

Parks and Recreation Committee Meeting

April 12, 2023

Room 7 and Zoom

Town Employees - Cheryl Marshall & Heather Depriest

Members present: Sean Daly, Olga Hayes Muffin Driscoll, Karlee Blaisdell and virtually - Michael Coyne

- Multiple Town members present: Counted up to 25

Call to order: 5:30 PM

B) March 15, 2023 minutes

1. reviewed and approved via role call
 - a. 4 votes for approval
 - b. Muffin Driscoll abstained from voting due to absence at the last meeting.

F) Pickleball Update:

1. General Update:
 - a. Courts opened in April.
 - b. We are currently working with 3 companies on bids for sound fencing, working within the budget of \$20,000.
 - i. We have received some good quotes so far and some vague quotes.
 1. First companies we reached out to were not experts about pickleball sound.
 2. A 10 foot sound curtain is the leading fencing sound proofing option.
 - ii. Also working with sound engineer Bob Unetitch - who has done hundreds of pickleball court sound fencing and is considered an expert in the field. Company is "Pickleball Sound Mitigation LLC"
 1. Sound specialists are just catching up to the pickleball sport and there is an industry push to work on the sports sound loudness.
2. The pickleball courts opened in Spring 2022, and received our first complaints about the time people were playing i.e. playing very early in the morning.
 - a. We set the time for play on the courts to 8am until sunset.
 - b. Cones were placed to control parking on Forest St to keep pickleball parking in Sweeney Park parking.
3. No Questions from the committee at this time.
4. Town Resident Questions -
 - a. Laura - 4 Forest St: Is concerned about the aesthetics and the look of the fencing options. Would also like to be involved with options when we have them to present.
 - b. Ronald - 4 Forest St: Concern over the cost for just 1 sound fence wall.
 - c. Jan - 10 Wood Crest Road: Expressed concern over the amount the town is willing to spend for just a couple resident complaints.
 - d. Nicole - 8 Forest St:

- i. Wants to know the exact meeting that the vote was made for hours to be 8am to dusk.
 - ii. What fence formula was used to determine a 10 foot fence when a 12 foot fence is what would need to be installed for necessary sound dampening.
 - iii. The noise is leading to a detrimental level of stress and is leading to health concerns for her and her family.
 - ★ Nicole presented a printed copy of all her statements to the committee.
- e. Steven - 141 Summer St: Came to the meeting in support of the pickleball courts and stated that prior to our change of 8am open, that it was excessive to have people playing at 5am. Now his family of 6 enjoys playing and would like to say it is an asset to the town of Manchester. Also is concerned about the look of the fence - does not want to take away from the town's natural beauty.
- f. Bill – Overledge Rd: Asked why the sound is only a concern for some and the other direct neighbors have not made the same level of complaints.
- g. Maryellen - 6 Forest St:
 - i. Originally she and her family wanted the skate park to stay.
 - ii. Has changed opinion after seeing grandparents and grandkids playing pickleball together.
 - iii. Wants to know the look the fence will have
 - iv. Will it be something that will have to be taken down and put back up every season?
- h. Stacy L - Forest St: Wanted to state that the pickleball sound is not as loud as the train or the traffic on 127. Wants to know the look the fence will have. Stated that the pickleball courts are fun to have in town.
- i. Jack - 40 School St: Has done some research on the new paddles being produced that help with sound reduction, and wanted the town to know that might be a better information push to help with sound mitigation than just a sound fence.
- j. Johanna - Windemere Park Ext: Pickleball is inclusive, it is for all ages. We need more activities and locations like this, not less. Does not want to see hours more limited or restricted.
- k. Judy - 40 Overledge Road:
 - i. Stated that Football games are loud with lights and speakers, baseball games are loud, tennis is loud.
 - ii. There is not one place in Manchester that isn't surrounded by houses.
 - iii. There is bound to be noise.
 - iv. Wants to express the good that it is bringing to the town.
- l. Erica - 47 Pine St: Would rather trade the sound from the gun range for the pickleball court sound.

m. Nicole - 8 Forest St: Acustashield information was sent via email to Cheryl in December 2022. Why was it not pursued?

i. Response - ConCom issues as well as the cost would be too high.

C) Committee Update:

1. Karlee has announced departure as of June 2023 from committee position.

D) Pine Street Update:

1. Construction has begun and the timeline states that it will be concluded by June 2023.

a. Dirt is being tested due to more digging. Waiting on results to continue.

E) Open Meeting Law complaint from Nicole DelRoasario, dated March 28, 2023:

1. Acknowledge Receipt

b. Roll call that all committee members reviewed the complaint

i. Some of the statements made are covered by OML, some were unfounded.

1. There is no requirement to record or post meetings

2. If minutes are requested - draft minutes must be available within 10 days of meeting

a. Notes can suffice as draft minutes

3. committees must stay current on approval of minutes, and we have 90 days to approve minutes.

