



# 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

---

June 7, 2021

6:30p.m.

Virtual Meeting

Join Zoom Meeting, Meeting: ID 969 1137 8870, Passcode: 663039 One tap mobile: 1.646.558.8656

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

**MEMBERS ABSENT:**

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

**GUESTS:** Town of Hamilton, DPW Director, Mr. Olsen and Woodward and Curran Representative, Mr. Mavrogeorge

**PRESS:**

---

Mr. Boling called the BOS meeting to order at 6:31 p.m.

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

- **Public Comment** – There was no public comment this evening.
- **Public Hearing – Entertainment License – Bravo By-the-Sea**

The hearing was postponed as not all abutters were notified of the request for an Entertainment License.

- **Short-Term Paying Guest Application – 54 Union Street**

Mr. Bodmer-Turner asked if a homeowner was required to adjust their insurance policy to allow for paying guests. Mr. Federspiel indicated the Town required proof of insurance and homeowners assumed the risk. The homeowner stated since the property was not his primary residence his insurance policy was specific to renters.

Ms. Jaques asked about on street parking. Mr. Federspiel stated parking was like any other resident and temporary residential parking passes were available. Each new tenant was required to have a parking pass. Mr. Round confirmed the property was a 3 bedroom, 1.5 bath apartment that sleeps 4 people. Homeowner confirmed that was correct and 1 bedroom was an office and locked to short term renters.

*Mr. Bodmer-Turner moved to approve 54 Union Street for short-term paying guests, Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.*

- **Eagle Scout Project – Jackson Surette & Bion Pike**

Jackson Surette is proposing to construct and put into place depth indicators at various Town dock locations. Harbormaster Pike supports the project and will work with Jackson as needed. Given this is Town property and as part of the experience the project affords, Jackson is making his presentation to the Board of Selectmen this evening.

Jackson stated he is a Freshman at Essex North Shore Agricultural & Technical School and informed the Board he believed boaters would appreciate knowing the depth of the water as the depth varies with tides. The idea was developed over Jackson's experience in boating with his grandfather. He would like to implement his depth indicators by the end of July if his project is approved.

Mr. Bodmer-Turner asked where the depth markings would be located. Jackson stated by Tucks Point, Boat Club, Reed Park and Town Docks. Mr. Round asked if the signs could be seen from a distance. Jackson hopes that will be the case. Ms. Jaques stated she believes this is a great project that will add to harbor safety and suggested using white reflective tape for each foot marked. Ms. Harrison noted the need to prepare for underwater growth and suggested using cooper for the markings.

Mr. Boling summarized that Jackson will be working with Harbormaster Pike during the project. He believes this is an excellent project and Jackson will benefit from the Harbormaster's guidance.

*Mr. Boling moved to approve Jackson Surette's project subject to the friendly amendment from Mr. Bodmer-Turner, under the guidance of the Harbormaster. Mr. Round seconded the motion. The motion passed unanimously by roll call vote.*

- **Outdoor Dining**

Mr. Boling indicated when the new outdoor dining provisions were approved at the beginning of spring it was agreed the Board would be revisiting the provisions monthly. In response to the Governor's lifting of Covid restrictions effective May 29, 2021 and rescinding the State of Emergency effective June 15, 2021, the State is considering legislation to extend provisions for outdoor dining through November 2021. This evening the Board is discussing how to manage outdoor dining moving forward.

Mr. Federspiel stated he had heard from most establishments on how they would lay out tables without using parking spaces and most are interested in continuing with sidewalk dining at a minimum.

Mr. Bodmer-Turner indicated he supported the idea of continuing some sidewalk dining but believes the Town has stretched the limits for retail businesses around the use of parking spaces. He agrees and supports ending dining in parking spaces. Ms. Harrison stated she would like to give back parking spaces to the general use and supports dining on sidewalks. Mr. Round is in favor of sidewalk dining and elimination of the use of parking spaces. Ms. Jaques stated she loves seeing sidewalk dining believing it is

vibrant but it is time to move to a new phase and it is fair to give back the parking spaces. Mr. Boling indicated he agrees with the Board.

Glenn from Allie's Beach Street Café stated he appreciates there is support for outdoor dining and understands the need for free flow of traffic. He requested a month for restaurants to brand themselves but would love to have the entire summer for outdoor dining and the use of parking spaces.

Kim Hofeldt, 42 Central Street – Ms. Hofeldt stated she would like to see outdoor dining go forward indefinitely and requested the Board rescind their decision to take away the use of parking spaces.

Sarah Mellish, 11 Bennet Street – Ms. Mellish asked about the walkway from the Town Hall parking lot and with that would it be possible to keep outdoor dining. She believes it has helped to create a positive change in the downtown area. Mr. Federspiel indicated the walkway will likely not be operational until mid-July.

Mike Storella, 119 Pine Street – Mr. Storella suggested tying the change to the August 15<sup>th</sup> date and is in favor of keeping outdoor dining in parking spaces for the ambiance, convenience and identified place to hang out.

Dana Menon, 4 Hickory Hill Road – Ms. Menon stated she enjoys outdoor dining and the outdoor dining experience created a more vibrant downtown. She believes the handful of parking spaces lost to outdoor dining and the new pathway from Town Hall will replace lost parking. She noted other communities have more fully embraced the experience, dressed up their barriers and encouraged the Town to continue with outdoor dining.

