-populate contractor information from the State licensing database, b) allowing the new system to work seamlessly with the Town's existing GIS, c) providing a listing of fees for each type of permit, with notation that the fees will be changing soon, in accordance with a Fall Town Meeting vote, after the Office of the Attorney General approves those bylaw changes, d) setting up employee accounts on the system for both permit reviewers and overall system managers, e) working with the Fire Chief to improve the Town's smoke detector permit system, f) determining the design of linking users to the new software from the Town website (links will be available on the homepage, and the building, plumbing & gas, and electrical Town web pages, g) setting up all necessary user training, and h) working out a system that will automatically send permit applications involving leased property on Conomo Point through our office.

Recommendation: I will update the Board as necessary.

(3) Possible Addition of Microsoft Teams to the Essex Microsoft Tenancy(*)

Microsoft Teams is becoming increasingly popular for interactive video conferencing. Presently, Essex does not have its own licensing for Teams and our tenancy on the Microsoft platform is limited to e-mail for our users (Outlook 365, at a cost of \$4 per user, per month). I have learned that we are able to add Teams licensing for \$4 additional per user, per month and we only need to add it for users who we think require that capability on a regular basis. Given that we are in the process of outfitting the Town Hall Auditorium with interactive broadcast capabilities using the State IT Grant, and given that 1623 Studios can support Teams as part of a production, it makes sense for the Town to purchase some Teams licenses at that relatively low cost per user.

Recommendation: **Board authorization to purchase Microsoft Teams licensing for certain key users.**

C. Personnel

No items.

D. Procurement/Ongoing Projects

(1) Route 133 Essex River Bridge Project Update

I attended a construction meeting with personnel from MA DOT and its construction contractor for the Route 133 Bridge replacement project on January 18, 2021. The project is progressing as planned and work with respect to the micro-piles that will support the temporary bypass bridge is expected to be completed by early February.

Recommendation: I will update the Board as necessary.

(2) Conomo Point Seawall Replacement Project Update and Change Order(*)

At the last meeting, the Board authorized Selectman Phippen to make necessary decisions with respect to the subject project in between Board meetings (since site conditions vary widely and proposals from the contractor often require immediate input to keep the project moving). Selectman Phippen and I participated in a seawall construction project meeting with personnel from our consulting engineering firm and the general contractor on January 19, 2022.

Previous to that meeting, on January 12, 2022, we spoke separately to a representative of our contractor and to our consulting engineer. Our contractor took the position that, even though the first 65 feet of wall requires an approximately \$18,000 change order to accommodate varying bedrock conditions (in the contractor's eyes), the Town would end up with a net savings of about \$10,000, since much of the concrete that would have been placed in this area has been displaced by existing bedrock. Our consulting engineer did not agree with that level of additional cost but was willing to evaluate this situation to verify that the net savings from concrete that will not be billed to the Town (at \$1,270 per cubic yard) truly materializes. The change order was agreed to on the condition that it will not set precedent for other project areas and that the project deadline will not be extended.

At the construction meeting on January 19, 2022, Selectman Phippen and I were able to view a "mockup" of what the new seawall will look like on the exposed side facing the water. Based on that mockup, the finished product will definitely resemble the picture that the Board reviewed early in the design process, when various suggestions were provided by our designer. Our contractor is moving along well and we expect great progress, barring any major storms. Further, we discussed how an abutter to the project has suggested that other tree species besides the planned red cedar be considered for replacing the basswood trees that got removed to install the new seawall. That abutter is recommending either basswood or serviceberry.

Recommendation: Board ratification of seawall replacement project change order one, discussion with respect to potential replacement tree species, and any other discussion as necessary.

(3) Old Fire Station Site Restoration Update

(*)

At the last meeting, the Board approved the sole change order for the project involving the demolition of the old police and fire station at 24 Martin Street and the restoration of the site after the building's removal. Work progressed well during the week of January 10, 2022 and the site is now fully backfilled, graded, and draining very well. Our general contractor will soon bring in an electrical subcontractor to excavate a shallow trench for an underground electrical service between a pole on Martin Street and the existing conduit that formerly fed the municipal parking lot lighting system from the old fire station. As the new conduit passes the site of the to-be-installed antique fire pumper viewing shed, it will enter a panel to allow that building to eventually have power, and will then continue on to the parking lot lighting system. We are presently awaiting additional details from our general contractor concerning scheduling of next steps.

Recommendation: Board discussion as necessary.

(4) Evaluation of Essex Water and Sewer Equipment for Energy Efficiency

(*)

I participated in a virtual meeting with the Town Planner, our consulting engineer for the water system improvement project, and a representative of National Grid. The purpose of the meeting was to evaluate the Town's water and sewer system equipment (primarily pumps) to determine if incentives and grants would allow the Town to replace older equipment (which needs to happen anyway) with new, energy efficient equipment. Generally, it seems that some large pumps in the Water Filtration Plant and certain sewer pump stations may be good candidates for replacement, with substantial subsidy. Our consulting engineer plans to continue to work with National Grid subject matter experts and our Town Planner to determine if our needs would be good prospects for either the Green Communities Grant Program or the Massachusetts Gap Energy Grant Program. If so, our Town Planner will develop the necessary grant application(s) in the future.

