



## Town Administrator's Report Board of Selectmen's Meeting of July 24, 2023

*Report covers from July 8, 2023 to July 21, 2023*

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

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### A. Town Department Reports/Requests

#### (1) Economic Development Committee Meeting Summary (\*)

I attended the subject meeting on July 20, 2023, along with Chairman Preen and Town Planner Dana Menon. The meeting featured a detailed discussion regarding planning for the downtown decorative lighting project, including a plan to embed ship emblems bearing the name of past Essex-built ships into new concrete. Also discussed were the status of the Folsom Pavilion replacement project, the recently-relicensed use of Paglia Park, and the Selectmen's draft mobile vendor policy, among other items.

In addition, the Economic Development Committee (EDC) had the following to be considered by the Selectmen: a) whether to pay the graphic designer who designed the ship emblems a fee for the work, b) the likely need for a camera surveillance system at the soon-to-be-improved Centennial Grove, c) EDC support for hiring a deed researcher for the owner-unknown parcel near Route 128, d) EDC comments on the Board's draft mobile vendor policy, e) EDC support for bringing the proposal for a three-percent local impact fee for short-term rentals back to Town Meeting in the fall, and f) realignment of the future visit by Massachusetts Office of Business Development (MOBD) personnel with the EDC, instead of the Selectmen.

***Recommendation:* Board discussion with respect to the various topics raised by the EDC.**

#### (2) Board of Health Private Trash/Recycling Hauler Regulation

The Selectmen met with the Board of Health and the Board of Public Works on July 13, 2023 to discuss the Board of Health's potential adoption of local regulations with respect to private trash and recycling haulers. The Board of Health held a public hearing on the proposed regulations on June 6, 2023 and is now in their deliberation phase. At the meeting, all three boards agreed that the new regulations are necessary, particularly in light of the fact that the Town is required to provide both solid waste and recycling services in order to run the transfer station. The regulation will help put private services on the same footing at the Town with respect to what has to be offered pursuant to the Massachusetts Department of Environmental Protection's requirements. The Board of Health took the matter under advisement and will likely adopt the new regulations at its next meeting.

***Recommendation:* No further action is necessary.**

## **B. Computer Systems**

### (1) Addition of Board of Health Permits to OpenGov

The fiscal year 2024 budget includes funding to add the various permits issued by the Board of Health to the Town's OpenGov permitting platform. As such, the Board of Health Administrator and I discussed the implementation of this project with an OpenGov representative on July 10, 2023. We intend to roll the additional permits out much like we did with respect to the building department permitting options. OpenGov will set up the necessary accommodations on the platform but we will use a local expert to actually design the permit forms and routing (saving substantially over what OpenGov charges for those services). The Board of Health Administrator will work over the next few weeks to implement this addition to the Town's on-line permitting platform.

*Recommendation:* No further action is necessary.

## **C. Personnel**

No items.

## **D. Procurement/Ongoing Projects**

### (1) Further Review of RFP: Summer Camp and Enrichment Program Services (\*)

At a previous meeting, the Board held preliminary discussion with respect to the subject Request for Proposals. I have put together a list of possible enrichment programs that could be offered via the Centennial Grove facility and the Board may wish to review the list to determine whether any of the possible program ideas should not be offered. As requested, I have reviewed the list with the Librarian and the Library does not see any of the listed programs as being in conflict with Library programming plans. Once the Board determines what the final list of enrichment programs to be offered by our future vendor should be, I can incorporate the content into the RFP and advance the RFP toward its final form.

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

### (2) Finalization of Sale of Gregory Island Road Lots (\*)

At the last meeting, the Board agreed that the draft Purchase and Sale Agreement and Release Deed were suitable for moving on toward the sale of a number of Town-owned lots on Gregory Island. A total of twelve lots were offered for sale and offers were made on eleven of them. The Board decided not to sell two of the lots that had offers made on them, bringing the total number of proposed sales down to nine (five to one buyer, two to another buyer, and one each to two buyers). I provided the buyers with the above-referenced documents for review. Some have signed purchase and sale agreements and some have questions. With respect to Lot 44, the highest offeror decided not to move forward since their

plans for the lot were not compatible with the restriction that the Board is seeking. The next-highest offeror for Lot 44 therefore may need to be involved. Given the various questions and issues facing the Board at present, it may be best for the Board to just issue extensions to all offerors until Town Counsel can be further consulted.