4. Templates have been provided for future minutes

2. Sean (the Chair) motioned to authorize town counsel in response to complaint

a. Roll call vote all 5 committee members vote yes

G) Special Event Applications:

1. Performing Arts by the Sea

a. Roll call vote - all 5 committee members vote yes

2. Previously approved application of the Fall Festival has changed dates due to rain out that occurred in the fall. They have changed the name of the festival to **Spring Festival** all other details remained the same.

a. roll call vote all 5 committee members vote yes

H) Program Updates: Presented by Heather Depriest:

1. Heather went over the winter and fall programs from this last season in great detail.

2. Presented the plans for the spring and summer programs.

3. Excited to see the want for more programs and has expanded quite a few to meet the needs of the town come summer.

I) Public Comment:

1. Nicole stated that the change to pickleball hours is not noted in past minutes.

OTHER MATTERS as not reasonably anticipated by the Chair:

1. Beach staff
 - a. Michael Coyne asked about the town budget increase and wanted to know if it effect staff wages
 - i. Management staff are getting raises, minimum wage for new staff is \$15 per hour, return staff is starting at \$16.50.
 1. We have found that this wage increase is helping retain staff.

J) Next Meeting

1. Meeting set for May 17th at 5:30 pm.

Roll call vote to end meeting - All 5 members vote yes.

Meeting adjourned at 6:24 PM

Next meeting , May 17, 2023 at 5:30 PM

Respectfully submitted by Karlee Blaisdell



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

RECEIVED
TOWN CLERK
MANCHESTER by the SEA

2023 MAR 30 AM 9:47

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Nicole Last Name: delRosario

Address: 8 Forest St

City: Manchester State: MA Zip Code: 01944

Phone Number: 5083640214 Ext. _____

Email: nicole@surfack.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Town of Manchester and Park and Rec Committee Board

Specific person(s), if any, you allege committed the violation: Greg Federspiel, Cheryl Marshall, Sean Daily, Muffin Driscoll, Kaylee Blaisdell, Olga Hayes, Mike Coyne

Date of alleged violation: 2022-2023

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Cheryl Marshall refused to allow viewing of Park and Rec open meeting minute drafts prior to vote on them. This is a repeated pattern for Cheryl. Previous requests for 10/2022, 11/2022 and 12/2022 meeting drafts I made verbally, prior to vote by the board, all requests denied by Cheryl. Copy of the section of my 3/1/23 email requesting 2/8/23 draft minutes:

Hello Cheryl,

Can I get access to the Feb 8, 2023 Park and Rec zoom meeting recording.

Why are the meeting videos not posted like many of the other boards in town do? The town website is designed to accommodate the recordings of all your zoom meetings. Zoom meetings are easily recorded and take minimal time to be posted on our town website. Many other boards post their meetings, I would like to request that Park and Rec committee meetings be posted on the town website following each meeting allowing them to be assessable for all to view immediately after a meeting takes place.

Can I get a copy of the proposed meeting minutes from 2/8/23 meeting, How can I view these prior to the meeting and vote for approval of 2/8/23 minutes?

Cheryl's response: "Sorry but we do not have a recording of the Feb 8 meeting and I have not received the draft minutes yet."

Response to my follow up request for minute draft sent 2/8/23 sent 3/8/23. "Hi Nicole- Draft meeting minutes will be available at our next meeting when we vote to accept them"

No response to the video recording request.

July 2022 Greg Federspiel verbally identified Cheryl Marshall as the official person to obtain all info related to Park and Rec board and pickle ball court activity. I asked Greg the process after being told I need to "follow along and participate to have a voice" by Cheryl Marshall and Sean Dally. The response to addressing the board notifying of severe health impacts on my family from 6 pickle ball courts noise nuisance and player harassment. Cheryl never identified an alternate party to formally request info. Greg and Cheryl both did not identify the existence of the RAO, a discovery made 3/8/23 when I first discovered MA OML and Public Records laws. Until I recorded Greg on 3/14/23, he supported the RAO refusal to comply with town policy and misled me on how to properly access public info. Greg and Cheryl preyed on my lack of understanding OML process and town policy, both failed to do be honest and transparent town employees, both fail to inform of the proper procedure. After I videoed the TA refusal to comply with town policy. 3/14/23, the RAO complied. I first was allowed to view Oct, Nov and Dec 2022 minutes on 3/1/23 and found misrepresented approved minutes. No documentation of votes, no documentation of requests I made to the board. Fail to document repeated complaints of noise nuisance from pickle ball and player harassment by me and others, each meeting I addressed the severe impact on the health and well-being of my family, fail to document private session prior to 10/2022 meeting. 3/15/23 Cheryl was recorded saying the board would misrepresent future meeting minutes, She indicated the board would only document my words if I create and submit written documentation and send it to her after the meeting. All activity was intentional, additional retaliation took place.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Record all open meetings and post the video on the town website within 7 calendar days. Cheryl Marshall removed from the Park and Rec Board. Formal action taken by the town for employee violations by Greg and Cheryl. Greg Federspiel and Park and Rec Board members all redo training for MA OML and Manchester town policy.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____

Date: 3/28/2023

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO: