



Town Administrator's Report Board of Selectmen's Meeting of May 18, 2020

Report covers from May 2, 2020 to May 15, 2020

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

A. Town Department Reports/Requests

(1) Review of Marijuana Retail and Cultivation Host Community Agreements (*)

The Essex Host Community Agreement Advisory Committee (HCAAC) met on April 30, 2020 to revise a proposed retail marijuana Host Community Agreement (HCA) between the Town and BB Botanics for a proposed dispensary at 242 John Wise Avenue. The revision of this document came in response to comments on an initial draft that had been provided by Town boards, committees, and officials. The revised draft has since been reviewed by Town Counsel and the Board should determine how it desires to finalize the document for negotiation between the Board and BB Botanics.

The HCAAC met again, on May 7, 2020 and May 14, 2020 to propose content for a second HCA, for a cultivation operation at the same address (also by BB Botanics). That draft is now available to the Board for review and may benefit from internal comments and a revision prior to review by Town Counsel.

***Recommendation:* Board finalization of a negotiation draft of the retail dispensary HCA, the setting of a negotiation process and schedule, and an internal call for review of the cultivation HCA.**

B. Computer Systems

No items.

C. Personnel

No items.

D. Procurement/Ongoing Projects

(1) Status of Essex Economic Development Plan (*)

As the Board is aware, the Town has been working with the Metropolitan Area Planning Council (MAPC) for some time on a grant to help the Town write its first Economic Development Plan (EDP). That effort went very smoothly through the fall of 2019 and into early 2020. However, the ongoing COVID-19 crisis has severely impacted small businesses in Essex and throughout the country. As such, as an added service, MAPC developed a survey for Essex businesses to better understand the impact and took responses through May 15, 2020. We do

have a preliminary report from MAPC on the survey and more responses are sure to come in.

With respect to the EDP itself, the document will likely emerge with a supplement that recommends strategies to recover from the crisis before the longer-term strategies that had already been devised can be effectively implemented.

Recommendation: **Board discussion relative to the finalization of the EDP.**

(2) Public Safety Building Construction Project Update (*)

Chairman Pereen and I participated in construction meetings on May 7 and May 14, 2020. The first delivery of structural steel to the site is expected on May 18, 2020, with additional deliveries expected roughly every two days, and our project contractor has been able to put additional workers on our site, since another one of their projects was shut down. Supporting structural ground work is continuing and our contractor has made good progress with respect to on-grade and structural concrete slab work. The elevated, structural slab has been poured and is presently curing. The above-ground retention system has been constructed and work will soon wrap up on the underground system. Work on bringing parking lots up to grade is ongoing. The elevator shaft can now be seen on the site. We will continue to work with National Grid concerning the setting of a new utility pole - down which the main power supply and all other utilities will extend (to underground conduits which will feed the building).

Recommendation: **Board discussion as necessary.**

(3) Change Order: Replacement of Public Safety Building Oil/Water Separator (*)

The new public safety facility was designed with an oil/water separator on both levels of the building (one for the Fire Department and one for the Police Department). These devices are designed to catch vehicle wash water and to retain oil and grease so that these contaminants do not get out into the surrounding environment. Due to extensive bedrock on the lower level, it is much more cost effective to simply install an ejector pump on the lower level, which sends wash water to the oil/water separator on the upper level. The cost for this change order item is still under review by our Project Manager. Given that the Police Department will be washing vehicles relatively infrequently, in comparison with the Fire Department, the pump solution should serve the facility very well. The final cost of this item (being calculated at the time of report printing) should be included as part of Change Order 4. We are expecting a cost of \$17,000-\$20,000.

Recommendation: **Board approval of the oil/water separator change order item as part of Change Order 4.**

(4) Change Order: Public Safety Building Painting of Ceilings Credit (*)

Some small areas of ceiling in the new public safety building will feature a plastic material that does not need to be painted. As such, our Project Manager has

worked to arrange a painting credit for those areas. The amount of the credit will be \$381.

