



MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL
Manchester-by-the-Sea, Massachusetts 01944-1399
Telephone (978) 526-2000 FAX (978) 526-2001

MINUTES OF THE BOARD OF SELECTMEN

February 7, 2022

6:30p.m.

Virtual Meeting

Join Zoom Meeting, Meeting: ID 828 5694 4595 Passcode: 199024 Mobile: 1.646.558.8656

MEMBERS PRESENT: Mr. Bodmer-Turner, Chairperson, Ms. Jaques, Ms. Harrison, Mr. Round and Mr. Boling

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, Town Moderator, Mr. Wilson

GUESTS:

PRESS:

Mr. Bodmer-Turner called the BOS meeting to order at 6:31 p.m.

Mr. Bodmer-Turner welcomed participants to the virtual meeting indicating the meeting was being recorded and minutes were being taken by Ms. Hunter.

0) **Public Comment** –

Jay Bothwick, 7 Boardman Ave. – Mr. Bothwick asked if there could be a potential discussion about Jon Whitten coming on board to represent the Town as legal counsel in the 40B hearings. He stated the Board of Selectmen had been well served by Mr. Whitten during their initial discussion with SLV and he strongly encouraged the Board to have Mr. Whitten come in and represent the ZBA in the 40B Hearings.

Sarah Creighton, 37 Proctor St. – Inquired about a letter the Planning Board has sent to the Board of Selectmen noting the letter was not on the Board's agenda. The letter was about requesting Town Counsel's review on zoning changes proposed for the LCD.

1) **Water Resources Protection Task Force – Interviews/Appointments**

Mr. Cochand stated he is an engineer familiar with water resources and has always been curious and interested in how and where water flows from. Ms. Jaques, Mr. Boling, and Mr. Round thanked Mr. Cochand for volunteering and Mr. Round asked about his flexibility around participating in meetings. Mr. Cochand is flexible and available for meetings.

Mr. Carvahlo, a lawyer originally from Boxborough has been interested in water from the time his home community suffered from a water contamination issue in the 1980's.

He is interested in participating in the Task Force to understand and help to preserve the Town's water resources. Mr. Round thanked Mr. Carvahlo indicating his reputation precedes him asking if he was available to participate in meetings. Mr. Carvahlo is available and would make the Task Force a priority.

Mr. Boling asked about the need for development of business and how the Town balances that need with protecting resources. Mr. Carvahlo stated he understands law and there is way for development and resource protection to engage harmoniously. Ms. Jaques had no questions and thanked Mr. Carvahlo for volunteering.

Mr. Bodmer-Turner indicated the Board will make the appointments to the Water Resources Task Force at the Board's next meeting.

The Board briefly discussed the candidate at large positions for the Water Resources Task Force and thanked the three candidates who volunteered.

Ms. Jaques moved to appoint Tom Kehoe, Ron Parker, and Gordon Turner to the at large positions on the Water Resources Task Force; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

2) Cultural Council – Applicant Interview

Karen Dolan – Ms. Dolan stated she is a candidate for the two-year appointment to the Cultural Council ending in June 2024. She indicated she attended two meetings in November and December where the Council assessed applications for funding and distributed grants to applicants. She believes the Council provides for grass root organizations and she is excited to participate.

Ms. Jaques and Mr. Round thanked Ms. Dolan for volunteering. Mr. Round asked if there were specific areas of culture that were of interest to her. Ms. Dolan replied it was interesting to hear what people are doing and the range of subjects matters she noted all arts are important.

Ms. Harrison moved to appoint Ms. Dolan to the Cultural Council (with the Board's thanks) for a term to expire in June 2024; Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

3) Annual Town Meeting

a) Discuss Possible Delay Due to COVID

- Given the status of COVID is an unknown it is likely advisable to err on the side of caution and delay ATM
- The District has requested Manchester have their ATM ahead of Essex to enable the District to share Manchester's vote with Essex
- It has been suggested that ATM be split into a first meeting that covers the basics and a second meeting addressing the more debatable issues
- Mr. Wilson noted that Dr. Hahn of the BOH suggested the split given it may be possible to hold the second meeting outside

- Mr. Wilson did state social distancing in the new Memorial School will likely be easily achieved given the size of the Auditorium, Gym and Cafeteria when combined into on large open space
- Mr. Bodmer-Turner asked the Board about the concept of splitting the meeting

Ms. Harrison expressed some concern about the level of interest in Zoning if that was the primary focus of the second meeting. Mr. Bodmer-Turner indicated there were other lengthy specifically mentioning Dispatch. Mr. Round and Ms. Jaques are in favor of splitting the meeting.

Ms. Creighton stated the Planning Board would be in favor, however there was an article in the *Cricket*, and she believes the Board would prefer to go ahead with a Public Hearing on LCD scheduled for February 28, 2022.

