



## MANCHESTER-BY-THE-SEA

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

### MINUTES OF THE SELECT BOARD

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June 5, 2023

6:30 p.m.

Hybrid Meeting

Join Zoom Meeting, Meeting: ID 821 2023 3460 Passcode: 667971 Mobile: 1.646.558.8656

**MEMBERS PRESENT:** Ms. Harrison, Chair, Mr. Round – Vice-Chair, Ms. Bilotta, Mr. Sollosy, Ms. Jaques

**MEMBERS ABSENT:**

**STAFF PRESENT:** Town Administrator, Mr. Federspiel, Executive Assistant, Debbie Powers, Police Chief, Todd Fitzgerald

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Ms. Jaques called the Select Board meeting to order at 6:30 pm and five members were in person.

**Public Comments on Non-Agenda Items:** None

**Chairman's Report & Action Items:** Reviewed the Action Items.

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**1. Board Reorganization:**

*Ms. Jaques moved to nominate Ms. Harrison as Chair; Mr. Round seconded. Unanimously approved by roll call vote.*

*Ms. Harrison moved to nominate Mr. Round as Vice Chair; Ms. Jaques seconded. Unanimously approved by roll call vote.*

*Ms. Bilotta moved that the Select Board designate The Cricket and the Gloucester Daily times, as the alternate, official newspapers for public notices for the Town; Mr. Round seconded. Unanimously approved by roll call vote.*

The Board thanked Ms. Jaques serving as Chair for the past year.

**2. Eagle Scout Project Presentation:**

Ian Carlin introduced himself to the Board and presented his slideshow of his pending Eagle Scout kayak rack project with the Select Board, which is included in the packet.

Mr. Round felt this was a very good idea and asked about the completion date. Mr. Carlin answered that the project would be completed by the middle of July.

Ms. Harrison asked Mr. Federspiel about what funds could be used to purchase the supplies. Mr. Federspiel answered that the Harbor Department has a materials account..

*Ms. Bilotta moved to approve Ian Carlin's eagle scout project of the placement of additional kayak racks at Town Hall, to be funding by the Harbormaster's maintenance fund and the Harbormaster to finalize location; Mr. Sollosy seconded. Unanimously approved by roll call vote.*

### **3. Shuttle Service Business – Beach Bums**

Preston Potter & David Martin, presented their shuttle service business plan to the Select Board. The shuttle would be a 6-seater golf cart and it would be a first come, first serve business for individuals going to the beach and rental of beach chairs. They would only accept tips and have a designated pick up/drop off spot at Bravo, which has been arranged by the owner.

Mr. Sollosy asked how they would facilitate traffic in the area during a busy day. He has concerns about congestion at the beach. Mr. Potter explained that the golf cart is street legal and they would not disobey any traffic laws. Ms. Bilotta asked who would be purchasing the vehicle. Applicants stated their parents would be buying the golf cart and would also be registering and insuring it.

Ms. Harrison asked Mr. Federspiel if he spoke to Town Counsel. Mr. Federspiel stated they will provide an opinion if this type of business qualifies as a livery service. They are looking into if only accepting tips is a way around from obtaining a livery license.

Ms. Bilotta addressed the second part of the request which consisted of rental of beach chairs and other beach items. She suggested there may be another business model with only carting the items to the beach, with no passengers.

Kevin Potter, 23 Norwood Avenue, father of Preston, stated that this is a way to help people in town and to make a few dollars in the summer. This also might help with some traffic in the area.

Ms. Harrison stated that the Board will need to continue this at their next meeting on June 20<sup>th</sup> to acquire the information from Town Counsel.

### **4. Downtown Improvement Planning Projects Discussion:**

Steve Carhart, Chair of the Downtown Improvement Planning Committee, presented an overview and introduction of the plan to the Board.

Elsa Chan, VHB consultants, reviewed Phase II of the sidewalk/streetscape improvement presentation with the Board, which is included in the packet.

Ms. Jaques states that this plan looks very nice, and it also greatly improves the safety downtown.

Mr. Round asked about the timeframe for the project. Mr. Carhart answered that the project can be done in stages and the committee would work with the Town to obtain grants.

Ms. Harrison asked what are the next steps for introducing this to the town. Mr. Carhart answered that with the support of the Select Board, the committee would hold a public forum in the fall along with the Planning Board and the wayfinding project.

Ms. Jaques asked if the Police Chief and the DPW have reviewed the presentation. Chief Fitzgerald has been following it along with Director Dam and the plan addressed the crosswalk at Seaside One and Town Hall, which was a concern.