Recommendation: Board approval of the painting change order credit item as part of Change Order 4.

(5) Third-Party Ambulance Billing Agreement Renewal (*)

Our third-party ambulance billing contract is considered on an annual basis. Our present vendor, Comstar, has provided excellent service and has developed a successor agreement for fiscal year 2021. The Fire Chief concurs with this course of action.

Recommendation: Signature of the successor agreement with Comstar for fiscal year 2021 (effective July 1, 2020).

E. Insurance

(1) Monthly Pothole Log

I received the pothole log for the month of April from the DPW during the week of May 4, 2020. The log is intended to document any reports of potholes and the Town's rapid action to correct them. No potholes were reported during April.

Recommendation: No further action is necessary.

F. Facilities

(1) Town Hall HVAC System Repair

The Board approved the funding of work to repair or replace (if necessary) one of three HVAC condenser units serving Town Hall in the past. Our HVAC contractor visited the site with a representative of the manufacturer on May 5, 2020 and the team determined that the unit does not actually require total replacement at this point. The affected unit is one of three condensers and serves as the master controller. The other two units are referred to as "slave" units. The repair team took the circuit board out of the master unit and put it in a slave unit. The slave unit board, which is identical to the master unit board, served to return the master unit to full function while also allowing the slave to operate. If it becomes apparent in the future that this trial repair does not work out, we are told that we are entitled to a new circuit board under warranty (we pay labor). For now, we will settle up with the contractor and monitor the situation.

Recommendation: No further action is necessary.

(2) Town Hall Roof Repair

The Board approved the funding work to repair wind damage to the Town Hall roof in the past. While that work is not covered under warranty, the Town Hall renovation contractor has been continuing to address two minor building leaks

since the renovation, which still both qualify as warranty work. We have asked the contractor to discount the cost of the lift necessary to repair the roof, since a lift would have been required for the warranty-related leaks anyway. We will know more about cost in the near future and I will work with the Selectmen's Assistant to apply for the proper line item and Reserve Fund Transfers to fund the work. We awaiting our contractor's word on when the work will begin.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) Reprogramming of MBTA Cherry Sheet Aid to CATA

The new CATA Administrator has been working with the Town to reprogram over \$22,000 of state aid that goes to the MBTA on behalf of Essex each year to CATA. Essex does not have any MBTA service, despite that funding. In fiscal year 2021, we expect that this will translate to perhaps as much as ten hours per week of specialized transportation from CATA, such as senior rides to medical appointments. This extra service will complement what the Council on Aging is already offering.

Recommendation: No further action is necessary.

H. Complaints

No items.

I. Meetings Attended

No items.

J. Town Meeting, By-Laws, and Regulations

(1) Possible Further Postponement of Annual Town Meeting and/or Election (*)

While the Governor has issued guidance on how to start reopening the Commonwealth as we emerge from the ongoing COVID-19 crisis, large gatherings are still not part of that plan. As such, the Town has to consider whether to further postpone the Annual Town Meeting (currently scheduled for June 15, 2020), a decision that is up to the Town Moderator under special legislation created for this issue. While Town Meetings are not banned as part of the large gathering restriction, it still may not be in the best interest of attendees to proceed on June 15. If the meeting gets postponed beyond June 30, 2020, the Town will begin to expend funds in fiscal year 2021 based on the Town's fiscal year 2020 operating budget, at a rate of 1/12 of that budget, per month.

In addition, the Town Clerk needs to determine whether the Annual Town Election is safe to hold on its scheduled date of June 22, 2020. Presently, she is

considering moving the election to the Essex Elementary School and keeping it on its same date. If the location is moving, the Board will need to issue a new Election warrant, that can be posted to note the venue change.

Recommendation: **Board discussion relative to these two important decisions.**

(2) Finalization of Annual Town Meeting Motions (*)

I have further revised the proposed Annual Town Meeting motions in accordance with the Board's guidance at the last meeting.