Recommendation: Board discussion as necessary.

E. Insurance

No items.

F. Facilities

No items.

G. Fiscal/Budget

(1) Weighing of Options for Future Mosquito Control and Management (*)

At the last meeting, the Board began to discuss how the Town might respond this year to a deadline for opting out of future State aerial mosquito spraying in the event of a declared public health emergency. Last year, the Town decided to simply not opt out, since the prospect of emergency spraying in our region is not likely, given that it has not occurred here in decades, and since opting out likely would have cost money. However, while this type of spraying is not likely, it could still conceivably happen. As such, the Board asked that we begin to study two alternatives that could provide the Town with the ability to opt out of emergency spraying, if ever mandated.

I reached out to the Northeast Massachusetts Mosquito Control and Wetlands Management District to get updated figures on the three-year cost to join the District (which would qualify the Town for opt-out). The District has indicated that the present annual cost would be \$50,969 and would carry for a minimum of three fiscal years. The District's director also considered if the District could offer a separate package intended only to comply with the State's requirement for an alternative plan to qualify for an emergency spraying opt-out. Unfortunately, the District is unable to offer anything but full membership at the full price.

I also reached out to the City of Gloucester to understand what it cost the City to opt out using its own alternative mosquito management program and how the City was able to discharge that program with its own workers. I have learned that the Gloucester plan primarily featured outreach and did not cost the City anything beyond staff time – three full-time personnel were pledged. That relatively low cost is based upon the lack of severity of the most recent mosquito season.

Despite repeated attempts, I have not heard back from the Commonwealth what this year's deadline to submit an opt-out application will be.

Recommendation: **Board discussion as necessary.**

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

Selectman Bradford, Finance Committee Chairman Buttrick, and I participated in the subject meeting on January 21, 2022. The meeting featured a discussion concerning how the District takes into account actual spending in a given fiscal year when building the budget for the subsequent fiscal year. The group also discussed at length whether or not the District would be able to decrease the fiscal year 2023 operating budget apportionments to the two towns further based upon the CARES funding that the two towns recently provided to the District, or by some other means.

Generally, District staff and officials were not in favor of a process that would offset the budget apportionment with CARES funding, partially due to the logistics of using that funding. With regard to the process, the District plans to use the CARES money, FEMA funding, and other, school-specific, Federal

funding to offset spending from its COVID-segregated account, which required deficit spending (which is allowable under present rules) to get through the COVID crisis. Hence, the CARES funding will not flow directly to the District's Excess and Deficiency account when the current fiscal year closes out, as it will have already been spent to reduce the COVID deficit.

Had the towns not provided the CARES funding, the District would have had to use a like amount of its reserves to fund the COVID fund deficit. Therefore, one way to derive apportionment offsets from the CARES funding would be for the District to instead pledge additional District reserves in fiscal year 2023 for apportionment offset. The total of CARES funding provided to the District between the two communities is about \$400,000 and the amount of funding to hold Essex's year over year apportionment increase to 3.5% (as opposed to the present proposal of 4.97%) is about \$350,000. While reserves could be used to achieve this result, the District points out that it is already using about \$1M in reserves just to keep the overall apportionment increase to 3.5% (translating to 4.97% to Essex).

The group also discussed other ways to possibly lessen the impact of the apportionment for fiscal year 2023, including but not limited to the possibility of the District budgeting less conservatively with respect to anticipated out of District student placement costs. Further, the group generally agreed, given that school districts across the State are not usually able to operate within the Proposition 2 ½ framework, that planning for a Proposition 2 ½ override for fiscal year 2024 would be prudent. The amount of that override will be affected by the structural deficit in place presently, by how much reserve funding is ultimately put toward the fiscal year 2023 budget, and by whether the planning includes the anticipated spending above the 2.5% level over the next three to five fiscal years (as opposed to just planning an override to meet the needs of fiscal year 2024).

Recommendation: **Board discussion as necessary.**

H. Complaints

No items.

I. Meetings Attended

(1) Meeting w/ North Shore Technical/Agricultural School District Superintendent

I met with Superintendent Heidi Riccio and her associate, Bonnie Carr, on January 10, 2022. The Superintendent is visiting all of the area town administrators for communities that are part of the District in order to provide information about the District's programs. The Superintendent highlighted how the school is presently also offering night classes for adult continuing education focused on skills that are in demand in today's workforce. The school can also offer students to work on Town projects from time to time. In fact, the

handicapped accessible ramp at the Essex Library was a project that was completed by students in the past. It is possible that students will be able to perform pre-season landscaping for the Town out at Conomo Point this year if the Town provides the necessary materials.

Recommendation: No further action is necessary.

