



MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL
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MINUTES OF THE BOARD OF SELECTMEN

February 22, 2022 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 822 0451 4043 Passcode: 229812 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, DPW Director, Mr. Dam

GUESTS: Planning Board Representatives, Mr. Olney, Mr. Gilbert, Mr. Mastrogiacomo, and Ms. Creighton, Bike and Pedestrian Committee Representative, Terry Cowman, Town Moderator, Mr. Wilson

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.

Public Comment –

Ms. Mellish asked about BOS meeting packets and would it be possible to receive the packets in advance of the meetings. Mr. Bodmer-Turner stated there had been changes in Administrative staff support but the meeting packets will be posted in the future.

Mr. Bodmer-Turner noted he was going through back meeting minutes, and he found an error in the November 1, 2021 meeting minutes. He would like to amend and correct the minutes at a future meeting.

1. Water Resources Protection Task Force – Interview/Appointment

Anita Brewer stated she was raised in Manchester and her mother served on the Finance Committee. She graduated from Tufts with an undergraduate degree in part in Urban Environmental Policy and received her master's degree in urban environmental policy also from Tufts. While starting her career she was assigned the job of reading Section 208 of the Clean Water Amendment Act and since that time has been interested in drinking water and management of water resources.

Ms. Jaques asked if Ms. Brewer had any time constraints. Ms. Brewer is retired and although she has commitments and serves on boards outside of Town, she believes she has time to participate in the Water Resources Protection Task Force (WRPTF). Mr. Round the Board's representative to the WRPTF noted the Task Force held its first meeting this past week. Mr. Gang, Chair of the Conservation Commission and leader of the Task Force divided the members into working teams. He stated he believes Ms. Brewer is a good fit for the Task Force and asked what area of Water Protection most interested her. Ms. Brewer replied she is interested in distribution and land use issues which cover watershed protection.

Ms. Harrison and Mr. Boling thank Ms. Brewer for volunteering. Ms. Harrison stated Ms. Brewer will be an asset to the Task Force. Mr. Boling added her resume and comments stand on their own.

Ms. Jaques moved to approve Ms. Brewer to the WRPTF as an at large member, Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

2. Planning Board Presentation – Proposed Zoning Amendments

The Planning Board was represented by Vice Chair Sarah Creighton. Ms. Creighton stated Mr. Bobrowski had reviewed the Town By-Laws and made several recommendations. The Board has renumbered some By-Laws and deleted others that were obsolete, redundant, and/or non-compliant. The purpose of the changes is to improve ease of use and add clarity. Working with the Zoning Consultant the Board has completed the work that was started two-years ago.

Changes to the LCD has been identified as the first priority. The goal is to expand laboratory use to an area east of School Street through a Special Permit Application (section 4). Requirements for the LCD may be reduced by Special Permit granted by the Planning Board. Height restrictions for commercial buildings are proposed to increase from 35' to 55'. This will allow for increased commercial uses and more flexibility in granting Special Permits.

Ms. Creighton clarified this is not an approval of any given project. The changes expand the use that currently exists west of Pine Street to include the area east of School Street. The Planning Board has highlighted the issues and the LCD is a standalone draft of proposed changes.

Ms. Creighton stated Sections 1-4 contain minor changes that consolidate definitions and clarify RD1 and RD2 Districts. The Changes replace narrative with a table to simplify, update and correct errors and omissions. Non-conforming uses were revised and expanded to make regulations consistent with current case law.

Accessory Dwelling Units (ADU) (9.1) Current regulations call for a lot size twice as large as single-family residence and in Manchester this is an unrealistic requirement. The new provision provides for 20 ADU annually. The answer to why increase the number of ADU is to provide for a range of housing options in Town; this change is happening across Massachusetts and is part of both the Town's Master Plan and Housing Production Plan.

Additionally, the Board is considering changes to the General Requirements and Administration sections. There are a number of other items in process and under consideration. The question has been asked if the changes require a Financial Analysis. The Planning Board does not believe this is a requirement. Additionally, the Planning Board is requesting a budget line for Town Counsel.

Mr. Olney thanked Mr. Orlando, Building Inspector, Ms. Mellish Chair ZBA and Chair Finance Committee and Ms. Brown, Town Planner for their support through the process. He added the question of how do the changes impact the Town? He believes there is no good answer. However, he suggested the better question is what the consequences are positive and negative of a proposed change on, traffic, groundwater, and taxes for the Town. Those answers are provided through the comprehensive permitting process where the Board reviews and evaluates how a specific project will impact the Town.

Mr. Bodmer-Turner thanked the entire Planning Board for their effort weaving through the process over two-years. He added it was hard work and there remain challenges ahead.

