



Town Administrator's Report Board of Selectmen's Meeting of October 2, 2023

Report covers from September 23, 2023 to September 29, 2023

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

A. Town Department Reports/Requests

No items.

B. Computer Systems

(1) Troubleshooting Public Safety Building Alerting System

The system that detects aggressive behavior within the Public Safety Facility entry vestibules (in addition to the audio and video feed that can be activated by pushing a button) was not operating properly and required troubleshooting involving IT experts from the North Shore 911 Center, the Town of Danvers, the Town's IT consultant, and vendor experts. I was involved in the call about this issue on September 28, 2023. The aggression detection system is designed to alert a dispatcher automatically if an individual makes it into one of the station's two vestibules under duress and does not have a chance to push the button summoning help. After some discussion concerning the operation and routing of the system, the issue was related to both routing and device firmware.

Recommendation: No further action is necessary.

(2) Addition of Microsoft Office 365 On-line Applications

As the Board is aware, the fiscal year 2024 IT budget was increased over the fiscal year 2023 budget to accommodate the addition of other Office 365 applications for all users. The Town's initial experience with Office 365 came when we migrated to just the on-line version of Microsoft Outlook back in 2021. I met virtually with our vendor on September 28, 2023 to process the migration to the new licenses and, as of October 1, 2023, all users will have access to the entire on-line Office 365 suite in addition to our existing, on-premises license (which is for Office 2016).

Eventually, Microsoft will discontinue the ability to purchase on-premises only versions of Office applications and the Town will either need to adapt to the use of the on-line versions or pay substantially more per user per month to have the ability to download on-premises versions that can only be used with an active subscription. Like our personnel's recent adaptation to Outlook 365 as the only e-mail option, it is entirely possible that personnel will adapt to only using the other Office 365 applications via Microsoft's on-line platform. I will also explore purchasing an on-premises upgrade to Microsoft Office while this option is still being offered, which would allow the Town to avoid the subscription cost for several more years. At present, the recent upgrade adds the ability of all

personnel to initiate remote meetings using the Microsoft Teams application and provides for on-line file storage.

Recommendation: No further action is necessary.

C. Personnel

(1) Safety Committee Meeting Summary

I attended the subject meeting as a member of the Committee on September 28, 2023, along with Chairman Preen. The meeting featured a discussion regarding refinement of the Committee's goals for fiscal year 2024 and a description of the relatively new body-worn camera program that has been instituted by the Police Department and improved using grants from our insurer.

Recommendation: No further action is necessary.

(2) Shared Conservation Commission Agent Prospect Update (*)

The City of Gloucester has a full-time Conservation Agent who may have had some capacity to take on more work. As such, on September 13, 2023, I had discussed with the Gloucester Community Development Director the possibility of Essex using the services of the Gloucester Conservation Agent. The Essex Agent position is presently vacant and it has been difficult to retain qualified personnel for only a few hours a week. I had also spoken with the Town Administrator in Georgetown about a possible employee share prospect but the all-in cost (including Essex's share of benefits) was considerably more than our current budget. Unfortunately, the City of Gloucester, upon analysis, the City of Gloucester has determined that it does not have sufficient time to offer to Essex. I have reached back out to the Town of Georgetown to understand whether an arrangement with that Town is still possible.

Recommendation: **Board discussion as necessary.**

D. Procurement/Ongoing Projects

(1) Downtown Decorative Lighting Subsurface Preparation Work Update

At the last meeting, the Board voted to award a contract for the subsurface preparation for decorative lighting in the downtown area to Pine Ridge Technologies. The contractor is in the process of signing the necessary contract documents and the Board countersign thereafter. Pine Ridge Technologies plans to commence after the light pole bases (which will have a specific bolt pattern) have been fabricated. To that end, I arranged for the necessary anchor bolts to be purchased and drop-shipped to our contractor's base fabricator in Connecticut. All work must be completed no later than December 15, 2023 unless the

contractor offers the Town a time-only, no-cost change order allowing work to pick up in the spring.

Recommendation: I will update the Board as necessary.

(2) Update on Fixed-Rate Natural Gas Supply Contract

(*)

As the Board may recall, I reported the following back in July:

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.

Even though the Board did seek to use the services of Tradition, we later learned that Tradition would not assist the Town since the Town's total annual consumption of natural gas was below Tradition's minimum usage threshold. That puts us back in a position of waiting for the natural gas commodity rate to decrease sufficiently such that the increase in price from our current rate will be as minor as possible. Since June, when we were quoted by Direct Energy (now NRG) at about 90 cents per therm, we know that the price has steadily increased (NRG's current price is about 97 cents per therm).