Betsy Ware, Interim Town Planner, informed the Board that she has been working with the DIP Committee and various department heads on a placemaking grant obtained prior to her start. Civic Space Collaborative is the consultant and the report will be coming out by the end of the month. She explained she also just applied for a wayfinding grant and should hear soon. That would start in the fall.

**5. Land Management Staffing Discussion:**

Mr. Federspiel stated that the Board has had a few discussions recently about reorganizing the staffing in the land management departments. The Board reviewed the two options. Mr. Federspiel favors Option B which includes a Full Time Land Management Director/Planner, Half-time Building Inspector, Half-time Conservation Agent and Full time Clerk, along with a third-party inspector to work as a condition of certain permits. Presently the Interim Planner works 23 hours, and it has been a challenge to keep her at that level. She could put in a lot of hours and there are many issues that deal with planning right now and he does not see it slowing down.

Mr. Sollosy stated he has heard during ZBA meetings that the town needs a full-time Building Inspector but if we had a full-time clerk that would take a lot of pressure off of the inspector. He knows the Town needs a full-time planner but favors a full-time building inspector.

Ms. Bilotta supports option B with a few caveats, which includes taking a look at reshaping the land management committees to report to the Director/Planner and not to the Select Board and also to see what processes can be automated.

Ms. Jaques feels that a lot of concerns are misunderstandings and inaccurate views of what the Building Inspector does. She supports Option B and she feels that land management is the most critical.

Sarah Mellish, 10 Bennett Street, stated that the Board is discussing overall land management but she has not heard any discussion about additional enforcement. The ZBA should not be the enforcement agent. The hired inspector will not enforce the rules.

Ms. Harrison asked Mr. Federspiel how the Town's current system addresses a problem with enforcement. Mr. Federspiel stated if the ZBA has made a ruling, that is enforceable by the Building Inspector. The inspector can order a cease and desist.

Mr. Federspiel explained the job description of the Building Inspector is not to cruise around and look for violations. He would follow up on complaints but if something is not permitted or applied for, he does not go and look for it.

*Mr. Round moves that the Select Board move forward with Option B which includes a full-time Land Management Director/Planner, half-time Building Inspector, half-time Conservation Agent and a full time Clerk, with a third-party inspector to work as a condition of certain permits and*

*with two caveats previously addressed; Ms. Jaques seconded. Unanimously approved by roll call.*

**6. Appointment Policy:**

The Board reviewed the proposed changes to the Appointment Policy and the effective date of the policy will be a year from now.

*Ms. Bilotta moved that the Select Board adopt the Appointment Policy as presented on June 5, 2023 and to be effective in June of 2024; Ms. Jaques seconded. Unanimously approved by roll call.*

**7. Fire Department:**

**a. Ratify Appointment of New Fire Chief:**

Mr. Federspiel introduced Jake McNeilly to the Board and updated the Board on his fire services background. He will be working with Chief Cleary over the next few weeks.

*Mr. Sollosy moved that the Select Board ratify the hiring of James McNeilly as Fire Chief, with a start day of Wednesday, July 5, 2023. Ms. Jaques seconded. Unanimously approved by roll call. Note: McNeilly's start date was moved up to July 1, 2023.*

**8. Special Town Meeting:**

**Date:** Mr. Federspiel explained that the School Committee will finalize their new budget proposal on June 6<sup>th</sup> and the Planning Board will finalize their proposed zoning amendments on June 12<sup>th</sup>. The Board can hold a special meeting on the morning of June 13<sup>th</sup> to approve the warrant for the meeting to be held on Wednesday, June 28. We need 14 days for the warrant to be posted prior to the meeting.

**Articles:** Mr. Federspiel explained that the main business is revoting of the school budget. He is assuming the School Committee will propose a compromise budget that asks Essex to still approve an override but one that is much smaller. He stated he is fearful that anything less than this will be rejected by Manchester voters and sets up an even bigger challenge for FY25. If either town rejects in the second round, it will force a joint town meeting.

Mr. Federspiel further explained that the second major business is to approve one or two zoning amendments. During last fall's town meeting, voters approved a new section 6 which removed site plan review. The plan was that a new site plan review section would be approved in Article 9 with a rewrite of Section 12: Administration. During that Town Meeting, we stopped after article 8 and the new site plan review section was not approved. At the spring town meeting the Board did not advance the proposed new Section 12 because of the disagreement on Planning Board alternates being appointed only by the Planning Board. This provision has been removed for this time around.

Mr. Federspiel also stated there may be a vote to allow correcting cross-reference errors and other "Scribner errors" depending on legal advice on past authority to do so. As a backup in case the new Section 12 fails for some reason, a third article would seek approval of re-inserting the old site plan review provision that was removed in November.