Ms. Jaques also thanked the Board and asked if the ADU number was arbitrary. Ms. Creighton stated the number was to alleviate fears of the Town being overwhelmed by requests for ADU. Mr. Olney added in Gloucester there were only 8 ADU added in the past year, and he does not anticipate the Town will be overwhelmed with requests. Ms. Jaques also asked if there were any “teeth” built into the change. Ms. Creighton stated it is the similar process to building permits with a similar remedy.

Mr. Boling asked if the Administrative Section was advisory or established. Ms. Creighton stated the roles and powers exist in Section 7 and are being moved and updated. Mr. Boling suggested there may be an overlap with General By-Laws and suggested a review for bookkeeping purposes. Mr. Boling also asked around amnesty for existing ADU requesting that the window for amnesty be made clear as part of the process. Mr. Boling added that “modest changes” afforded by right for ADU sounds subjective. Mr. Olney replied there are some specifics in the By-Law noting there cannot be two front doors and some judgements and final decisions rest with the Building Inspector.

Mr. Round asked how the change to West of Pine Street came about. It was thought to be related to New England Biolabs but was not confirmed. Ms. Creighton stated zoning catalyst events precipitate zoning changes. Ms. Harrison requested more specific details about proposed By-Law changes. She concurred with Mr. Boling that it would be good to have a defined amnesty period for ADU and cautioned not to count existing amnesty ADU as part of the annual total.

Mr. Bodmer-Turner confirmed the Public Hearing on February 28, 2022 is limited to LCD questions. Ms. Creighton stated that was correct. He asked if additional questions should be held for the Public Hearing and Planning Board Chair, Mr. Mastrogiacomo agreed that would be best. Mr. Bodmer-Turner also confirmed that Special Permit review Sections of the By-Law would not be discussed until the June Town Meeting. That too was confirmed by Ms. Creighton.

Ms. Mellish indicated there were ADU for employees living on the premises and believes that the review should include the totality of ADU.

3. **Open Space & Recreation Plan** – Due to a scheduling conflict with School Vacation week postponed to March 7, 2022 meeting.

4. **Bike & Pedestrian Committee Grant Proposal Recommendations**

Mr. Cowman representing the Bike and Pedestrian Committee (Bike & Ped) introduced the grant proposal with the endorsement of both the Police Chief and the DPW Director for a Shared Street Grant of \$50K for signage and intersection improvements in Town. Additionally, the District and Memorial School Principal also supported the proposed possibilities of safety improvements along walking and biking routes to schools.

The objective of the grant is to improve pedestrian and biking safety by implementing speed and traffic calming pedestrian activated crosswalks and speed feedback signs at primary intersections and access routes to Memorial Elementary School and the Middle High School. The grant request will cover 4 sets of pedestrian activated lights for intersections and 5 solar speed feedback signs. The new signage will be located at Pine and Pleasant Streets, School, and Pleasant Streets, and along Norwood Avenue.

Mr. Dam introduced an additional grant possibility for “Projects” with funding up to \$200K. This funding would go toward intersection improvements at the intersection of Harbor and Bridge Streets. Mr. Dam added both grant applications were due on March 1, 2022.

The Board discussed the proposed Shared Streets Grant and agreed the intersections included in the grant proposals are challenging and would benefit from motion activated cross walks with flashing lights and speed feedback signs. The Board also agreed the intersection at Bridge and Harbor Streets should be modified as most recently proposed.

Ms. Jaques moved to approve grant applications for improvements at intersections of Pine and Pleasant Streets, School, and Pleasant Streets, and along Norwood Street and for work at Harbor and Bridge Streets. Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

Following additional discussion.

Mr. Bodmer-Turner moved to rescind the motion. Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

Mr. Boling moved to authorize the Town apply for a Shared Streets grant for improvements to signage and crosswalks at intersections of Pine and Pleasant Streets, School and Pleasant Streets, and along Norwood Avenue. Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

Ms. Harrison moved to authorize the Town to apply for a grant under “Projects” to improve the intersection of Harbor and Bridge Streets; Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

5. Town Meeting

a. Discuss/Approve Dates of ATM and June Special Town Meeting

Mr. Bodmer-Turner stated the Board would be discussing and approving dates for both the Annual Town Meeting (ATM) and the Special Town Meeting (STM) and discussing Warrant Articles for the ATM. He asked for a motion to schedule the ATM.

Ms. Jaques moved to schedule the Annual Town Meeting for Monday, April 25, 2022 at 7:00 p.m.; Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

Mr. Wilson provided information on seating capacity at the new Memorial School indicating there was capacity for 270 people with social distancing and for significantly more without social distancing. At this time in the Covid cycle he is comfortable with holding Town Meeting inside.

