



## Town Administrator's Report Board of Selectmen's Meeting of June 26, 2023

Report covers from June 3, 2023 to June 23, 2023

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

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### A. Town Department Reports/Requests

#### (1) Safety Committee Meeting

Safety Committee Chairman Paul Francis ran the subject meeting on June 22, 2023. The meeting featured a discussion of the Committee's goals for the upcoming fiscal year.

*Recommendation:* No further action is necessary.

### B. Computer Systems

#### (1) Delivery and Setup of New Town Hall Copy Machine

The new Town Hall copy machine was delivered on June 9, 2023. I assisted the delivery technician with the position of the new unit and with the provisioning of the unit on the Town Hall network.

*Recommendation:* No further action is necessary.

### C. Personnel

No items.

### D. Procurement/Ongoing Projects

#### (1) Implementation of Sale of Gregory Island Road Properties to High Bidders (\*)

Offers for the purchase of Town-owned vacant lots on Gregory Island were due on June 5, 2023. Offers were received on eleven of the twelve lots that were advertised for sale. I have discussed the offers with the property specialist from our Town Counsel's firm and she has developed a draft Purchase and Sale Agreement and a draft deed for conveying the properties. The Board should review the language in both documents that discusses how the vacant lots cannot have anything built upon them. This language may be tailored to the Board's liking and I can work with counsel to contact all of the successful bidders and arrange for purchase and sale agreements to be executed.

*Recommendation:* **Board initiation of the sale process using the documents recommended by Town Counsel.**

(2) General Bid Opening for Water Filtration Plant Project

General bids for the Water Filtration Plant Renovation project were opened on June 7, 2023 and a total of two bids were received. The apparent low bidder was Waterline Industries Corporation and their successful bid was just over \$2M. When the value of the construction management contract with our engineering consultant is deducted from the total available funding (\$2.6M), the entire bid, including all bid alternates, could be accepted by the Town, with a small amount remaining to cover contingencies. The Board of Public Works met to discuss the bid on June 12, 2023 and the Selectmen held a special meeting on June 13, 2023 to approve the contract award and to execute paperwork necessary to keep the project in good standing with State Revolving Loan Fund requirements. It is expected that the project will begin in July of 2023 and will take about a year.

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

**E. Insurance**

No items.

**F. Facilities**

(1) Student Recommendation for Bike Racks at Bus Stops

(\*)

At the last meeting, the Board conducted an initial review of an idea from a Manchester Essex Regional School District student concerning the deployment of bike racks at certain school bus stops. The Board asked that I get more specific information about the proposed project from the student and the student has since provided that information.

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

(2) Replacement of Folsom Pavilion Update

As the Board is aware, we had been waiting for our volunteer coordinator for the replacement of the Folsom Pavilion at the Centennial Grove (Mr. Dan Mayer of Mayer Tree) to organize the excavation for the new pavilion's floor slab and the pouring of the slab itself. The slab excavation was completed during the week of June 12, 2023 and the slab will be poured in the coming weeks. The summer camp is up and running with the pavilion construction site fenced off.

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

(3) Inspection of Plants at Conomo Point Seawall

The engineer for the Conomo Point Seawall replacement project conducted an inspection of the various plantings that were installed along the seawall as part of the project. The inspection was conducted just prior to the expiration of the one-year warranty and the engineer found that two specific types of plants had not fared very well. Subsequently, I met on site with the general contractor and the

landscaping subcontractor for the project and all agreed on a plan to replace the dead plants with other native species that will likely survive better. Fortunately, various other plantings are doing very well.

*Recommendation:* No further action is necessary.

