



Town Administrator's Report Board of Selectmen's Meeting of May 1, 2023

Report covers from April 22, 2023 to April 28, 2023

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

A. Town Department Reports/Requests

No items.

B. Computer Systems

No items.

C. Personnel

(1) Town Clerk Hiring Process Update (*)

The Board had made an offer of employment to one of the candidates who had applied for the Town Clerk position during March. However, that candidate has decided to pursue other options. As such, the Board needs to determine the next course of action for a continued effort to fill the position (which will be vacant, via retirement, in July).

Recommendation: **Board discussion as necessary.**

D. Procurement/Ongoing Projects

(1) Water Filtration Plant Renovation Bid Process

Our Engineering consultant has announced the schedule for bidding renovation work associated with the Water Filtration Plant. The work will be funded with a loan from the State Revolving Loan Fund (SRF) and bidding will proceed as follows:

May 17, 2023 – pre-bid conference
May 24, 2023 – filed sub-bids due, sub-bid opening
June 7, 2023 – general bids due, general bid opening
June 16, 2023 – deadline to submit “authorization to award pkg.” to SRF
June 30, 2023 – anticipated DEP authorization to commence work

This schedule likely requires the Selectmen to hold a special meeting, probably during the day, to vote to award the contract to the successful bidder.

Recommendation: I will update the Board as necessary.

(2) Transfer Station Solid Waste Compactor Replacement Contract Award (*)

Bids for the replacement of the Essex Transfer Station Solid Waste Compactor were due on April 20, 2023. We received a total of two bids, with the lowest bid being from Northeast Compactor & Baler (NECB) of Abington, MA (parent company Reaction Distributing of Ontario, Canada). The base bid (for the solid waste compactor) was \$119,716. The add-alternate bids for up to two, smaller compactors for recycling were \$29,378 each (making the total \$149,094 if one add-alternate is elected or \$178,472 if both add-alternates are selected).

The Town apparently budgeted sufficient funds for the compactor replacement/additions (the transfer station special appropriation for \$280,000 presently has a balance of \$239,000 since new site fencing and a new garage door have already been charged to the account). At the last meeting the Board was waiting for the Superintendent of Public Works and the Board of Public Works to verify that the proposed equipment in the NECB/Reaction Distributing bid meets all of the Town's specifications. The second bid was from Maguire Equipment, Inc. and pricing was as follows: base bid - \$165,067, each add-alternate - \$26,465.

***Recommendation:* Board vote to award the compactor replacement contract to NECB/Reaction Distributing in the amount of \$178,472 (contingent upon the Superintendent's and Board of Public Works' concurrence, which is expected to be available by meeting time).**

(3) Offer to Sell Town-owned Properties on Gregory Island

At the last meeting, the Board agreed that twelve, Town-owned properties on Gregory Island should be offered for sale. In accordance with the sale procedure that the Board approved, a notice has been prepared that will be directly mailed to all property owners on Gregory Island. A notice will also run in the *Central Register* and will be posted in Town Hall – all on May 3, 2023. Sealed offers are due on June 5, 2023 by 10:00 a.m. in Town Hall and the Selectmen will meet later that night to consider the offers.

Recommendation: I will update the Board as necessary.

E. Insurance

(1) Annual Boiler Inspections

The pressure vessels in the Town Hall, Public Safety Facility, and Water Filtration Plant underwent their annual inspections by an inspector for our insurer on April 26, 2023. All boilers passed inspection with no need for any remedial work.

Recommendation: No further action is necessary.

F. Facilities

No items.

G. Fiscal/Budget

(1) School Budget Collaboration Group & Class Size Data Request Summary (*)

Chairman Pereen, Finance Committee Buttrick, and I participated in a School Budget Collaboration Group meeting on April 27, 2023. The meeting featured a discussion with respect to the progression of events that led the District to authorize borrowing for the replacement of two turf fields on March 7, 2023. I explained that the Town never supported the idea of using Town money to pay for the fields at all. Rather, the Town was in favor of the District's proposal to use its own reserves to fund the projects (especially in light of the fact that Essex was originally told at the start of the budget season that the District would not be using its reserves to lower the required operating apportionments to the Town *because* it had to use the reserves to fund the turf field work). Both that option (the District's own original proposal) and an option for the Towns to pay for the fields with the District using the reserves to lower the FY24 proposed apportionments had been revised/rejected by the School Committee.

I explained that the Town had objected to the District's plan to ask the towns to share in the turf field funding in any way at the District's budget hearing on January 24, 2023. Even at that hearing, the parties were discussing a possible Proposition 2 ½ capital exclusion – not the prospect of the District borrowing money for the work, both of which options no Essex official or staff member suggested as an idea (the idea came from others, at a later date). At its meeting of February 27, 2023, the Board and the Finance Committee made clear that the idea of borrowing for the fields was not favored by Essex at all and that the Town Meeting would consider funding the Town's portion of the projects using cash. At the time, the Town did not realize that the District did not necessarily have independent authority to authorize and implement borrowing (this was the impression the Town got on a call to explore possible bonding the previous week but the Regional Agreement actually has a provision that may mean otherwise). This lack of understanding was due to the fact that the matter had just begun to be discussed in detail late in the prior week among all parties and that certain provision in the Regional Agreement had not come up. On February 28, 2023, I sent the following e-mail to School District and Manchester personnel and officials:

