



## Town Administrator's Report Board of Selectmen's Meeting of May 22, 2023

Report covers from April 29, 2023 to May 19, 2023

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

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### A. Town Department Reports/Requests

#### (1) Bathing Beach Permit Renewals

Every two years, the Board of Health requires any owner of public or semi-public bathing beaches to apply for a renewal of bathing beach permits. The permitting program allows the Board and its staff to keep updated on areas that are being utilized, including a summertime water quality sampling program performed by the Board of Health Administrator. The Selectmen are responsible for three public bathing beaches (the beach on Chebacco Lake at the Centennial Grove, and Clammers' and Front beaches at Conomo Point. With all three permits set to expire this year, I requested applications for renewals and submitted them to the Board of Health office.

*Recommendation:* No further action is necessary.

### B. Computer Systems

No items.

### C. Personnel

#### (1) Town Clerk Hiring Update

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At the last meeting, the Board asked that the Town Clerk expected vacancy be readvertised with a new application deadline of May 16, 2023 (after a candidate who had been offered the job declined to accept). The current Town Clerk repeated the advertising regimen used during the month of March and I reposted the job locally. One new candidate with desirable qualifications applied and the Board interviewed the candidate on May 18, 2023. Subsequent to the interview, the Board asked that a specific offer letter be sent to the candidate and that has occurred. The candidate, Marie Felzani, has accepted the Board's offer and will soon work out a schedule for part-time cross-training with retiring Town Clerk, Pamela Thorne, through July 14, 2023. Marie will assume the Town Clerk position full-time as of July 15, 2023. It may be necessary to request a Reserve Fund Transfer to pay both Marie and Pamela during cross-training.

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

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

### **(1) 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 Reaction Distributing, Inc. 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 second bid was from Maguire Equipment, Inc. and pricing was as follows: base bid - \$165,067, each add-alternate - \$26,465.

The Town apparently budgeted sufficient funds for the improvements to the transfer station (the transfer station special appropriation for \$280,000 presently has a balance of approximately \$239,000 since new site fencing and a new garage door have already been charged to the account). If all aspects of the bid are accepted, the Town will still have approximately \$60,000 to install recycling compactor pads, run underground electrical conduit and wiring, and any other miscellaneous site work. Over the last two meetings, the Board has been 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. I learned during the week of May 15, 2023 that the Board of Public Works does, indeed agree that the lowest bid meets the Town's specifications. To be certain of the specifications to be delivered, the vendor has agreed to attach clarifying materials to the contract as certain aspects of the vendor's bid appeared to be in conflict with others.

***Recommendation:* Board vote to award the compactor replacement contract to Reaction Distributing, Inc., in the amount of \$178,472.**

### **(2) Request for Proposals for Summer Camp and Youth/Adult Enrichment Services (\*)**

As the Board may recall, the previous Town Meeting authorization for a ten-year contract for summer camp services expires after the coming summer. The Annual Town Meeting just held authorized the Board to enter into a new contract, starting next summer, for up to five years. In order to meet State procurement requirements, the opportunity for the contract (which will also include youth and adult enrichment services) will need to be advertised and interested applicants (which will include the YMCA) will need to respond to a formal Request for Proposals (RFP). Given that the last RFP used for this purpose did not include youth and adult enrichments services, it will be useful for the Board to determine how that expanded scope should be described in the new RFP.

***Recommendation:* Board discussion with respect to the scope of services to be sought with the Request for Proposals.**

(3) Third-Party Ambulance Billing Agreement Renewal

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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 2024. The Fire Chief concurs with this course of action.

***Recommendation: Signature of the successor agreement with Comstar for fiscal year 2024 (effective July 1, 2023).***

(4) Apple Street Roadbed Elevation and Culvert Replacement Project Update (\*)

As the Board is aware, certain abutters retained legal counsel to appeal a recent Essex Conservation Commission Order of Conditions to the Massachusetts Department of Environmental Protection (DEP). The abutters are asserting that the DEP should issue a Superseding Order of Conditions that prohibits the project from moving forward. Selectman Phippen, Town Counsel, our engineering team, representatives of the appellants, representatives of the DEP, and I participated in a DEP site visit to the project area on May 17, 2023. The group walked the entire project area and the DEP representative took the opportunity to ask questions. Our engineering team had already developed a detailed memo providing answers to questions raised by the appellants, along with information that the appellants had asserted the Town had not generated (which was not the case). Generally, after suggesting that one particular portion of land adjacent to the project area might have been classified as an upland area when it could actually be a wetland area, the DEP representative took the matter under advisement. The Town will provide to the DEP and to the appellants' legal representative various other documents that may be helpful (including the replanting plan that has been developed by the Town Planner).