***Recommendation:* Board vote to extend the period for the transactions to occur so that all issues and questions may be resolved.**

**(3) Fixed-Rate Natural Gas Broker Contract** (\*)

As the Board is aware, the Town's fixed-rate natural gas contract with Constellation is set to expire this coming fall and Constellation is not renewing natural gas contracts with its customers. As such, it is necessary to find a new supplier and there are really only two major alternative suppliers to National Grid remaining in our area – Direct Energy and Sprague Energy. I have reached out to both of these suppliers directly and customer service has not been strong. I am also aware of a broker, Tradition Energy, which seeks to assist communities with fixed-rate contracts. Tradition makes its money by bringing customers to the table and receiving the commission that the salesperson for the actual supplier would have received via a direct deal. In theory, Tradition will provide strong customer service and deliver pricing that is as good as or better than pricing received directly from a supplier. In order to get started with Tradition, without obligation, Tradition needs an authorization for the company to receive the Town's past natural gas usage data from National Grid and an agreement that indicates that the Town will not work with any other broker while a possible relationship with Tradition is being explored.

***Recommendation:* Board signature of these preliminary documents to explore how Tradition Energy may be helpful in working toward a successor, fixed-rate natural gas contract.**

**E. Insurance**

No items.

**F. Facilities**

**(1) Specification and Cost Estimation of Public Safety Facility Repairs** (\*)

At the last meeting, the Board agreed that the Town should retain the services of an architect or an engineer to review several Public Safety Facility repair and maintenance needs and arrive at a specification and a cost estimate for the needed work. I contacted the roofing consultant we have worked with concerning the Public Safety Facility's roof issue and he recommended a building envelope engineering specialist (Copeland Building Envelope Consulting, Inc.). John Karman of Copeland came out to the building on July 20, 2023 and reviewed four categories of possible work: the removal of excess color-match caulk, the peeling

of stain from cedar siding, the separation of PVC trim from the building, and the gapping and caulking of hardy board caulking. It is likely that I will have an estimate for Copeland's services by meeting time.

***Recommendation:* Board authorization to hire Copeland Building Envelope Consulting, Inc. for the assessment, specification, and cost estimation concerning the necessary work (along with a contractor to help Copeland access and assess the work).**

(2) Resumption of Paglia Park Use License

At a previous meeting, the Board authorized the signature of a resumed use license for Paglia Park adjacent to the Essex River Bridge on the Essex Causeway after details concerning the layout of the revised park had been worked out. After the Chairman of the Economic Development Committee worked with a resident to propose a new plan, the owners of the parcel agreed that the plan should move forward. As such, I have provided the owners with the use license that features the new plan and I will ask the Board members to countersign the agreement once it is received.

*Recommendation:* No further action is necessary.

**G. Fiscal/Budget**

(1) Discussion Regarding the MERSD Annual Operating Budget Apportionment

Chairman Pereen and I met with Manchester Select Board Chair Ann Harrison on July 11, 2023. We and the Manchester Town Administrator had generally discussed on June 20, 2023 the relative proportions of various factors in the Manchester Essex Regional School District Agreement that are used to set annual operating budget apportionments and how the pupil count factor is capable of creating wide variation, even if averaged over three years. At this most recent meeting, we began to discuss the possible relative proportion that the equalized valuation in each town plays in the operating budget apportionment formula within the Regional Agreement. The group plans to meet again on July 25, 2023 for further discussion.

*Recommendation:* I will update the Board as necessary.

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

Chairman Pereen, Finance Committee Chairman Buttrick, and I attended the subject meeting on July 21, 2023, along with personnel and officials from the Town of Manchester and the Manchester Essex Regional School District. The meeting featured a discussion regarding the process that should be used in the upcoming budget preparation season (for fiscal year 2025) to ensure both transparency and the development of board and committee consensus at each step in the process. Presently, the group would like to continue to meet in a collaborative fashion via various representatives of each entity and add in

collaboration summaries and some posted, public meetings where all five boards and committees involved would meet together as well. Further, after each collaboration meeting, it seems expedient for each board or committee chair to get a consensus vote from the board or committee on individual questions, concepts, or proposals to be shared back with and tracked by the collaboration group.

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

(3) Signature of State Revolving Loan Fund Documents for Water Plant Work (\*)

The Massachusetts Clean Water Trust administers the State Revolving Loan Fund (SRF) via the Massachusetts Department of Environmental Protection. Now that work on the Essex Water Filtration Plant is set to commence, it is necessary for the Board and other Town officials to sign a variety of documents associated with the loan (which will be made to the Town at zero percent interest). The Town Meeting authorized up to \$2,600,000 for this project and, after bidding, including contingency, the SRF loan will be for \$2,498,980.

*Recommendation:* **Board vote to authorize the signature of all necessary documents.**

## **H. Complaints**

No items.

## **I. Meetings Attended**

(1) Manchester Essex Rotary Club Meeting

I attended the subject meeting on July 12, 2023 to provide the club with an update on various projects and initiatives going on in Essex. Club members had the opportunity to ask questions and provide feedback. It is possible that the club may want to contribute to some future improvements in Essex (like at the Centennial Grove or at Paglia Park).

*Recommendation:* No further action is necessary.