Our current contract is fixed at about 61 cents per therm but that contract rate expires in early November. However, I have been tracking electricity pricing (which closely tracks natural gas pricing) since June and the expected, short-lived downturn between the summer and the upcoming heating season is beginning to manifest. Generally, we have the month of October to watch the trend and make our best, fixed-rate deal, even if for perhaps a shorter contract term (our current contract was a four-year contract). Another option is to simply move to the National Grid default supply rate, which is currently about 69 cents per therm, until the market settles down again. While this is much better than the current

NRG-quoted rate (97 cents), National Grid has not yet announced its winter rate, which could be as much as or more than the NRG rate.

***Recommendation:* Board vote to authorize the Chairman to sign a contract with NRG between now and the expiration of the Town's current, fixed-rate natural gas supply contract, based on market conditions, if advantageous to do so versus the National Grid default supply rate.**

(3) Release of Request for Proposals for Summer Camp and Enrichment Services

I have prepared the Request for Proposals (RFP) for summer camp and youth and adult enrichment program services for release on October 2, 2023. Advertising included the local paper, CommBuys, the Massachusetts Goods and Services Bulletin, and local posting. Proposals are due on October 19, 2023 and the Board will review and rank proposals at its meeting on October 23, 2023. I expect that the Town's current vendor, the North Shore YMCA, will be submitting a proposal, perhaps along with other prospective vendors.

Recommendation: I will update the Board as necessary.

E. Insurance

No items.

F. Facilities

(1) Memorial Park Restrooms

The Memorial Park restrooms will drop back to a Thursday-Sunday schedule for the month of October and will close for the season as of November 1, 2023. I have reminded the Police Department and our town custodian about this change.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) Annual Risk Assessment and Monitoring Plan Update Meeting

I hosted the subject meeting for department heads on September 28, 2023. Chairman Pereen was also in attendance. Each year, personnel get together to review the Town's Risk Assessment and Monitoring Plan which is aimed at identifying financial fraud or theft by promoting a culture of honesty and integrity. The Annual review allows personnel to suggest edits to the plan based upon changes in business practices that might need to be safeguarded. This year, the meeting featured a discussion about whether the Town should continue to accept cash as payment for services and licenses in various departments. I am presently getting a better understanding of cash acceptance practices (which are maintained as a convenience to residents) and will bring the matter to the Board for review and discussion at a future meeting.

Recommendation: No further action is necessary.

H. Complaints

No items.

I. Meetings Attended

(1) Essex Road Infrastructure Climate Change Webinar and Field Trip

TownGreen, an organization based in Gloucester with a goal of educating residents in the region about climate change, hosted a webinar on September 26, 2023 with respect to sea level rise and climate change impacts on Essex road infrastructure. Chairman Pereen and I were in attendance and I was able to describe the Town's goals with respect to the elevation of a short section of Apple Street at its Southern Avenue end. The Chief of Police also spoke on the importance of keeping Apple Street open during storm events as loss of both the causeway (which floods first) and Apple Street require a lengthy detour for emergency services to the approximately 43% of the Town's population that lives on the Gloucester side of the Essex River.

Generally, the experts involved in the webinar (Professor Charles Waldheim of the Harvard University Graduate School of Design, Office for Urbanization; and Dr. Jayne Knott, President of HydroPredictions – Ph.D. in Civil and Environmental Engineering – UNH, and Master's in Civil and Environmental Engineering – MIT) agreed that the Apple Street roadbed elevation and culvert replacement project would be a prudent step for Essex. Given that projects which solve built-environment problems (like road flooding) while also enhancing the natural environment (like improving and expanding wetlands and restoring natural drainage) are the preferred path forward, the Apple Street project is aligned well for success. Participants asked questions about other potential alternatives including a mechanical storm barrier that could be placed in Essex Bay but the experts generally favored the one-time elevation of a short section of Apple Street. Those interested in the webinar can view its recording at the [TownGreen website](#) once it has been posted.

I hosted a field trip to the Apple Street project site on September 29, 2023 and I walked participants through the project. One exercise I conducted was to demonstrate that the footprint of Apple Street (pavement, shoulders, and side slopes) is ALREADY much wider than the 18 feet of pavement that is in place (40+ feet in most places). Comments have been made that the proposed project will widen that overall footprint substantially. The pavement is proposed for widening by one foot on either side of the road (from 18 feet total to 20 feet total) and the entire profile width will be very similar to what it already is when the existing side slopes with broad areas of placed rocks are considered.

Recommendation: I will update the Board as necessary.