Also, on May 9, 2023, representatives of the Massachusetts Environmental Policy Act (MEPA) Office and other State agencies reviewed the project via remote meeting with our engineering team and myself since the project is subject to the Environmental Notification Form (ENF) process under MEPA. An attorney representing some of the abutters to the project on whose land the Town requires easements for the project to be viable was also on the call. Parties involved in the review of the project asked a variety of questions and our engineering team agreed to provide several documents and plans to supplement the review file after reviewers indicated those would be useful in the review process. The public comment period for the MEPA process was extended through May 23, 2023 and the MEPA Office will likely issue a MEPA certificate by early June.

Further, while the proposal to obtain easements on private land adjacent to the project area did not pass at the recent Annual Town Meeting, it may have been difficult for Town Meeting participants to visualize the exact nature of the easement areas that the project requires. The Town did have on file and online detailed easement proposal maps for each of six abutting properties but voters at Town Meeting may or may not have had a chance to review that information. It

is possible that the matter could be brought back to the Fall Town Meeting in November with a large video screen in the gym to allow for better illustration of the various project aspects and the easement requirements in comparison to the overall area of each property. This second attempt may also be important should the wetlands appeal process require changes to the plans that could affect easement areas sought.

Finally, while the Board is tentatively scheduled to go before the Planning Board on June 21, 2023 for a hearing associated with the Scenic Way Statute and, concurrently, before the Tree Warden with respect to the Shade Tree Statute, it may be more productive at this point to postpone that hearing date. As noted above, should the wetlands appeal process require the Town to modify the existing design plans, having the Planning Board/Tree Warden hearing prior to knowing if that will be the case may not allow the reviewing authorities to have the final picture of what is being proposed. Also, unlike some other permits that the Town must obtain that are dependent on each other, consent from the Planning Board/Tree Warden is not a prerequisite to any other permits.

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

(5) North Shore IT Collaborative Memorandum of Understanding Renewal (\*)

Essex has been participating in the North Shore IT Collaborative with respect to regional computing services since 2018 and had a similar arrangement with the City of Melrose going back to 2011. The Collaborative includes Danvers, Essex, Middleton, Topsfield, Hamilton, Wenham, and Manchester and one key component of this partnership is the centrally-managed Regional Security Fabric that the Danvers IT department runs for the group members. The fabric runs on the FortiNet platform and has state-of-the-art defenses against spyware, phishing, and ransomware.

Essex also uses the Danvers datacenter via the Collaborative to directly compute from Danvers, including a secondary live instance of our infrastructure and a redundant path over the Internet should our primary circuit over municipally-owned fiber optic cable ever fail. Generally, all participants are getting from the Collaborative services that small communities could not typically manage on their own and which are superior to efforts that the individual communities could make on their own – all at a lower cost. In fact, Collaborative members all comply with our insurer's requirements for cyber security coverage at a time when most small towns are struggling to meet those standards.

*Recommendation:* **Board vote to renew the MOU with the North Shore IT Collaborative for up to three years.**

(6) Essex River Bridge Replacement Project Wrap-up

According to an update from the project manager with the contractor that has replaced the Essex River Bridge, the temporary bridge will be completely removed from the site (likely prior to the Board's meeting), all paving will be complete, and the contractor will be completely demobilized from the site as of the second week of June.

*Recommendation:* No further action is necessary.

(7) Water Filtration Plant Renovation Project Pre-bid Site Visit

I participated in the subject site visit along with the Superintendent of Public Works and our engineering consultant on May 17, 2023. The Town is currently out to bid for Water Filtration Plant renovations expected to cost approximately \$2.6M, with funding coming from the State Revolving Loan Fund (SRF). Prospective bidders had a chance to view the various plant features involved in the proposed renovation and to ask a variety of questions. Bids from filed sub-bidders are due on May 24, 2023 and general bids are due on June 7, 2023.

