



## Town Administrator's Report Board of Selectmen's Meeting of February 12, 2018

Report covers from January 20, 2018 to February 9, 2018

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

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### A. Town Department Reports/Requests

#### (1) Town Building Committee Public Forum, Public Safety Facility (\*)

The subject public forum was held on January 24, 2018 and featured the presentation of three possible options for the renovation/replacement of the existing public safety facility. Options included: demolishing the existing, combined facility after securing temporary quarters and constructing a new, larger, combined facility on that same site (requiring road and utility reconfiguration); renovating the existing facility for police use only and constructing a firehouse in a section of Memorial Park (between the existing facility and the Town Hall); and acquiring new property in the downtown area and constructing a firehouse or a new, combined facility on that new site (renovating the existing facility for police use only in the firehouse-only scenario).

At the forum, it was apparent that most people understood the need to take some type of action and discussion ensued regarding the pros and cons of each potential scenario. The Town Building Committee is set to meet on February 15, 2018 to discuss the input received at the forum and to deliberate relative to the Committee's consensus for the best course of action.

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

#### (2) Strategic Planning Committee Quarterly Meeting

I attended the subject meeting with the Town Planner and Selectman Spinney on January 31, 2018. The meeting featured a discussion relative to recommending a final slate of candidates for appointment by the Selectmen to a new Economic Development Committee (EDC). By the end of the discussion, the SPC recommended a total of eight names. The EDC already has a mission statement that the Board has reviewed in the past. The SPC also reviewed progress relative to the Town's Strategic Plan. Subsequent to the meeting, I uploaded full copies of the 2004 Community Development Plan maps that were created with funding from the Governor's Executive Order 418. The maps are included as part of the Town's Economic Development Plan but are not provided in their entirety in that document. Maps may be viewed here:

[http://essexma.org/Pages/EsssexMA\\_BComm/eo418maps/](http://essexma.org/Pages/EsssexMA_BComm/eo418maps/)

*Recommendation:* Consideration of appointments to the new Economic Development Committee, in accordance with the posted agenda.

(3) Essex Police Department Certification Ceremony

I attended the subject ceremony offered by the Massachusetts Police Accreditation Commission on February 7, 2018 in Dover, along with members of the Essex Police Department. The Department achieved “certification” about two years ago and has been working on the more difficult “accreditation” since that time. The Department has been re-certified and hopes to move on to accreditation by the summer.

*Recommendation:* No further action is necessary.

(4) Constable Recommendation to Prohibit Commercial Oyster Harvesting(\*)

At the January 22, 2018 meeting, the Board reviewed a preliminary recommendation from the Shellfish Constable to conserve the oyster population by limiting oyster harvesting to recreational digging – what our regulations term “family use” (no commercial harvesting). At that time, the Board asked to see how a similar program in Ipswich is organized and asked that I review the legality of this possible measure with Town Counsel.

The Shellfish Constable provided me with information concerning the rules in Ipswich, where oysters only appear under the recreational permit category, and where various species of shellfish are defined. In Essex, the regulations only reference clams, eels, and sea worms. In order to separately regulate oysters, I surmised that the regulations would need to be changed to define “clams” as any species of shellfish except oysters (and others that are not regulated locally, by statute). A new section could then be added covering oysters and it could refer to the fact that only those with some type of “family use license” are allowed to harvest oysters (no commercial harvesting).

Town Counsel and the Shellfish Constable are in agreement with the potential approach, subject to final wording. The Board discussed possible changes to the regulations at the meeting of February 6, 2018 and asked me to bring a more detailed proposal to the present meeting.

***Recommendation:* Board review of potential draft changes to the Shellfish Regulations, making oyster harvesting permissible by family use licensees only.**

**B. Computer Systems**

(1) Network Penetration and User Testing

At a previous meeting, the Board agreed that we should pursue a line-item transfer for this annual testing (recommended by our insurer and our auditor). The Town has performed similar testing two times in the past and no problems have been discovered. In the future, once the Town Technology Fund recovers from the fiber optic network project, a line item for annual testing will be funded from that

source. The Finance Committee approved the transfer during the week of January 22, 2018 and I expect the testing to begin soon.