Ms. Harrison moved the Board agree to postpone ATM to not take place prior to April 25, 2022; Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

At the end of discussion, it was agreed that the Board would request Town Counsel review zoning changes in the LCD for the Planning Board. The Planning Board would go forward with the Public Hearing on February 28, 2022. Ms. Mellish, Chair of ZBA asked for Town Counsel's guidance on LCD and the possible impact any changes may have on the SLV 40B project.

b) FY23 Budget Development Updates

Mr. Federspiel stated the Finance Committee (FC) continues their weekly review of the proposed FY24 budget. After listening to Chief Fitzgerald's explanation of the likely impacts on reserve officers given the new state requirement that all officers complete the full-time police academy training, the FC is inclined to approve the Chief's request to expand the force by one officer (eventually replacing the officer who is currently out on disability leave.)

Police Reform may also have a significant impact on harbor operations. The same requirement for full time police academy training may well apply for individuals enforcing boating laws on the water. Up to now, harbormasters and their staff have had this authority. Under proposed rules, harbor staff without police academy training will only be able to remind people of the rules without any enforcement capability. If this new rule is put into place, the Town will have to re-think our harbor staffing approach. The Town will get by this year, however FY23 will require additional review.

Next week the FC will review the Fire Department budget. Chief Cleary is advocating for at least three new full-time firefighters and eliminating the last of the few remaining call firefighters. As has been discussed for a number of years, the demise of the call firefighter force is a national problem though pockets of strong call forces remain in some communities. Going to 16 officers means each shift would have four on duty at a time instead of three. This allows for two simultaneous ambulance calls to be serviced (something that happens 40-70 times a year) and also provides the desired "2 in/2out" staffing immediately for a fire call.

The Town can ease into this higher staffing model if we secure a “SAFER” grant from the federal government. A SAFER grant will cover 100% of the cost of new hires to meet the recommended minimum staffing levels for three years after which time we are responsible for 100% of the cost. The Town could use the three-year period to prepare for the expense of the higher staffing model. If dispatch moves to the Regional Center the Town frees up roughly the same dollars three new firefighters cost. The Chief would prefer to hire four new firefighters in order to keep one as a “floater” who backfills for a staff person out on leave. Otherwise, the department drops back down to three on a shift or spends more on overtime to backfill the vacant slot.

For the rare large fire, we have it is hard to justify having four on duty all the time. The Town has effective mutual aid but as the Chief will argue, minutes count in a structure fire. The Town also relies on private ambulance services as back-up though right now private companies are struggling to keep enough staff. Manchester has an aging population and residents like the premium in-house service our ALS (advanced life support) ambulance service provides.

The other issue still to be resolved is the potential restructuring of the Health Department. The BOH is requesting a full-time health agent. Mr. Federspiel agrees this would be helpful as long as the Agent is qualified on a wide array of inspectional duties that the Town currently contracts out. The Town can use ARPA funds for the next two years to ease into the higher costs. There are also State funds, but it is looking like these are targeted to regional solutions. Details will not be forthcoming from the State until April. Mr. Federspiel believes there are opportunities here for us, but the BOH seems less inclined to pursue the opportunities.

On the capital front, some modifications are being proposed. First, we might delay the purchase of a large new dump truck and plow for DPW and instead use the funds for a movable “pole barn” at the current DPW site to get equipment under cover and to upgrade and relocate the generator for Town Hall/Police Department.

The Board also had a brief discussion on the status of the Rotunda. The status of the Rotunda around possible repairs will be discussed further following the assessment of the pilings this spring.

4) Compost Facility – Review/Approve Contract

Mr. Federspiel stated the contract with Black Earth has been fully vetted by Town Counsel. Following a brief discussion, the Board moved to approve the contract.

Ms. Harrison moved to approve the contract between the Town of Manchester-by-the-Sea and Black Earth for the construction of a facility; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

5) Complete Streets – Policy and Sidewalk Extensions

a) Affirm Position Regarding Upper School Street

Mr. Federspiel stated it would be helpful for the Board to reaffirm your position on the extension of the public sidewalk up School Street to Atwater Avenue in the event new

development takes place north of the Route 128 overpass. Mr. Federspiel reminded the Board that the Town has a Complete Streets Policy that states when road construction or utility construction within a road takes place, efforts are to be taken to also improve pedestrian and bicycle use of the road. Additionally, the Board stated during earlier negotiations with SLV that the Board would be committed to extending the sidewalk up School Street if Mr. Engler's development was to take place.

Mr. Federspiel recommended the Board take a formal vote affirming this commitment and its consistency with our Complete Street Policy would be helpful to the ZBA.

Ms. Jaques moved the Board of Selectmen affirms its previous position to extend the sidewalk North of Route 128 to accommodate any development on upper School Street; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

6) Cell Signaling Technology Presentation of Project Concept

Mr. Goudeau, Mr. Thompson, and Mr. Comb thanked the Board for giving them time this evening to speak about the Cell Signaling Technology (CST) project. The project is in the conceptual and preliminary phases of development with the new facility proposed to be located north of Route 128 in Manchester's LCD zoning district, at the end of Atwater Avenue, the former quarry is a largely disturbed 40-plus acre site. It was noted that CST's agreement with the property owner is contingent on approval of the necessary zoning changes at the Town's Annual Town Meeting. Thereafter, the timing of the project would be subject to governmental permitting processes.

