



Town Administrator's Report Board of Selectmen's Meeting of January 8, 2018

Report covers from December 16, 2017 to January 5, 2018

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

A. Town Department Reports/Requests

(1) Renewal of Order of Conditions for Alewife Brook Periodic Cleanout

The Board had filed a Notice of Intent several years ago in order to allow volunteers and the Department of Public Works to conduct annual cleanouts of the Alewife Brook channel to allow for better drainage and for the annual fish run. The Order of Conditions for this work was subsequently renewed for a three-year period. At the Board's meeting of December 11, 2017, the Board authorized me to work with the Commission to complete whatever process is necessary to re-permit this important work. I provided a letter to the Commission requesting an extension of the Order and the Commission met on December 19, 2017, approving a three-year extension.

Recommendation: No further action is necessary.

(2) Additional Comments on the Essex Open Space Plan

As the Board may recall, Steve Winslow of the City of Gloucester served as a consultant to update the Town's Open Space and Recreation Plan for the State-required renewal process (re-approval is required by the State every seven years). Mr. Winslow addressed final comments some months back and we had been waiting for the final approval of the revised plan by the State. However, recently, we learned that the State reviewer added some other items that must be addressed after our final plan was submitted. Mr. Winslow is not available to help with those items but he has discussed the requirements at length with our Town Planner who will be proceeding with each item, in a step-wise fashion, in the coming weeks. Thereafter, the State will provide full approval of the revised plan.

Recommendation: I will update the Board as necessary.

(3) Shellfish Constable Vehicle Loss (*)

The Shellfish Constable pickup truck was damaged by flooding in the recent storm and likely will not return to service. One possibility would be to re-purpose the police cruiser that is slated for replacement in the spring by offsetting the trade-in value offered by the vendor (\$6,500). I have also reached out to neighboring communities and some State resources to determine if a low-cost, surplus vehicle may be available as a replacement. The re-purposed cruiser would be a good solution since it is all-wheel-drive (as opposed to the unreliable traction of the former rear-wheel-drive pickup truck) and since it already has a trailer hitch and is capable of towing the Constable's skiff. Whether the cruiser or some other

surplus vehicle is the solution, a relatively small Reserve Fund transfer will be necessary. I have filed a claim with our insurer to determine the value of any available coverage on the loss. If the cruiser is selected, it will not be available until the spring, when the replacement cruiser is delivered for service.

***Recommendation:* Board discussion relative to possibly requesting a Reserve Fund transfer to offset the trade-in on the police vehicle (less any insurance proceeds).**

B. Computer Systems

(1) Repair of PC in Police Clerk's Office

The Police Clerk experienced problems with her computer system on January 2, 2018. After investigation, I determined that the memory chips had become loose due to expansion and contraction associated with recent weather extremes. After re-seating the chips, the system was restored to full operation.

Recommendation: No further action is necessary. Total time – ½ hour.

(3) Re-setting of Virtual Server

On January 2, 2018, I was informed that the virtual server used by our public safety departments was not reachable. After review the matter, I was able to adjust some settings and restore the server to full operation.

Recommendation: No further action is necessary. Total time – ½ hour.

C. Personnel

(1) Safety Committee Meeting

The Safety Committee met on December 21, 2017 and I attended as a member of the Committee. The meeting featured a visit from our insurer's Loss Control Representative, Mr. Gregory Nickerson. He was able to help us plan for some new training and to prepare for regulatory changes that will affect all communities in the near future.

Recommendation: No further action is necessary.

(2) Annual Motor Vehicle Records Checks

As recommended by our insurer on an annual basis, I asked the Chief of Police to verify that all personnel who commonly drive Town vehicles have driver's licenses in good standing and that no unusual pattern of violations has emerged over the past year. No issues were identified.

Recommendation: No further action is necessary.

D. Procurement/Ongoing Projects

(1) Quarterly Affirmative Marketing Program Report

I filed with the State the subject report in my role as Affirmative Marketing Construction Officer (AMCO) during the week of January 1, 2018. The report is intended to detail the Town's use of women and minority-owned businesses on construction projects involving State funding. No such utilization occurred over the past quarter.

Recommendation: No further action is necessary.

(2) Sale of Surplus Fire Squad

The Fire Department had solicited written offers for the sale of a surplus fire vehicle in accordance with the Town's disposition policy for items less than \$10,000 in value. Offers were due to my office by 11:00 a.m. on December 20, 2017 and the minimum acceptable offer was set at \$1,000. We received a total of five offers, with the winning offer being \$3,822, and the vehicle has been sold.

Recommendation: No further action is necessary.

(3) Revised Centennial Grove Master Plan Request for Proposals (*)

As the Board may recall, we had solicited proposals for the production of a Master Plan for the Centennial Grove and, although many firms picked up the RFP, no firms actually proposed. In speaking with one of the firms that had showed initial interest, we learned that the RFP that was released last year may have had too narrow of a focus to interest most planning firms. The firm suggested that I look at a RFP that was released by the Town of Weymouth some time ago, since it was similar but broader. I have taken that format and have produced a new front-end that could be used within a second attempt at a RFP for the Grove Master Plan.