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

(8) MA DOT 133 Sidewalk Project and Goodwin Court Crosswalk (\*)

Chairman Pereen and I participated in a virtual meeting offered by the MA DOT to discuss how the upcoming Route 133 sidewalk project between Water Street and the Gloucester line will impact the existing crosswalk at Goodwin Court. Several area residents were also on hand for the meeting. DOT personnel explained that the sidewalk project will likely need to eliminate the existing crosswalk at Goodwin Court since the existing crosswalk does not meet applicable safety standards and since there does not appear to be another acceptable location nearby. The sidewalk project must meet all applicable standards and the new sidewalk cannot connect to an existing crosswalk that does not conform. Further, if no alternative crosswalk location can be found and the Town desires to keep the Goodwin Court crosswalk in place, it is possible that the entire project (Water Street to the Gloucester line) would not be implemented at all.

After discussion of the issue at the meeting, DOT personnel committed to taking a second look at a possible location to the east of the existing crosswalk location. In addition, the residents were interested in whether the Town will still move forward with supporting DOT's project if the Goodwin Court crosswalk must be eliminated without a nearby new alternative.

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

## **E. Insurance**

### (1) Quarterly Facility Self-Inspection Checklists

I completed the subject, quarterly checklists for the Town Hall and the Senior Center during the week of May 1, 2023. The checklists are aimed at detecting and correcting any safety hazards in Town buildings and rapidly correcting. Other departments handle similar inspections in other Town buildings. The Safety Committee will review any findings in June.

*Recommendation:* No further action is necessary.

## **F. Facilities**

### (1) Conomo Point Seasonal Preparation

Our marine contractor has installed the ramp, float, and water access stairs at Conomo Point Park and the Selectmen's Assistant has asked our portable toilet contractor to deploy a portable toilet to the overflow parking lot on Conomo Lane.

*Recommendation:* No further action is necessary.

### (2) Centennial Grove Seasonal Preparation

Our irrigation system contractor started the sprinkler system at the Field of Dreams during the week of May 15, 2023. Last year, due to the extreme drought, the irrigation well feeding the system went dry. This year, the system started up easily, since we have had more rain. The Selectmen's Assistant has made arrangements for portable toilets at the Field of Dreams and at the Centennial Grove itself and I worked with our plumbing contractor to have the seasonal water turned on to the Grove Cottage.

*Recommendation:* No further action is necessary.

### (3) Town Hall Elevator and Stage Conference Room Lift Annual Inspections

The State Elevator Inspector visited Town Hall on May 10, 2023 to inspect and test both the Town Hall elevator and the ADA accessible lift that is capable of assisting someone into the stage conference room on the second floor of Town Hall. I had arranged in advance to have our fire alarm contractor and our backup generator contractor on site for the testing, along with our elevator contractor. Both the elevator and the lift passed the test, with the caveat that the elevator is still pending the FS90 firefighter control system upgrade (our contractor is waiting for parts). Our elevator contractor also replaced backup batteries in the lift unit as they were found to be at the end of their service life during the inspection.

*Recommendation:* No further action is necessary.

## **G. Fiscal/Budget**

No items.

## **H. Complaints**

No items.

## **I. Meetings Attended**

### (1) Meeting with Private Marinas Concerning Essex River Dredging

Selectman Phippen and I participated in a meeting sponsored by Senator Tarr on May 2, 2023 to review the prospect of the three private marinas in the Essex Harbor being able to have their own areas dredged when the Army Corps of Engineers undertakes Federal channel dredging this coming winter. The Corps has an Essex River permitting dredging operations window of roughly October 1, 2023 through January 31, 2024 and expects to award a contract to a private dredging contractor toward the middle or end of August, 2023. While it is common that private marinas are able to take advantage of the savings in eliminated dredging contract mobilization costs (paid by the Army Corps), there is no guarantee that the private marinas in Essex will be able to obtain their own, required permits in time to utilize the Federal contractor. Further, even if the private marinas had all contracts in place today, there is no guarantee that the Federal contractor would be able to finish both the Federal project and the private work all within the allowable time window.

Presently, the marinas are working with a consulting firm to determine which permits need to be obtained and the timetable necessary to sample sediments and possibly biological organisms, all with an eye toward the usual schedule for regulators to turn permit applications around. The Senator and Congressman Moulton's office (a representative of the Congressman was present) will work at the State and Federal levels to explore any avenues that might help streamline this important process.