(4) Update on Private Marina Dredging in Essex River

As the Board may recall, Senator Tarr and staff from Congressman Moulton's Office had met with private marina owners, Town personnel and officials, and Army Corps of Engineers (ACOE) personnel in the past. The purpose of that meeting was to determine whether the ACOE would allow the private marinas to "piggy-back" on the Federal dredging project that will kick off in the Essex River this coming fall. The group met again on June 21, 2023 and the answer to that question comes down to whether the ACOE can proceed with only sediment chemical testing done to date by the marinas versus also having to require biological testing. In July, the ACOE will have the answer and, if the expensive and time-consuming biological testing protocol is not necessary, the marinas may be able to utilize the dredging contractor selected by the ACOE for the Federal dredging project. If biological testing is required, it is not very likely that piggy-backing will be allowed.

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

(5) MA DOT Follow-up Concerning Crosswalk at Goodwin Court

In the past, I reported to the Board that MA DOT was not inclined to leave the crosswalk that crosses Route 133 at Goodwin Court in place as part of the upcoming sidewalk project. The agency had indicated however that personnel would take another look at the prospect of providing a crosswalk in a different location but still in proximity to Goodwin Court. I participated in a virtual meeting with DOT personnel and Chairman Preen on June 21, 2023 and DOT explained that a solution had been found. The solution involves a new crosswalk about 100 feet toward Gloucester from the old crosswalk location and will incorporate pedestrian-activated flashing signs, a short piece of sidewalk connecting it with Goodwin Court, and tree trimming within the MA DOT right of way. I have provided the interested residents in the neighborhood with the details of the new solution.

*Recommendation:* No further action is necessary.

**G. Fiscal/Budget**

(1) Discussion Regarding the MERSD Annual Operating Budget Apportionment

Chairman Preen and I met with Manchester Town Administrator Greg Federspiel and Manchester Select Board Chair Ann Harrison on June 20, 2023. We discussed generally 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. We also discussed the prospect of asking the District to simply bill the two towns as a one-time capital charge for the expected turf field work, with each town determining how to pay the bill (cash, borrowing, or a combination of the two). The group plans to meet again on July 11 for further discussion.

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

## **H. Complaints**

No items.

## **I. Meetings Attended**

No items.

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

### (1) Continued Review of Draft Fall Town Meeting Articles List (\*)

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

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

### (2) June 26 Special Town Meeting Discussion (\*)

The Board will be attending a Special Town Meeting immediately after the present Selectmen's meeting. The warrant contains a single article that asks voters to consider ratification of the vote taken under Article 4 of the Annual Town Meeting warrant, which approved an amount of funding for the Manchester Essex Regional School District for fiscal year 2024 that is within the Town's tax levy capacity. As the Board is aware, Article 3 at the Annual Town Meeting involved the consideration of an operational override for additional School District funding and it was approved. However, Article 3 was contingent upon a referendum at the Annual Town Election and that referendum failed.

Tonight's Town Meeting vote is being proposed by the Board since it will give the District more immediate feedback than simply waiting for the constructive approval clock to run out in late-July and may avoid the institution of a 1/12<sup>th</sup> budget by the State. The warrant article has been worded in such a way that will not allow for any amendments. Town Meeting may vote to approve the ratification, to disapprove the ratification, or to indefinitely postpone the article (which is the same as a disapproval). If the ratification is not approved, it means that the original approval of the within-levy-limit figure back in May is nullified. I have prepared a motion for the article for the Board's review.

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

## **K. Legal Issues**

### (1) Possible Resumption of License for Paglia Park (\*)

Now that the Route 133 Essex River Bridge project has been completed, the small pocket park on the south side of the bridge known as Paglia Park may again be put in place. The Town had a license with the property's private owner for the use of the area as a park prior to the bridge project. However, since the State temporarily needed the land for the project, the owner entered into an agreement with the State for the last two years. It is again possible for the Board to enter into a license agreement with the owner and the owner has is inclined to resume that relationship pending more details on the design of the park.