Recommendation: **Board review of this draft document and perhaps further consultations with planning firms to continue to shape the scope prior to a second attempt.**

(4) Alternative Mechanism for Conversion and Maintenance of Street Lights (*)

In the past, the Board discussed how the Town's street lights might be converted to LED lamps using a long-term subscription service through a third-party vendor (essentially, a lease-purchase). This would save the Town more money than if the utility converted and continued to own the lights but less money than the Town managing the entire conversion and owning the lights (especially if grants for the conversion are available).

One vendor we have been working with, PowerSecure, has recently updated its proposal and can offer to assist the Town with the process of purchasing the lights from National Grid, which can be complicated and involved. The Town could

pay for the lights up front (that money has already been appropriated) or the vendor could pay the purchase fee and include the extra cost in the monthly subscription, over ten years. The Town would still be purchasing the old lights directly from National Grid and PowerSecure would then install and own new, replacement LED lights that the Town could buy for a nominal fee at the end of the contract term. Or, it is possible that the Town would want to upgrade to even newer technology in ten years or renew the maintenance agreement with the vendor.

While an arrangement like that offered by PowerSecure does not save as much money as the Town managing the entire conversion, especially if a grant could be obtained for the conversion, the proposal does add value with respect to: a) dealing with the utility throughout the purchase process, and b) knowing how the conversion and maintenance process will proceed, and at what cost, immediately after the utility releases the lights. This type of arrangement will save more money than if the utility converts the lights and continues to own and the Town will be able to install 3,000K color temperature lights, if desired, versus the utility only offering 4,000K lights.

Finally, after comparing the final sample proposal to various procurement statutes with Town Counsel, it does not appear that exemptions in Chapter 30B for energy efficiency-related work or sole-source language in Chapter 25A are applicable to this type of project. Recent interpretation by the State makes Chapter 25A, which governs contracts for certain energy conservation projects, applicable only to contractors hired by utilities. Chapter 25A would also allow a contract with a utility-hired contractor of up to 20 years in length by statute, whereas a Town Meeting vote for a contract over three years in length is otherwise necessary.

So, it appears that the Town would need to develop a full procurement process, with a Town Meeting vote for a long-term contract if the Board is interested in pursuing the subscription service model. If this is the case, our Town Planner is exploring whether any portion of costs under the subscription model could be offset by the State LED grant program or the Green Communities Program. If the Board is not interested in this avenue, the purchase with grant-based, lump-sum conversion and maintenance option and the utility-facilitated conversion to 4,000K lights also exist.

***Recommendation:* Board discussion regarding the desired course of action relative to future conversion of street lights to LED.**

E. Insurance

(1) Quarterly Building Self-Inspection Forms

I filled out the subject forms during the week of January 1, 2018 with respect to the Senior Center and the Town Hall/Library as part of the MIA Rewards

Program. The forms are aimed at recognizing safety hazards and correcting problems to prevent possible injury. I noted how the Town Hall/Library now has a dedicated custodian, which should contribute to keeping things in good working order and organized. Other departments completed forms for other buildings. Inspections are discussed at quarterly Safety Committee meetings.

Recommendation: No further action is necessary.

(2) Monthly Pothole Log

I received the pothole log for the month of December from the DPW during the week of January 1, 2018. No potholes were reported during December.

Recommendation: No further action is necessary.

F. Facilities

(1) Public Forum to Review Visual Renderings for Public Safety Building

At the last meeting, the Board briefly discussed the fact that our architect has completed the visual rendering editing work that the Town Building Committee had requested after its last meeting. The architect has shared all of this work with the Committee members (Committee met on January 18, 2018) and with the Selectmen and we have chosen January 24, 2018 as the date for the public forum at which input regarding the work may be offered. The forum will also explore with the public the possibility of acquiring new property for the construction of a new public safety building.

Recommendation: I will update the Board as necessary.

(2) Tree Work Along Public Right of Way off Robbins Island Road

At the last meeting, the Board again discussed whether trees need to be trimmed or removed along the subject right of way to allow equipment to construct private septic system upgrades in that area. I subsequently learned from the property owner that trimming is all that will be required. The Superintendent of Public Works and I visited the site with National Grid's tree contractor at the Superintendent's arrangement and the contractor agreed to conduct the necessary trimming, since the limbs in question were a threat to the power line.

Recommendation: No further action is necessary.

G. Fiscal/Budget

(1) Joint Town/School District Capital Planning Meeting

As the Board may recall, officials and personnel from Essex, Manchester, and the Regional School District had gotten together to discuss each entity's five-year operational budget forecasting model back on November 29, 2017. A similar

meeting relative to long-term capital planning was held on December 19, 2017. The three entities each made presentations covering current debt loads, expected capital needs, and creative ways to cover or structure capital costs in the future. The meeting was “qualitative” with respect to future capital costs and a follow-up “quantitative” capital discussion is planned for March 21, 2018. At that time, figures for the Memorial School project will be much better defined and the three entities will be able to view expected costs on a timeline versus schedules and costs for various municipal capital projects.