(2) Managed Retreat Discussion

I participated in a webinar hosted by the UMass Boston Urban Harbors Institute on July 18, 2023 with respect to the concept of “managed retreat”. The concept includes a variety of scenarios such as relocating roads and even moving houses or buying out private properties. In Essex, the Apple Street Roadbed Elevation and Culvert Replacement Project is a type of retreat in that it represents an adaptation to sea level rise and climate change that requires improvement of a more inland route. Generally, the concept of retreat will become increasingly relevant as sea level rise becomes more pronounced.

*Recommendation:* I will update the Board as necessary.

## **J. Town Meeting, By-Laws, and Regulations**

No items.

## **K. Legal Issues**

### (1) Condemnation of Dwelling at 92 Southern Avenue

The structure at 92 Southern Avenue includes two, separate condo units. One of the two units has been the subject of complaints by tenants living in that space and the matter was taken to District Court recently by one of the tenants. The unit is not in compliance with the Minimum Standards for Human Habitation and, despite the recent court filing, the situation has not improved. As such, the Board of Health is in the process of seeking to have the unit vacated and boarded up until such time that the owner can present a viable plan for rehabilitation. To that end, I participated in a conference call involving the Board of Health Administrator, Town Counsel, Chairman Pereen, the Chief of Police, and Sergeant Bruce on July 17, 2023. Presently, we are working with an abutter's testimony regarding the fact that the unit at 92 Southern Avenue is being occupied despite a recent court ruling that people can only be in the dwelling to undertake cleanup and improvement efforts.

*Recommendation:* I will update the Board as necessary.

## **L. Grants**

### (1) Risk Management Grant Application

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Each year, our insurer (the Massachusetts Interlocal Insurance Association – MIIA) offers a Risk Management Grant that is aimed at preventing insurable losses. The maximum amount of the grant remains at \$10,000 and the Police Department is interested in obtaining four additional body-worn cameras and associated equipment to expand the Department's inventory and have spare units available (a total cost of \$9,375). I have developed the grant application and it is ready for submission.

*Recommendation:* **Board approval of the grant application submission.**

### (2) Potential Grant Funding for Housing Production Plan

The Town Planner and I discussed grant opportunities associated with the future work of the Essex Affordable Housing Trust with the Massachusetts Assistant Secretary for Communities & Programs on July 20, 2023. The Trust is interested in getting some baseline planning done that will be helpful in charting a course forward for affordable housing in Essex. We learned that State grant programs are much more likely to support the development of a Housing Production Plan than a Resident Selection Plan since the latter usually gets put together by the

developer on a project-by-project basis and the former is a base level plan. To that end, there does not appear to be a need to just do basic information and statistics collection work without using it for a Housing Production Plan. The Trust will discuss this matter at its next meeting on July 27, 2023 and the next opportunity for grant funding will come in the spring of 2024.

*Recommendation:* I will update the Board as necessary.

## **M. Emergency Planning**

### **(1) Regional Community Wildfire Protection Plan Proposal** (\*)

The City of Gloucester is interested in engaging the other Cape Ann communities and local non-profit land management organizations to work with a consultant to develop a Regional Community Wildfire Protection Plan (CWPP). The City has received a proposal from a consultant and has already agreed to fund Phase 1 of the work at a cost of \$25,000 (toward an overall \$135,000 effort). The Essex Fire Chief is in support of this regional approach and the total cost that Essex will likely be asked to contribute toward Phases 2 and 3 of the work will not exceed \$9,000. That amount will likely be reduced substantially once private landowners in the area are asked to also contribute.

***Recommendation:* Board approval of the Town's participation in the planning effort, subject to the availability of funds.**

### **(2) Hazard Mitigation Plan Update Kickoff Meeting Summary** (\*)

I attended the subject meeting on July 17, 2023 along with Selectman Phippen, the Town Planner, the Chief of Police, the Fire Chief, the Superintendent of Public Works, the present Executive Director of the Cape Ann Chamber of Commerce, and a representative of the Essex County Greenbelt. Also invited were the former Executive Director of the Cape Ann Chamber of Commerce and one resident at-large (the latter four participants sought in accordance with Federal Emergency Management Agency guidelines). The Town is in the process of updating its Federal Hazard Mitigation Plan and this virtual meeting was hosted by our consultant, the Metropolitan Area Planning Council (MAPC). Those who could not attend will be able to watch the meeting as a recorded Zoom session.

Generally, the process will involve several team meetings and two public forums and will culminate with the submission of the plan to State and Federal reviewers in March of 2024. It is important for the Town to keep the Plan up to date since an expired plan would make the Town ineligible for Federal hazard mitigation funding (such as funding that may be sought for the implementation of the Apple Street Roadbed Elevation and Culvert Replacement Project. At this first meeting, MAPC personnel went over the information in the expiring plan and asked the group about progress, updates, and changes. I had reviewed MAPC's preliminary update worksheet in advance and I had provided my input to the group. The

meeting was very productive and all team members were able to provide input that will get the Plan update off to an efficient start.

*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.*