*Recommendation:* **Board authorization to sign the license outside of a meeting, once details have been worked out.**

### (2) Per- and Polyfluoroalkyl Substances (PFAS) National Settlement (\*)

PFAS compounds have been used in many different products and are extremely persistent in the environment, once introduced. Many public water supplies have been impacted by PFAS and now must treat water specifically to remove it, as a health concern. In Essex, although we have not detected PFAS as yet, it certainly could show up in the future. A national lawsuit was initiated against PFAS manufacturers and a settlement has been reached. Town Counsel has recommended that Essex register for the settlement (which I have done) in the event that the Town needs to step up monitoring or detects PFAS in the future. The law firm handling the settlement provided an agreement that required signature prior to the present meeting and Chairman Pereen executed the document as recommended by Town Counsel.

*Recommendation:* **Board vote to ratify the Town's enrollment in the PFAS national settlement.**

### (3) Proposed Indemnification Document for Future YMCA Programs (\*)

The YMCA would like to explore with the Town the possible signature of an agreement that will indemnify the Town should the YMCA offer a program on Town property. As an example, the YMCA was asked by the Essex Riverday organizers to provide some children's activities during the event and the YMCA would like to be able to offer this type of service in the future as well.

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

## **L. Grants**

### (1) Ipswich River Watershed Association NOAA Grant

The Ipswich River Watershed Association (IRWA), through the PIE-Rivers partnership, has received \$1.3M in funding from the National Oceanic and Atmospheric Administration (NOAA). These project funds will further the work of IRWA and area communities to update man-made barriers such as culverts and road crossings to improve stream flow, reduce climate risk, and restore 104 acres of salt marsh. In Essex, IRWA has identified four culverts that need attention, including the crossing of Ebben Creek beneath Route 133 and out into the adjacent salt marsh. While the Ebben Creek crossing needs to be evaluated for possible future coastal flooding, the three other crossings are susceptible to the prospect of more frequent, much more severe precipitation events.

The Superintendent of Public Works met with IRWA's program coordinator for this grant program on June 7, 2023 and we provided her with all of the information we have on the areas of interest. We explained that the Town is now occupied with the Apple Street Project but that the Ebben Creek crossing, which would have to be addressed by MA DOT, will soon also become a priority. The grant program will review each of the four areas and will develop conceptual designs for each area to deal with predicted events.

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

### (2) Closeout of the Urban Agenda Grant for an Offseason Event

As the Board may recall, the Essex in Bloom event was funded by the Urban Agenda Grant and the event occurred between May 19 and May 21, 2023. The Event Working Group met virtually on June 9, 2023 and I was in attendance along with Chairman Preen, Town Planner Dana Menon, and Economic Development Committee Chairman Jodi Harris (among other participants). The group discussed what went well, what could use improvement, and how the event could be adapted to be repeated each spring, without grant support. I am now in the process of compiling the final report on the project and applying for full reimbursement of the project costs.

*Recommendation:* No further action is necessary.

### (3) Gap III Energy Efficiency Grant Quarterly Report

The Gap III Energy Efficiency Grant will provide funding for the replacement of water and sewer equipment and building systems. The Town is under contract with Weston & Sampson for the project to be designed and constructed and the cost will be defrayed by the grant and by utility rebates and incentives. The Town Planner has filed the first quarterly report with the Department of Environmental Protection (DEP) and will continue to manage the project.

*Recommendation:* No further action is necessary.

(4) Essex Placemaking Plan Technical Assistance Grant Closeout

Chairman Preen and I participated in the wrap-up meeting of the Essex Placemaking Plan technical assistance grant (Massachusetts Downtown Initiative grant program), along with the Town Planner and others. Our consultant, Civic Space Collaborative (CSC), went over the draft final report, which will be presented to the Board at its July 10, 2023 meeting. CSC took final input from the meeting participants and has completed the Plan.

*Recommendation:* No further action is necessary.

**M. Emergency Planning**

No items.

**N. Other Items**

(1) Town Administrator Leave

I was out of the office, on leave, for portions of the day on June 12, 13, and 15 and all day on June 14, 22, and 23.

(2) Juneteenth Holiday

The office was closed on June 19, 2023 in observance of the subject holiday.

*This report is available at **[www.essexma.org](http://www.essexma.org)** on the morning after any regularly scheduled Essex Board of Selectmen's Meeting.*