(2) Joint Selectmen/Planning Board Meeting Concerning Zoning Bylaw Changes

I attended the subject meeting on September 27, 2023. Planning Board Chairman O'Donnell reviewed draft proposals for several zoning bylaw-related Fall Town Meeting articles along with personnel from the Metropolitan Area Planning Council (MAPC). Selectmen and Planning Board members had the chance to ask specific questions and to provide additional input. The Planning Board will be meeting on October 4, 2023 to refine the proposals so that a draft final package can be sent to Town Counsel for review. The Planning Board will have a final discussion about the proposals at its meeting of October 18, 2023 and the final versions will be added to the Fall Town Meeting prior to its signature by the Selectmen on October 23, 2023.

Recommendation: I will update the Board as necessary.

J. Town Meeting, By-Laws, and Regulations

(1) Discussion Concerning Potential Wetlands Protection Bylaw (*)

At the last meeting, I updated the Board on the position of Town Counsel concerning whether the Conservation Commission is allowed to promulgate wetlands regulations without an enabling vote of the Town Meeting via a wetlands protection bylaw. At that juncture, I reported that the Conservation Commission must either simply enforce the Wetlands Protection Act or must seek the passage of a wetlands protection bylaw if the Commission desires to introduce more stringent rules regulating wetlands in the Town. While the Commission could be authorized in a new bylaw to promulgate rules and regulations concerning wetlands protection, the Commission cannot promulgate rules and regulations without the bylaw (the Act does not convey such authority).

The Board asked that I set up with a meeting among Town Counsel, myself, and the co-chairs of the Conservation Commission to review Counsel's position and to give the co-chairs a chance to disagree and to provide justification supporting the Commission's assertion. Concurrently, the Commission and the Department of Public Works (DPW) have been discussing the possibility of the DPW relinquishing control over the Municipal Separate Storm Sewer System (MS4) program required by the United State Environmental Protection Agency (EPA) in all Massachusetts municipalities. Soon, the MS4 program in Essex will be required to take steps to modify and strengthen the Town's existing storm water bylaw and it may make sense to pass control of that bylaw to the Commission at that time (perhaps in the spring of 2024), according to Commission co-chair Cliff Ageloff.

We are presently working to arrange a meeting among Town Counsel, the co-chairs of the Commission, and myself with respect to the wetlands regulation question that had been raised by the Commission and with respect to possibly

folding the MS4 requirements into some type of new Commission bylaw. Also, the Commission was of the mind to hire its own attorney to work on refining the wetlands protection bylaw that was initially developed in the spring. However, we have confirmed that the Commission does not have the authority to independently hire legal counsel. As such, if desired, the Selectmen may continue to work with the Commission by granting some level of access to Town Counsel concerning the Commission's remaining legal questions.

Recommendation: **Board discussion as necessary.**

K. Legal Issues

(1) Senior Center Property Line Review Update (*)

At the last meeting, the Board agreed that a survey plan produced by an abutter to the Essex Senior Center needed some further explanation before the Town could engage in discussions with the abutter. The abutter's attorney provided the Town with the survey plan and suggested that it requires the Town to take certain actions or make certain agreements. However, if the actual measured distance between the Town's left-hand property corner marker and the Town's right-hand corner location claimed by the abutter's surveyor on the plan is less than the 60 feet noted on the plan, then the Town needs to continue to question the accuracy of the plan and the corner spike set by the surveyor.

I provided the abutter's attorney with a photo of what the Town believed to be the left-hand corner marker to verify that the surveyor agrees that this is the actual monument that he listed as "found" on his plan. We have heard back from the surveyor that the marker the Town has located is not actually the Senior Center property front-left corner pin and I have asked if the actual pin could be highlighted with paint so that the Town can view it as well.

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

L. Grants

(1) Community Compact Cabinet Best Practices Grant (*)

At the last meeting, I explained that the application I had made to the Commonwealth Community Compact Cabinet Best Practices Program for a senior citizen demographic study had been funded in the amount of \$35,000. The Commonwealth has provided the Town with the necessary contract documents for the grant award and the Council on Aging is working on final contracting documents with UMass Boston concerning UMass conducting the study.

Recommendation: **Board signature of the necessary Community Compact Cabinet Grant from the State and vote to sign contract documents with UMass Boston outside of a meeting once the Commonwealth provides the Town with a Notice to Proceed.**

(2) Affordable Housing Trust Technical Assistance Grant Application (*)

A member of the Essex Affordable Housing Trust provided me with information on a technical assistance grant being offered by the Massachusetts Housing Partnership (MHP) to advance the goals of local affordable housing trusts in Massachusetts (with an application deadline of October 2, 2023). Given that the Essex Affordable Housing Trust has come to the realization that a Housing Production Plan (or at least a precursor study concerning Town demographics) is a necessary next step to advance the Trust's goals, I submitted an application to the grant program after conferring with Chairman Preen, who is also the Chairman of the Essex Affordable Housing Trust.

Recommendation: **Board ratification of the application for this grant.**

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.