The date for STM was discussed. The vote was delayed in order to confirm with the District that the Memorial School would be available for an earlier date in June, prior to the last day of school.

b. Discuss Articles for the ATM and Special Town Meeting

Mr. Bodmer-Turner indicated the Town Budget and associated information would be presented at ATM. Additional Warrant Articles may include:

- Planning Board changes for the LCD
- Room Tax – Mr. Boling stated he did not believe there would be an objection to the Room Tax
- Change the Board of Selectmen name to Select Board
- Consent Calendar – Mr. Boling asked Mr. Wilson if he would be including a Consent Calendar for ATM. Mr. Wilson indicated the only item for a Consent Calendar would be the Annual Report and there was likely no need for a Consent Calendar at ATM.
- Citizen Petition latest filing date is February 23, 2022
- Fire Chief is requesting sprinkler systems for specific properties/uses
- Amend the By-Law to change the date of ATM from the first Monday in April to the last Monday in April. The Board discussed and postponed a decision to the Board's meeting on March 7, 2022. Mr. Wilson suggested holding this for the STM where there maybe more residents to weigh in on the subject. The most significant reason for not changing the meeting to the last Monday in April is the need to prepare a ballot for Town election and the 35-day lead time for the ballot prior to the election in May.
- STM reconsider the MERSD Budget depending on what happens at the Essex Town Meeting.

6. FY23 Budget Discussions – Public Safety and Public Health Staffing

Mr. Federspiel stated as the Town gets closer to finalizing a proposed FY23 Budget, there is a need to discuss staffing. Chief Fitzgerald has requested that the Town backfill the vacancy caused by the long-standing injured officer. Given the changes in Police

Reform that will impact Reserve Officer staffing, the Finance Committee is inclined to agree with this request.

Fire Chief Cleary seeks to add staff as well. He advocates having four Firefighters on duty each shift. The Town currently has three Firefighters on duty with one “Floater” who fills in for Firefighters out sick or on vacation. Adding three new hires and moving the “Floater” to a regular shift would provide for four Firefighters on each shift. This would provide 4 on 60% of the time if we allowed crews to drop down to three when a Firefighter is out on leave time (in other words, don’t backfill using overtime.)

The choices about staffing in the Fire Department comes down to desired service levels. The Chief contends that minutes count in a structure fire and waiting for mutual aid could make the difference between saving a structure or not. Fortunately, the Town has had very few large structure fires.

Back-to-back EMS calls happen 4-6 times a months. Our ambulance service is at a premium level. Most towns our size do not offer town ALS ambulance service. And while call firefighters are dwindling most everywhere, most communities under 6,000 do not have 16 career firefighters. The Town residents appear focused on having a high level of public safety service and may well support increasing the staff of the Fire Department.

The Town has a strong possibility of securing a SAFER grant to pay 100% of the cost of new firefighters for the first three years. After year three the Town is responsible for 100% of the new costs. If the Town decides to go with the Regional Dispatch Service, the savings we realized almost fully covers four new Firefighters.

The Board of Health would like to establish the position of Health Agent, a position that most communities have. In the past, Manchester had a Health Agent either on its own or shared with Essex. Currently, we have a 26 hour a week Administrator, a 10 hour a week Nurse and contracts for Title 5 septic work and various inspections (food, housing) but no Health Agent.

During Covid we have used over \$61,000 in grant funds to expand the hours of the Administrator and the Nurse to address needs of the pandemic. Going forward the Town could use ARPA (American Rescue Plan Act) funds for four years to help pay for the added expenses of hiring a Health Agent. After that the expense will need to be covered by the general fund. The Town could gradually ease off ARPA funds to avoid a jump in general fund use in four years.

Attached is a spreadsheet that presents a “status quo” budget along with two options. Option B shows hiring a full-time Health Agent with a part time clerk at 18 hours a week. Option C shows a part time Health Agent and a part time clerk, both at 26 hours a week. Also attached is a description of some of the budget items as well as a list of the duties for which the BOH and Health Department are responsible.

While the pandemic will end, we will be dealing with COVID as an endemic disease and COVID has exposed the underfunding of Public Health Systems. The State has allocated \$200M in new funding for Public Health needs. These funds will be going

toward improving training and the certifications needed for Public Health personnel as well as encouraging regional approaches to delivering Public Health services.

The Finance Committee has not taken a position on the Fire Department or Board of Health requests. The Committee will be discussing the impacts of these staffing requests on the long-range budget forecasts along with other looming costs including the possibility of a school override next year, new capital needs and more at their February and March meetings.

Board Discussion

Mr. Bodmer-Turner asked the Chief to clarify discussions with the Finance Committee around the Safer Grant and new hires. The Chief stated there is a strong possibility the Town will be awarded the grant to bring Department staffing up to 4 full time Firefighters. In discussions with the Finance Committee the Committee proposed placing the Fire Department hiring in a Warrant Article. The Chief understands that if that happens and the Warrant does not pass, and he is not awarded the Safer Grant he will not have any new hires during FY23. Discussions with the Finance Committee are ongoing.