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

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

### (1) Possible Special Town Mtg: Manchester Essex Regional School District Budget (\*)

While the Annual Town Meeting of May 1, 2023 did approve via the combination of two warrant articles (3 and 4) the Town's full apportionment requested by the Manchester Essex Regional School District for fiscal year 2024, the Annual Town Election that followed on May 8, 2023 failed to support the override supplement approved by Town Meeting in Article 3. As such, the Manchester Essex Regional School Committee has announced a series of three School Committee meetings at which to formally reconsider the original budget request. The Board, members of

the Finance Committee, and I attended the meeting of May 16, 2023 to hear preliminary discussion concerning the topic. The Committee will hold a formal public hearing with respect to the reconsidered budget on May 23, 2023 and will make a final decision at its meeting of June 6, 2023.

According to the Massachusetts Department of Elementary and Secondary Education (DESE) and the District and according to the District, if the District's reconsidered budget results in an apportionment at or below the amount that the Town Meeting actually did approve without a ballot contingency (Article 4), neither community will need to hold another town meeting and the budget will become final after 45 days. In fact, a second town meeting in either town is not required (but could still be convened) to approve the reconsidered budget if each or either town finds that budget to be acceptable. Of course, even if in agreement, if the reconsidered budget is higher than what has already been appropriated by each or either town, the town or towns in question would still need to convene town meetings to balance the overall municipal budget. No action after 45 days by either town means that the town or towns in question have approved the reconsidered/revised school budget by default.

In Essex, depending on the amount required by the reconsidered budget, the Board may still be interested in making a Town Meeting vote contingent on an override, which will require a Special Election. The Finance Committee is meeting on the afternoon of May 22, 2023 and a representative of the Committee will likely attend the Board's meeting to provide the Committee's perspective.

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

## **K. Legal Issues**

No items.

## **L. Grants**

### (1) Off-Season Event Planning Session and Event Implementation

I participated in the subject planning session on May 5, 2023 along with the Town Planner, business leaders, and personnel from our consultant (Civic Space Collaborative). The meeting featured a discussion with respect to putting final logistical plans in place for the event and the event marketing push. Spring into Essex: Essex in Bloom was held during the weekend of May 19-21, 2023 and full details on goings on were available at <https://www.springintoessex.org/>.

*Recommendation:* No further action is necessary.



(2) Submission of Grant Application for Centennial Grove Improvements (\*)

As the Board is aware, I have been working on a Rural and Small Town Development Fund grant application with personnel from the YMCA and the Town Planner. The grant will fund up to a maximum of \$500,000 in renovations and improvements to a recreational area, like the Centennial Grove. The Town is also working with a group of volunteer professional tradespeople to replace the Folsom Pavilion, which will carry a value of \$500,000 as well. When other cash and in-kind contributions to the facilities at the Grove are also considered, the total project cost will be approximately \$1,155,000. The deadline for submission of the grant application is June 2, 2023 and the grant requires that the Board take an official vote authorizing the submission, which could read as follows:

...that the Board vote to authorize the Chairman and the Town Administrator to electronically submit a Rural and Small Town Development Fund grant application through the Commonwealth One Stop for Growth Portal for renovations and improvements at the Centennial Grove, with the grant request of \$500,000 representing a portion of the overall project, which has a value of approximately \$1,155,000, all in recognition of the furtherance of significant community development and economic development goals outlined in the Town's Strategic Plan and by the Economic Development Committee.

*Recommendation:* **Board vote to submit the application.**

(3) MA DOT Site Visit at Route 133 Castle Neck River Crossing

In addition to a regional grant application that has been submitted concerning the possible daylighting and widening of the Castle Neck River where it passes beneath Old Essex Road (forming the border between Essex and Ipswich), MA DOT obliged a virtual meeting of Essex and Ipswich personnel to look at a nearby crossing, where the River passes beneath Route 133. The concern is that sea level rise will eventually cause much more frequent overtopping of the roadway in that area and it would be ideal to begin working with DOT now, in conjunction with the Old Essex Road project.

We were told that resiliency planning for State transportation routes is in its initial stages and that DOT does not currently have any plans to renovate or modify the river crossing under Route 133 or to elevate the roadbed in that area. Grants written relating to the Old Essex Road river crossing are expected, however, to fund tide level data logging adjacent to the Route 133 bridge since both crossings will need to eventually be widened in order to properly restore all of the affected marsh areas. The parties agreed to stay in touch and to share data and any new developments in hope of a future collaboration on the second crossing as well.

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

**M. Emergency Planning**

No items.

**N. Other Items**

No items.

*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.*