The presenters outlined benefits for the Town – reclamation and restoration of a historically blighted site and potential access to contiguous conservation properties, a substantial source of new property tax revenue, new opportunities for local service businesses and a corporate citizen with a long track record of environmental stewardship and charitable giving. CST's sustainable research and development campus would help to fulfill many goals established in the 2019 Master Plan.

Mr. Boling stated the Board had discussed options for an ATM at the end of April, and a Special Town at the end of June for Zoning By-Law changes relevant to this project. Mr. Boling asked if these dates would present any challenges with respect to CST's purchase and sale agreement. CTS answered that those timeframes would not present challenges.

7) BOS Policies – Continued Review

Mr. Federspiel provided the Board with Town Counsel's response regarding retaining recordings of meetings. Town Counsel does not have a strong opinion one way or the other around maintaining recordings for a number of years. Mr. Federspiel stated he has some hesitancy in keeping recordings and being subject to challenges over the accuracy of minutes. He noted that as the Town moves away from in-house servers (efforts continue to use a regional computing center based out of Danvers. He does not want to lock the Town into mandating storage of the recordings at Town Hall stating recordings can be stored on the cloud through our website host for roughly \$4K a year.

The current By-Law states BOS recordings are kept for one year. The State says to keep the recording until the minutes are approved. The Board was leaning to keeping recordings of all quasi-judicial Boards for three years. The PB was OK with this requirement. Town Counsel's recommendation is to not make this an absolute to give some wiggle room if some glitch occurs.

Ms. Mellish stated it is the ZBA policy to eliminate audio recordings when the minutes are completed and approved. Ms. Harrison stated if the minutes do not reflect what happened in the meeting there could be a problem. The Board heard from the Planning Board but has not yet heard from Conservation Commission, Historic District Commission, and the Board of Health. Mr. Bodmer-Turner suggested allowing two weeks to hear back from the other Boards and Commission.

Mr. Bodmer-Turner moved to change the existing policy on retention of meeting recordings for the Board of Selectmen, Board of Health, Conservation Commission, Zoning Board of Appeals and Historic District Commission each of which is responsible for recording meetings the digital meeting recording will be maintained for minimum of one year, Ms. Jaques seconded the motion.

Ms. Harrison offered a friendly amendment to the motion and moved to accept revised version of policy Retention of Recordings at the first meeting in March 2022.

The motion passed unanimously with the friendly amendment by roll call vote.

8) Consent Agenda

- a) BOS Minutes**
- b) Common Victualer's License Renewals**
- c) Rare Disease Day "Chain of Light" at Town Hall 2/28**
- d) Historic Standpipe Foundation Restoration Project**

Ms. Jaques moved to approve the Consent Agenda with the Historic Standpipe pulled out; Mr. Boling seconded the motion. The motion passed unanimously by roll call vote.

Ms. Harrison moved that Mr. Senecal may proceed with work using private funding to restore the Historic Standpipe after conferring with Ms. Bertoni of the Conservation Commission; Mr. Boling seconded the motion. The motion passed unanimously by roll call vote.

9) Town Administrator's Report: COVID, Transit Oriented Development, Staffing

COVID: Trends are encouraging. Hopefully no new variants appear to cause a setback. The BOH is arranging local vaccine clinics through the regional collaborative. The Town distributed close to 500 rapid testing kits and the District is participating in the State's new program distributing test kits to all students weekly. The BOH will meet on the 10th to discuss the mask mandate. Beverly has decided to rescind their mask mandate and other communities are contemplating the same.

Transit Oriented Development: The new State law strongly encouraging towns with commuter transit stations to provide by right multi-family housing is causing a bit of a stir in town. If people would take the time to fully appreciate what we currently allow and what the new law stipulates, Mr. Federspiel believes the majority of residents will calm down. Currently in the Town's general district density is significantly higher than the minimum the state is requesting. A first requirement of the law is for the Board to host a Public Meeting on what the law provides. The Board can schedule the meeting for your March 7, 2022 meeting.

Staffing: Plan B for office coverage – Sue Croft is willing to expand her hours and Sharon George is agreeable to working permanently part-time. Sue and Sharon will provide full office coverage. Once the office is cleaned up (all the files need to be redone and the closet area emptied) we will swap offices with the Treasurer Collector. In addition, Mr. Federspiel proposes hiring a part time receptionist to handle telephone calls and routine paperwork, with that Sharon and Sue can support the ongoing needs of the Town Administrator's office.

10) Other Matters, As May Have Not Been Reasonably Anticipated by the Chair –

There were no additional matters to discuss this evening.

**11) Executive Session Per MGL Ch. 30A, Sec. 21 (A) 3: Contract Strategy
Discussions – Cancelled**

Ms. Jaques moved to adjourn this evening's meeting; Mr. Boling seconded the motion. The motion passed unanimously by roll call vote.

Meeting Materials:

BOS Policies

Victualer's Licenses

Water Resources Protection Task Force Appointments

Cultural Council – Interview

Black Earth Contract

Cell Signaling Tech. Presentation

Consent Agenda – as listed

Town Administrator's Report

Upcoming Board of Selectmen Meetings:

Tuesday, February 22, 2022

Monday, March 7, 2022