Recommendation: I will update the Board as necessary.

(2) Approval of Final FY19 Capital and Operating Budget Request Packages (*)

The Board made final comments and suggestions on the capital and operating budget request packages for fiscal year 2019 at the last meeting. The submissions are due to the Finance Committee on January 10, 2018.

Recommendation: **Final Board review and approval of the submissions.**

H. Complaints

No items.

I. Meetings Attended

No items.

J. Final Judgment

No items.

K. Town Meeting, By-Laws, and Regulations

(1) Further Review of Draft Annual Town Meeting Article Topic List (*)

I have revised subject list in accordance with the Board’s comments from the last meeting.

Recommendation: **Further Board discussion relative to the draft list of potential Annual Town Meeting article topics.**

L. Legal Issues

(1) Conversion of Town Property to Conservation Status & Effect on Rights (*)

At the last meeting, the Board agreed that I should consult with Town Counsel regarding a question raised by an attorney for an Essex property owner relative to asserted pre-existing property rights at the time of conversion of a parcel to

conservation status. The Town has, in the past, taken certain properties for non-payment of taxes and has subsequently transferred care and custody of some such properties to the Conservation Commission for conservation purposes. The question raised has to do with whether any pre-existing property rights that were existing on the property at the time of taking and at the time of subsequent transfer to conservation survive those processes. The Board will meet in executive session concerning this topic on the morning of January 8, 2018 and additional information may be available by the present meeting.

Recommendation: **Board discussion of this matter, as appropriate.**

(2) Continued Assertion of Pole Attachment Rights to National Grid (*)

National Grid has responded to the Board's letter of December 8, 2017 which asserted that the Town has existing rights to attach fiber optic cable to National Grid's utility poles. The utility is maintaining that the Town's existing rights are not sufficient and that the Town needs to enter into a new agreement and to pay significant "make-ready" fees. I have reviewed that correspondence with Town Counsel and he and I have developed a letter of reply to National Grid that continues to assert the Town's existing rights. The Board can decide when to engage our project contractor to initiate this work, starting with an assessment of the matter at the next meeting, on January 22, 2018.

Recommendation: **Board signature of the letter of reply.**

(3) Quarterly Review of Executive Session Minutes

The Chairman conducted the subject review during the week of January 1, 2018 and did not identify any executive session minutes that are suitable for release.

Recommendation: No further action is necessary.

M. Grants

(1) Downtown Boardwalk Feasibility Grant, Quarterly Report

I filed the subject report with the State during the week of January 1, 2018. This project is still on hold since legislatively-authorized construction borrowing has not been released by the Governor.

Recommendation: No further action is necessary.

(2) FY18 Coastal Resiliency Grant Program Monthly Report

I received and reviewed the subject report for the month of December from the National Wildlife Federation and submitted the report to the State during the week of December 18, 2017. The grant is moving along well and will culminate with public workshops and new educational signage in the spring. Personnel from the National Wildlife Federation and the Massachusetts Office of Coastal Zone

Management met with me on January 2, 2018 to review progress and plan for the remainder of the grant tasks.

Recommendation: I will update the Board as necessary.

(3) Hazard Mitigation Plan Update Grant Quarterly Report

After working with MAPC staff, I submitted the subject report for the quarter ending December 31, 2017 during the week of December 18, 2017. This project is also moving along well and our technical expert from the Metropolitan Area Planning Council (MAPC) continues to assemble background information for eventual feedback from Town officials and the public.

Recommendation: I will update the Board as necessary.

(4) Update Concerning MIA Loss Control Grant

In a previous report, I had announced that our insurer had awarded \$6,500 in grant funds to help the Wastewater Department with a manhole inspection program. We have now learned that \$1,000 will be added to the grant total, with the possibility of more funding in the future, up to the grant maximum of \$10,000. Whatever portion of the project is not funded by the grant will be covered by the Wastewater Department's storm water program budget.

Recommendation: No further action is necessary.

N. Emergency Planning

(1) Emergency Notification System

As reported previously, as of December 1, 2017, the Town transitioned over from the Code Red Emergency Notification System to the Swift Reach Emergency Notification System. The Code Red system is no longer accessible to the Town and the Swift Reach system is provided to the Town through the Regional Dispatch Center, saving the Town on the annual fee. As such, anyone who has not already accessed the sign-up page for the new system at the Town's website (click on the Essex Regional Alerts icon to get to the following page: <https://www.ecrecc.org/alerts>) will no longer receive phone or e-mail emergency or general information messages from the Town. Sign up for the new system is available continuously for anyone wishing to enroll.

Recommendation: No further action is necessary.

O. Other Items

(1) Christmas Holiday

The office was closed on December 25, 2017, in observance of the subject holiday.

(2) New Year's Holiday

The office was closed on January 1, 2018, in observance of the subject holiday.

(3) Town Administrator Vacation Leave

I was out of the office all day on December 28 and 29, 2017, on vacation leave.

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