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

### **C. Personnel**

#### (1) Internal Promotions for Treasurer/Collector and Town Accountant

At the last meeting, the Board determined that the internal promotional route to fill the Town Accountant vacancy is preferred over interviewing external candidates. The Board wanted to verify that the Finance Committee (which works very closely with the Accountant) had a similar sentiment. We learned during the week of January 22, 2018 that the Finance Committee did agree with the promotional arrangement (which would also promote the Assistant Treasurer/Collector to Treasurer/Collector) and, as such, I reached out to both of the present employees involved, on behalf of the Board, to ask for their proposals for employment agreements.

The Board then met with both individuals on January 29, 2018. The Board voted in regular session to provisionally assign the Treasurer/Collector as Town Accountant and the Assistant Treasurer/Collector as Treasurer/Collector, effective January 29, 2018, until employment agreements could be settled and sufficient funding could be transferred into applicable accounts. The Board then moved into executive session with each employee separately, to discuss contract terms. Thereafter, the Finance Committee was appraised of the necessary Reserve Fund transfers that would be necessary to fund the new Town Accountant contract (authority to contract authorized by General Laws Chapter 41, Section 108N) and those transfers will be considered and likely approved by the Committee prior to the present Selectmen's meeting. No transfers are required to fund the new Treasurer/Collector contract (authority to contract authorized by new statute Chapter 41, Section 108N ½).

*Recommendation:* Board vote to sign employment agreements with the new Town Accountant (Virginia Antell) and with the new Treasurer/Collector (Jeff Soulard) in accordance with the posted agenda.

#### (2) Hiring of New Town Clerk

At the last meeting, the Board asked me to set up interviews with seven candidates for the Town Clerk position at a special Selectmen's meeting to be held February 6, 2018. Those interviews took place and the Board asked me to check references for the three candidates the Board felt were most qualified for the position.

*Recommendation:* Further Board discussion at the present meeting in accordance with the posted agenda.

(3) Informal Department Heads Meeting

I hosted the subject meeting on February 8, 2018, as I do from time to time. The meeting featured official introductions of Jeff Soulard and Ginny Antell as Treasurer/Collector and Town Accountant, respectively. We also discussed the progress toward the hiring of a new Town Clerk and the prospect of some type of Town Meeting article relative to the upgrade/replacement of the Town's existing public safety building. Further, various department heads provided individual updates concerning the status of projects and initiatives in their departments.

*Recommendation:* No further action is necessary.

**D. Procurement/Ongoing Projects**

(1) Army Corps of Engineers Beneficial Sediment Re-use Meeting (\*)

Personnel from the Army Corps of Engineers met with Town officials, personnel from the Massachusetts Office of Coastal Zone Management, Senator Bruce Tarr, and other interested parties on February 12, 2018. The group discussed the status of the Corps' project to study potential beneficial re-use of sediment that has filled in appreciable portions of the Federal Channel in the Essex River.

*Recommendation:* **Board discussion relative to next steps with respect to the Corps' study.**

(2) Continued Development of Request for Proposals for Grove Master Plan (\*)

At the last meeting, the Board briefly reviewed input from those in the planning field concerning the Town's second attempt to develop a Request for Proposals (RFP) for a firm to write a Master Plan for the Centennial Grove. The Board agreed that the basic scope of services should be added to the Town's usual boiler plate for a RFP so that additional review and discussion could take place at the present meeting. I have also run the revision by our Town Planner, others in the planning field, and the member of the Finance Committee who had reviewed the original RFP.