Recommendation: **Finalization of the various motions by the Board.**

K. Legal Issues

(1) Possible Revision to School Lease Automatic Extension Language (*)

Given that Essex has now invested in two, major school building projects located in the Town of Manchester, it is appropriate at this juncture for the two towns and the District to discuss equity. When the first, twenty-year leases of the various school buildings in the District were signed, neither community had invested any capital funding into the other's buildings. Essex has now substantially invested in the middle/high school and the Memorial elementary school and Manchester will likely invest in a future renovation or replacement of the Essex elementary school.

The school leases are set to automatically renew, for additional, twenty-year terms, as of July 1, 2020 and it is possible for the parties to agree to limit the length of the renewed leases until the issue of equity can be discussed. I have forwarded to both the Town of Manchester and the Regional School District proposed revisions to the leases from both communities to the District that will allow the parties to renew the leases for just one year at this time, while the issue of building equity is worked out. The documents were drafted by Essex Special Counsel and are intended to flag this matter now, before leases get extended. While it remains to be seen whether the Regional Agreement will also need to be amended to get at the issue of building equity, the lease milestone presents a suitable platform for beginning this discussion. It is my present understanding that both Manchester and the Regional School District are actively reviewing Special Counsel's proposal.

Recommendation: **Board discussion as necessary.**

(2) Successor License for the Use of Paglia Park (*)

The Town has utilized by license with its owner the space on the immediate downtown side of the Essex River Bridge as a pocket park (known as Paglia Park) for many years now. The present license expires at the end of May, 2020, and I have arranged for a two-year, successor agreement with the property owner. This version of the agreement carries a clause that requires the Town to quit the license anytime during its term that the property owner provides temporary control of the

space to the Massachusetts Department of Transportation (DOT) as part of the Essex River Bridge replacement project. DOT hopes to utilize the property for the temporary roadway that leads to the temporary bridge that will be located landward of the present bridge. The current prediction for the timing of this need is May of 2021.

Recommendation: **Board countersignature of the successor Paglia Park license.**

L. Grants

(1) New Municipal Vulnerability Preparedness (MVP) Grant Application (*)

As the Board is aware, the Town is presently partnering with researchers at Boston University to study how sediment travels southward along Crane Beach and then into and throughout Essex Bay. BU has also requested that the Town partner with the University on a new MVP Action Grant application to study how infilling of old mosquito ditches might affect marsh hydrology. It is possible that sediment in navigable channels may someday be used to fill old ditches, but study on how the ecosystem will respond is first necessary.

Recommendation: **Board authorization of this new grant application.**

M. Emergency Planning

(1) COVID-19 Local Response Update (*)

As ongoing COVID-19 crisis continues to unfold, the Town is monitoring and managing many aspects of the matter through the Board of Health, public safety departments, the Department of Public Works, and this office. The Essex Police Department has returned to eight-hour shifts, after moving to twelve-hour shifts for a few weeks. The Harbormaster is monitoring boat activity at both the Town Landing and at Conomo Point and the Town Landing has been closed to non-residents.

This office is working with the Metropolitan Area Planning Council to query local businesses about their needs as we look toward an eventual reopening of commerce. The situation at Conomo Point continues to be under control, with all Essex residents having access to walk about the streets and with Conomo Point residents occupying their owned and leased properties. The Board of Health has instituted a requirement for wearing masks when in public.

During the week of May 11, 2020, all communities in the Commonwealth received from the Department of Revenue information on how to apply for COVID relief funds that were directly sent to Massachusetts by the Federal Government. Essex's share of the money, pending proof that we had such a level of expense, is \$334,067. Some of this may be paid to us in the present fiscal year and some (or perhaps even more aid) may be paid to us in the new fiscal year.

Recommendation: **Board discussion as necessary.**

N. Other Items

(1) Town Administrator Leave

I was out of the office on leave for a portion of the day on May 14, 2020.

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