(2) Massachusetts Municipal Association Annual Meeting and Trade Show

I had been scheduled to attend the subject meeting on January 21 and 22, 2022, in Boston. However, the meeting was transitioned to a virtual event (as it was in 2021), due to COVID-19 concerns. The meeting normally features many opportunities for training on current issues and for networking with other municipal officials. I attended several of the virtual sessions.

Recommendation: No further action is necessary.

J. Town Meeting, By-Laws, and Regulations

(1) Zoning Bylaw Phase 1 Review Project Summary (*)

The Metropolitan Area Planning Council (MAPC) has concluded a series of stakeholder interviews with respect to current attitudes and opinions concerning the Essex zoning bylaws. MAPC has also been working with Geographic Information System (GIS) data and imagery that will eventually help to illustrate observations and recommendations. Further, MAPC has coordinated focus group discussions with respect to the review process (I participated in the focus group held January 10, 2022). On January 11, 2022, MAPC personnel met with Chairman Preen, Planning Board members, the Town Planner, and myself to review grant progress to date and to highlight next steps. Generally, MAPC is working to prepare for a public forum that will be offered in mid-February.

Recommendation: **Board discussion as necessary.**

(2) Housing Choice Act Multi-Family Zoning District Webinar (*)

Chairman Preen and personnel from the Metropolitan Area Planning Council (MAPC) participated in the subject webinar on January 12, 2022. The webinar featured presentations from State officials with respect to a new requirement asked of “MBTA Communities” (of which Essex is one) to create at least one, specific zoning district whereby multi-family housing is allowed by right. The Town could opt not to enact such a bylaw but certain State grant programs require compliance as a prerequisite. It is possible that the Town’s new, downtown mixed-use zoning district could already qualify the Town for full compliance. MAPC plans to study the rules and perhaps assert that the Town is already in compliance. In the near-term, the Town only needs to submit an on-line form concerning its readiness for this element of the Housing Choice Act. MAPC plans to fill out that form on the Town’s behalf prior to the May 2, 2022 deadline.

Recommendation: **Board discussion as necessary.**

(3) Continued Review of Potential Annual Town Meeting Article Topics (*)

I have revised the draft list of potential Annual Town Meeting article topics in accordance with the Board's guidance from the last meeting.

Recommendation: **Further Board review and discussion regarding the draft topics list.**

K. Legal Issues

No items.

L. Grants

(1) Scope of Services and Contract for Second Phase of Zoning Review (*)

At the last meeting, I described for the Board a proposal by the Metropolitan Area Planning Council (MAPC) to assist the Town to obtain grant funding for the second phase of the comprehensive zoning bylaw process that is presently underway. In phase 2, MAPC will develop actual recommendations for zoning bylaw changes that the Annual Town Meeting of 2023 will consider. The Board was cognizant of the fact that MAPC needed to move ahead with the Expression of Interest (EOI) submission for the grant program that is the best fit and that process is occurring. The scope of services also includes applying for a Community Planning Grant for up to \$75,000 via the State's Community One Stop for Growth grant portal. MAPC has will soon finalize its proposed scope of services and contract and I should have more details by meeting time.

Recommendation: **Board vote to engage MAPC in the pursuit of the Community Planning Grant.**

(2) Implementation of IT Grant for Broadcast Equipment, Town Hall Auditorium

The Board signed the Grant Agreement with the State in the past for the provision of professional broadcast equipment in the Town Hall Auditorium. The State has now countersigned the agreement and I have worked with 1623 Studios to obtain an updated quote from a company on the State Contract, Ockers. I have placed the order for the provision and installation of the equipment (to be covered by the grant) and we expect that the project should be underway at Town Hall in 8-10 weeks. This long lead time has to do with the inability to get components in stock during this time of COVID and supply chain slowdowns. The project will allow personnel from 1623 Studios to broadcast sound and video of Town meetings and events from the auditorium and to host interactive participation (hopefully by sometime in March of 2022).

Recommendation: I will update the Board as necessary.

(3) Implementation of Revised Scope of Work, Apple Street Culvert Project

As the Board is aware from discussion in the past, the Massachusetts Division of Ecological Restoration (DER) asked the Town to consider modifying the scope of work for its existing Municipal Culvert Grant to include additional data collection. The Town did take that step via its consulting engineering firm and DER then moved on to formalize an amendment to the grant contract since the additional work would not allow the Town to get as far into project permitting as originally envisioned. DER will soon provide the Town with a revised scope of services and contract amendment and Chairman Pereen will sign the documents, in accordance with the Board's November 29, 2021 vote.

Recommendation: I will update the Board as necessary.

(4) Federal Funding Award for Maintenance Dredging of the Essex River (*)

Senator Markey's office contacted me during the week of January 17, 2022 to indicate the Federal funding has been awarded to the United States Army Corps of Engineers for full maintenance dredging of the Essex River. It is our present understanding that the award is in the vicinity of \$4.4M. We are told that the Army Corps of Engineers will eventually be in touch with more details.

Recommendation: **Board discussion as necessary.**

M. Emergency Planning

No items.

N. Other Items

(1) Martin Luther King, Jr. Day Holiday

The Board was closed on January 17, 2022, 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.