Mr. Boling asked if the Chief's budget is being increased by \$30K with the assumption and hope that the grant goes through and if the \$30K is not used by the Fire Department the \$30K is returned. Again, discussions with the Finance Committee are ongoing.

Ms. Jaques asked about the possibility of hiring a full-time Health Agent, Mr. Federspiel admitted it may be difficult to hire a full-time Health Agent following the pandemic. Ms. Jaques asked if there was someone in house who could fill the position. Mr. Federspiel stated there maybe someone in house.

Ms. Jaques asked what the consequences were of not meeting OSHA standards. Chief Cleary stated in the event of a problem (death or injury) the Town could face OSHA fines. The Department is fully certified. Ms. Jaques asked if the Safer Grant is awarded would it be possible to stagger hiring. Chief Cleary stated the purpose of the grant is to bring staffing of the Department up to standards.

Mr. Bodmer-Turner asked if the grant was for 4 Firefighters, did he need to hire 4 Firefighters. The Chief replied he can hire only 3 Firefighters and operate at 60%. That has been confirmed with the grant authority. The grant is through FEMA Department of Homeland Security.

Ms. Jaques asked about the School Resource Officer (SRO) and what happens when she is not working for the school. The SRO works a 7:30 a.m. to 3:30 p.m. shift on school days, during the school year and works as a Patrol Officer during the summer.

Ms. Harrison asked about presenting the Fire Department budget as a Warrant Article and expressed concern about the process. Mr. Boling agreed stating in his memory he has never seen part of the Town Operation budget presented as a separate budget. Mr. Federspiel stated it was possible to present as a supplemental budget contingent on the awarding of the grant, but he may need to confirm the legality of that. Ms. Harrison is

concerned about branches of the budget being created. Mr. Boling does not believe that it would be easy to present and understand and will be confusing.

Mr. Federspiel suggested if presented as an Article the process informs voters that eventually they will need to pay for the positions. It is no one's intent to hire Firefighters for 3-years the length of the grant and not support the positions in the future.

7. BOS Policies – Continued Review

Mr. Bodmer-Turner had proposed this agenda item be moved to the March 7, 2022 meeting and is proposing not opening for discussion.

Ms. Harrison has a suggestion for the Policy Review process; she will select several policies with minimum changes (word and/or title edits) and present them in one meeting for Board approval. While other policies requiring more lengthy discussion will be held and addressed one at a time. Ms. Harrison proposes meeting with Mr. Boling and Mr. Federspiel to put together a package for the Board to review. The Board agreed and moved forward to the next agenda item.

8. Covid Updates – Town Hall Masking Policy: Hybrid Meetings

Following a comprehensive discussion, the Board approved the following motions.

Ms. Jaques moved residents and staff in Town Hall during regular business hours are no longer required to wear a mask effective February 28, 2022. Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

Mr. Boling moved that at the discretion of the Chair, Boards/Committees may hold hybrid meetings as of March 1, 2022. Hybrid meetings must have a quorum of the Board/Committee present in person with applicants and their representatives present at the discretion of the Chair; all other members of the public will attend by Zoom. All Board/Committee members wishing to attend remotely must have the approval of the Chair to do so. Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

9. Consent Agenda

a) BOS Minutes February 7, 2022

Ms. Jaques moved to approve the Consent Agenda as amended; Mr. Boling seconded the motion. The motion passed unanimously by roll call vote.

10. Town Administrator's Report: School St. Waterline Work begins 2/28, Special Mtg. 2/25 with Labor Counsel, Sewer District and Sewer Capacity

School Street waterline work begins 2/28: DPW will be starting work related to upgrading water lines and valves along School Street and some of the side streets off School St. Work will begin with valve replacements. The work will require one-lane road use and detours. Notices are going to impacted households this week.

Special Meeting Friday morning: An Executive Session with Labor Counsel on Friday, 2/25 at 8:30 a.m.

Sewer District and Sewer Capacity: With the Town's Consent Order about to be formally lifted, questions about capacity and how to allocate capacity will need to be addressed. The Comprehensive Wastewater Management Plan (CWMP) provides a roadmap for the Board. Mr. Federspiel will pull the document, review, and refresh for the Board's review of the recommendations contained in the approved plan.

11. Other Matters, As May Have Not Been Reasonably Anticipated by the Chair – There were no additional matters to discuss this evening.

Ms. Jaques moved to adjourn the meeting; Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

Meeting Materials:

Water Resources Protection Task Force Appointment
Planning Board Proposed Zoning Amendments
Bike & Pedestrian Committee Grant Proposal Recommendation
FY23 Budget
BOS Policies
Consent Agenda – as listed
Town Administrator's Report

Upcoming Board of Selectmen Meetings:

Monday, March 7, 2022
Monday, March 21, 2022