Last night, the Selectmen considered the figures on turf field borrowing presented by Avi recently after last week's call with First Southwest. This was the first opportunity that the Selectmen had to discuss the matter since the information was provided. The Finance Committee was also present and in session. Both the Board and the Committee prefer to pay for the Town's portion of the field replacements in a one-time, cash payment via

an Intermunicipal Agreement with Manchester that will allow Manchester to pay its portion of the District's borrowing off over time via the regional agreement and will allow Essex to avoid interest costs and borrowing fees. The Board and the Committee wish to make this payment after the field replacements are completed and the Selectmen have pledged to put the necessary appropriation article on the Fall Town Meeting warrant this coming November. This preference will require the District to borrow the funding, use its cash for the project, arrive a final accounting for the project, and receive the Essex one-time payment after the project is completed.

It was made clear at the February 27, 2023 meeting, attended by the Chairman of the School Committee, that the Town was not interested in borrowing and that no article with respect to turf fields would appear on the Annual Town Meeting Warrant for May 1, 2023 (which was also quite evident from my e-mail above). In fact, even at the District's January 24, 2023 hearing, discussion was held about not conflating the operating budget override vote and a vote about turf fields at the same Town Meeting. Given that the discussion at the Collaboration Group on April 27, 2023 indicated that there was confusion with respect to the Town's position over time (including my first e-mail shown above), during that meeting, I issued the following e-mail to provide clarification:

Yes, I am aware of this message. However, this came just after the call with Bond Counsel at which he said that the District could independently borrow. If that was the case (or so we thought at the time), then Essex was talking about its preference if borrowing was going to be used. The prior exchange from the Selectmen about this issue, at the public hearing the District had at EES, was that the Town would have preferred a give/take - we will not receive the benefit of an apportionment decrease using reserves but we would under the give/take scenario get the fields paid for. Selectman Bradford explained that no apportionment help AND the Town having to come up with money for the fields, via borrowing or otherwise, was a take/take **[after I sent this e-mail I reviewed the recording and realize he said "give/give" – with the same intent]** and clearly not preferred. That part never changed. You were getting input from Essex about not wanting to incur interest and fees since it was our understanding that you could independently borrow (no choice on the Town's part). If the Town has some say in whether borrowing is done, the Town is sticking with its original position. I hope that helps clarify things.

We also discussed that, despite confusion with respect to the Town's position on borrowing, all parties clearly understood prior to the District authorizing borrowing on March 7, 2023 that Essex would not be taking up the topic of turf fields in any fashion until the fall of 2023. As such, the District's choice to authorize borrowing was made knowing that Essex Town Meeting would not be taking a vote within 60 days of the borrowing authorization vote (a provision

contained in the Regional Agreement which, as noted above, the Town was not aware of as part of its original discussion). The Selectmen have asked Special Counsel to opine on whether Essex's pre-March 7 choice not to consider the matter for ratification within 60 days of the authorization vote constitutes "constructive approval" (meaning the borrowing can proceed so long as Manchester approved it within the 60 days), as the District presently asserts, versus an Essex vote representing an impediment to the District actually implementing the borrowing the School Committee voted to authorize.

Recommendation: **Board discussion as necessary.**

H. Complaints

No items.

I. Meetings Attended

(1) Council on Aging Town Meeting Warrant Discussion

The Essex Council on Aging asked that the Town Accountant and I offer a discussion at the Senior Center concerning the Annual Town Meeting warrant. We offered that discussion on April 27, 2023 and answered a wide variety of questions. School District officials and personnel were also on hand for the presentation and assisted with the discussion of the proposed Proposition 2 ½ operating budget override article.

Recommendation: No further action is necessary.

J. Town Meeting, By-Laws, and Regulations

(1) Review of Final Annual Town Meeting Motions

(*)

Town Counsel has reviewed the proposed motions for the Annual Town Meeting and has approved final versions.

Recommendation: **Board discussion as necessary.**

K. Legal Issues

No items.

L. Grants

(1) Placemaking Grant Status Update

(*)

Chairman Pereen and I participated in a meeting with our consultant, Civic Space Collaborative (CSC), business leaders, and other Town personnel and officials on April 26, 2023. CSC has been working to firm up recommendations that will be included in the Town's Placemaking Plan as part of a Mass Downtown Initiative

(MDI) technical assistance grant from the Department of Housing and Community Development (DHCD). The meeting featured a presentation concerning how a recent open house and on-line survey may be used to shape final plan recommendations and features. The design theme is most likely going to be nautical in nature. The plan is expected to be completed between June 7 and June 14, 2023 and will be presented to the Board by CSC at the Board's meeting of June 26, 2023. The next step includes a more focused design meeting of the Working Group on May 3, 2023.

Recommendation: **Board discussion as necessary.**

(2) Apple Street Project Monthly Report

I worked with our engineering consultant to develop and submit the subject report during the week of April 24, 2023. The report highlighted the ongoing permitting effort and an upcoming effort to acquire property rights private property abutting the proposed project area.

Recommendation: No further action is necessary.

M. Emergency Planning

No items.

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.