*Recommendation:* **Further Board review of this draft second version of the RFP.**

(3) Surplus Vehicle Transfer from Environmental Police (\*)

As the Board may recall, the Shellfish Constable's pickup truck was totaled by flooding in the January storm. The Board had agreed that I should continue to work with Senator Tarr's office relative to the potential to receive a State surplus pickup truck free of charge. I learned through the Senator's Office during the week of February 5, 2018 that the Environmental Police could offer a 4x4 pickup truck and I submitted an official request letter on the Board's behalf. Presently, it is my understanding that the State is reviewing the request and that it is likely going to be granted.

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

## **E. Insurance**

### (1) Monthly Pothole Log

I obtained the subject log for the month of January from the Department of Public Works during the week of January 29, 2018. The log is intended to help document and rapidly repair reported potholes and to eliminate damage claims. L One pothole was reported during January and was immediately attended to.

*Recommendation:* No further action is necessary.

## **F. Facilities**

### (1) Building Drain Clog at Town Hall/Library

During the week of February 5, 2018, my attention was called to inoperative toilets in both the Town Hall first floor lobby restroom and the Library restroom. After taking reasonable efforts with a plunger, it was apparent that the two issues were related and we called in a drain company. We learned that the main drain for the building was plugged downstream of the two toilets and that it would have only been a matter of time for second floor toilets to have malfunctioned. This is the second time we have required this service (back in November, just one toilet was inoperative due to a clog further upstream. We will continue to monitor this situation.

*Recommendaiton:* No further action is necessary at this time.

## **G. Fiscal/Budget**

### (1) Public Hearing, Final Regional School District Operating Budget Proposal

Selectman O'Donnell attended the subject public hearing on January 30, 2018, along with other Town officials. As noted in item G2, below, the budget proposal was not as detailed as usual, since personnel and officials were still working to make programmatic choices to meet overall budget spending targets. Subsequently, on February 6, 2018, the School Committee voted to hold the apportionments to each of the towns to the levels shown below and will continue to work internally to meet those levels.

*Recommendation:* No further action is necessary.

### (2) Regional School District Budget Group Meeting/Budget Update (\*)

I attended a Regional School District budget group meeting on January 30, 2018, along with Chairman O'Donnell. The group has been discussing the evolution of the fiscal year 2019 operating budget proposal and the status of recommendations

for the Manchester Memorial Elementary School replacement project. Relative to the operating budget, School District personnel and officials were unable to provide the level of detail that is usually available for the Final Budget public hearing (which was held later that evening). The District has committed to apportionment increases of approximately 2.65% and 3.65% for Essex and Manchester, respectively, but needed more time to work out how those goals would be met internally.

Relative to the school building project, which will be presented to voters in the fall, the School Building Committee has worked with the Project Manager to vet five different options and has unanimously selected the option known as N-3 (“the Hub”). The project will proceed in the “Construction Manager at Risk” fashion, which is an alternative to the “Design, Bid, Build” method. The CM at-risk process is summarized on the Commonwealth’s website as follows:

*Under the CM at-risk method, the owner typically selects the CM at-risk firm at the outset of or early in the design stage. After conducting a selection process that focuses on qualifications and fees, the owner executes an initial CM at-risk contract with the selected CM at-risk firm. As the design progresses, the CM at-risk firm provides construction management services, such as constructability reviews of the design, construction scheduling, and project cost estimates, to the owner.*

*At some point during the design stage, the owner and the CM at-risk firm negotiate a guaranteed maximum price (GMP) for the project. When the contract is amended to include the GMP, the CM at-risk contract becomes a cost-plus contract with a GMP, and the CM at-risk firm assumes responsibility for the performance of the work, including the work performed by project subcontractors. The owner pays the CM at-risk firm the actual cost of the work plus the agreed-upon CM at-risk fee up to the GMP; change orders resulting from scope changes and unanticipated site conditions encountered during construction may increase the final contract cost.*

Preliminarily, the total project cost is conservatively set at \$55M. After State reimbursement funds are factored in for eligible costs, the total required at the local level will be about \$41.65M (with Manchester to pay about \$27.8M and Essex to pay about \$13.9M, under the terms of the Regional Agreement). The Town Building Committee’s materials relative to the different options and costs may be [found here](#).