He stated further that two other articles are possible. One would be to seek voter approval to move forward with the purchase of a new ladder truck and to use the proceeds of the sale of the mini-pumper and the old ladder truck to help pay for the purchase. The bulk of the funds would come from the existing fire apparatus replacement fund.

Lastly, a request to approve funds to cover the cost of union contract agreements and other salary adjustments could be made. This would allow us to raise these funds as part of the next year's budget. \$50,000 is the minimum needed. \$75,000 would provide an ability to make some adjustments (creating assistant dept heads rather than assistants to department heads in a few cases.)

The Board reviewed the proposed town meeting date and articles with Mr. Federspiel.

*Ms. Jaques moved to place an article on the Special Town Meeting to purchase a ladder truck; Ms. Bilotta seconded. Unanimously approved by roll call vote.*

## **9. Liaison Updates**

Mr. Round updated the Board on the Water Resource Protection Task Force. The Task Force will be before the Select Board on June 20<sup>th</sup> to review the water rates. The top tiers users will be notified of a pilot study of meters.

Mr. Sollosy updated the Board of the Parks and Recreation Committee. He explained that the Town had a record-breaking day on the Sunday of Memorial day week. They received another sound complaint from another neighbor of the pickleball courts. The Committee is waiting to get a proposal for a different form of sound meditation. He also said the Director of Parks and Recreation is concerned about the shuttle business.

Ms. Bilotta would like to go over the liaison assignments. She feels with Ms. Harrison as the current MBTA zoning representative, she should be the liaison to the Planning Board as well. She would like to take on the School Committee or Finance Committee.

Ms. Harrison stated she does not want to give up the School Department but is willing to step down as the MBTA zoning representative.

The Board discussed the various liaison roles and decided the following:

Mr. Round will take on the Council on Aging and the Conservation Commission and will continue with DPW. Ms. Bilotta will take on the Bike and Pedestrian Committee. Ms. Jaques will take over the Planning Board and Ms. Harrison will continue on the MBTA Zoning, with Ms. Jaques as a backup.

Ms. Jaques updated the Board on the Board of Health. They voted in a new chair and performed the 6-month review of the Health Director. The Bike and Pedestrian Committee finished up their Safe Routes to Schools survey and will be distributed to the schools. They also made a new video with the Police Department regarding the new road use law. They are also drafting an

article of the 25<sup>th</sup> anniversary of the committee and submitted a speed petition to the state and received Hooper Fund money for additional bike racks.

Ms. Harrison stated the School Committee has a tough decision to make and have received a lot of public comments.

10. Consent Agenda:

- b. Approval of Minutes – May 1 & 15, 2023
- c. Small Business Persons of the Year – Laughing Gull Café
- d. Annual Reappointments
- e. MECT Banner Request – Wilderness Area Parking Lot
- f. Western Woods Cleanup

*Mr. Round moved to approve the minutes of May 15, 2023; Mr. Sollosy seconded. Mr. Round – Yes, Mr. Sollosy – Yes, Ms. Bilotta – Yes, Ms. Harrison - Yes*

*Ms. Jaques moved to approve the consent agenda excluding minutes of May 15, 2023; Ms. Billota seconded. Unanimously approved by roll call.*

11. **Town Administrator’s Report:**

**School Street repaving** – the project has slowed due to the contractor waiting for the milling machine to be available. Hoping to have the project finished within a couple of weeks.

**Rotunda and Village flooding vulnerability action plans** – these will be on the Board’s agenda for June 20<sup>th</sup>.

**Western Woods Clean-up day** – MECT is organizing trail clean up in the “Western Woods” including town-owned land on June 10<sup>th</sup>. Volunteers are encouraged to sign up through the MECT web site. The DPW will assist in the collection and disposal of the trash.

**Meeting dates** - The Board need to decide how you want to handle July. The Board discussed and decided to hold meetings on July 6<sup>th</sup>. and 17<sup>th</sup>. Reviewed the June meeting dates:

- June 6: School Committee and PB Zoning hearing
- June 12: 5PM Joint SB and Finance Committee – special town meeting prep
- June 13: 8:30AM SB meeting to approve warrant
- June 15: 6:30PM Special Town Meeting Public Forum
- June 20: 6PM STM Public Forum and 7pm regular SB meeting
- June 27: Governance Project meeting of boards, committees and department heads
- June 28: Special Town meeting

*9:45pm Executive Session: Ms. Bilotta moved to enter into executive session per MGL Ch. 30A, Section 21(A)(3) to discuss strategy with respect to collective bargaining, if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares and not to return to open session; Mr. Sollosy seconded. Unanimously approved by roll call vote.*