**Recommendation: Board discussion as necessary.**

## H. Complaints

No items.

## I. Meetings Attended

No items.

## J. Final Judgment

No items.

## K. Town Meeting, By-Laws, and Regulations

### (1) Continued Review of Draft Annual Town Meeting Warrant (\*)

I have revised the Draft Annual Town Meeting Warrant in accordance with the Board's guidance from the last meeting.

*Recommendation:* **Further Board discussion relative to the draft warrant.**

## L. Legal Issues

No items.

## M. Grants

### (1) Potential Coastal Zone Management Grant for Fiscal Year 2019 (\*)

I met with academic personnel, local consultants, and the Shellfish Constable on January 25, 2018 to discuss a possible application for a Coastal Resilience Grant from the Massachusetts Office of Coastal Zone Management in fiscal year 2019. The grant would involve the construction of oyster reefs in Essex Bay as a means to dampen tidal and storm energy that is presently eroding the banks of the salt marsh. In order to determine whether effort should be put into a grant application for such a project, we had the opportunity to later discuss the idea with CZM staff, in conjunction with those running the ongoing Army Corps of Engineers beneficial sediment re-use feasibility study (see item D-1, above). I may have additional information by meeting time.

*Recommendation:* **Board discussion relative to this potential new grant opportunity.**

### (2) Fiscal Year 2018 Coastal Resilience Grant Monthly Report

I received the subject report from our grant contractor, the National Wildlife Federation, during the week of January 22, 2018 and forwarded the report on to the Massachusetts Office of Coastal Zone Management. We have made progress relative to the makeup of three workshops to be offered in April and have received feedback from CZM relative to the planned educational signage and coastal

hazards atlas and project compendium. Overall, the project is going well and CZM officials are pleased with the outcome to date.

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

(3) Municipal Vulnerability Preparedness Municipal Workshop

As the Board is aware, we are working with the Ipswich River Watershed Association (IRWA) to attain the Municipal Vulnerability Preparedness (MVP) designation, using State grant funds. The MVP program is intended to bring together numerous municipal officials and community leaders to review the whole spectrum of hazards that are likely to become more prevalent with climate change and sea level rise. A key element of the program is an all-day workshop that IRWA will host for us, in Town Hall. The workshop will be held on April 5, 2018 from 8:00 a.m. until 2:30 p.m. and we have sent around an invitation already, in order to get on people's calendars.

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

(4) Fiscal Year 2019 Green Communities Grant Application (\*)

Our Town Planner is working to develop a grant application for the next round of funding under the Green Communities Grant Program. The Board is yet undecided regarding the potential option of converting street lights to LED lamps on our own. Even if the Board wanted to proceed, delays associated with purchasing the lights from the utility would not make this project possible for this grant round. A past application component that did not get funded in past rounds was the potential upgrade of the boiler at the Water Filtration Plant. We reviewed this project again, with an energy efficiency expert and he indicated that it would still not likely be funded if we chose to resubmit it, since the payback time for the expense is simply too long to meet State guidelines. As such, at the moment, the best project to apply for will be the second phase of LED lamp conversion at the Essex Elementary School. The grant application is due on March 9, 2018.

*Recommendation:* **Board discussion relative to how to guide the Planner in developing the FY19 application.**

## **N. Emergency Planning**

(1) Cape Ann Emergency Planning Team Monthly Meeting

I attended the subject meeting on January 24, 2018. I updated the group concerning progress on the fiscal year 2018 Coastal Resilience Grant and collected additional input as we approach the spring public forums under that grant. The group also discussed two other ongoing grants and how these may assist as we also continue to work on our Federal Hazard Mitigation Plan update.

*Recommendation:* No further action is necessary.

## **O. Other Items**

### (1) Town Administrator Leave

I was out of the office on leave for portions of the day on January 22 and January 29, 2018.

*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.*