Chris Langathianos, 57 School Street – Mr. Langathianos agreed with the public input from this evening and aside from the Board had not heard from others who were opposed to continuing outdoor dining and the use of parking spaces.

Mr. Boling clarified there are business owners who have spoken against the use of parking spaces and some will speak publicly and some who will not speak publicly. The Board cannot help where restaurants are located but parking spaces in Town are a precious resource and have been given to restaurants as an emergency measure. The history of parking spaces in Town is legend from the Downtown Improvement Project to Complete Streets the lack of parking spaces has been openly debated and controversial.

Monica from Cala's thanked the public for their support and stated the use of parking spaces is a hot button issue but outdoor dining creates life in the downtown area and should not be given up because of a few feet of concrete. Mr. Boling took exception to her comment pointing out that the safety of pedestrians was the previous issue around parking spaces.

Brian Sollosy, 11 Central Street – Mr. Sollosy echo's what the public has stated pointing out outdoor dining has added new life and vibrancy to the downtown.

Kim Hofeldt stated there appears to be no opposition to outdoor dining and asked the Board to not take away the parking spaces for outdoor dining. Mr. Bodmer-Turner replied that because you do not see opposition does not mean there is no opposition. It is naïve to assume there is no opposition. Ms. Hofeldt requested letters in opposition be read into the record. Mr. Boling stated there is no format for fulfilling that request.

Ms. Delisio, Planning Board member stated she agrees with all the comments and encouraged the Board to continue with outdoor dining and the use of parking spaces.

Mr. Round stated outdoor dining on sidewalk is supported but parking spaces in Town has been a controversial issue for years. Mr. Bodmer-Turner stated it is important for this discussion to keep in mind there are limitations that will be mandated by the State. The Town is not in charge of modifications to liquor licenses for example and there may be additional changes imposed by the State that the Town has no jurisdiction or control over.

The Board concluded their discussion on outdoor dining indicating parking spaces would remain available to restaurants through July 11.

*Ms. Harrison moved to support use of sidewalk dining through August 15, 2021 subject to changes in state legislation and cessation of use of parking spaces after July 11, 2021. Ms. Jaques added a friendly amendment to be reviewed in 30 days. Mr. Round seconded the motion. The motion passed unanimously with a roll call vote.*

- **Hamilton Presentation: Chebacco Road Relocation**

Goals for Project

- Improve the condition of the paved roadway surface
- Improve safety for vehicles
- Maintain country road feel
- Limit impacts to woods and native species
- Reduce sediment runoff from gravel road
- Improve storm water management where possible
- Move road away from Gravelly Pond

Start of Project intersection of Essex Street & Chebacco Road

End of Projects intersection of Chebacco Road & Pine Street MBTS Townline

Project limits Approximately 10,670 Linear Feet (LF) of existing roadway

Project Overview

- Mill and Overlay approximately 7,295 LF of existing paved road Essex Street to Pearl Street
- Reconstruct approximately 3,375LF of existing gravel road
- Approximately 2,150LF of reconstructed gravel road is proposed to be paved within existing limits of Chebacco Road
- Back Pond Retaining Walls  
Project includes removal of 2 degraded wooden retaining walls (15 LF each)  
Replacing with two precast quality block retaining walls (20 LF and 40LF) with wooden guardrail

Important to MBTS

- Existing road along Gravelly Pond +/- 1,225 LF located within resource area buffers
- Project proposes to relocate a portion of Chebacco Road on MBTS property to an area between existing and the 1964 Right of Way (ROW).

#### Relocated Roadway Discussion

- Town of Hamilton holds two established ROW easement near Gravelly Pond  
40 feet ROW for existing roadway location  
40 feet 1964 ROW (not used)
- Goal of the project is to move the roadway away from Gravelly Pond (surface water reservoir drinking water source for MBTS)
- Geotechnical explorations conducted in 1964 ROW reveal shallow ledge
- Town of Hamilton, Massachusetts wishes to move roadway between existing and 1964 ROW

#### Easement

- |  |  |
|--|--|
| ○ 1964 ROW (to be transferred to MBTS)                         | 44,726 sq. ft.   |
| ○ Existing ROW (to be transferred back to MBTS)                | 31,272 sq. ft.   |
| ○ Proposed permanent easement to be transferred<br>To Hamilton | 33,530   |
| ○ Net total area transferred                                   | 42,468 sq. ft. to the benefit<br>MBTS in expanded<br>Conservation area |
- 
- Existing gravel roadway is located within Conservation Restriction (CR) area, Chapter 184, section 31 of MA General Law
  - Proposed land transfer between Town of Hamilton and MBTS is covered under Article 97 of the Massachusetts Constitution
    - Remove 33,500 sq. ft. of area from the CR area and create a permanent easement in favor of the Town of Hamilton
    - Restore 31,272 sq. ft. of the existing ROW (current gravel road) within CR
    - Donate 44,726 sq. ft. of the 1964 ROW CR area

#### Project Status and Next Steps

- Town of Hamilton and Woodward and Curran are in the process of finalizing project design plans, specifications and bid documents.
- Draft formal Article 97 documents – June 2021
- 2021 Town Meetings: Hamilton, May 2021, MBTS, June 2021
- Finalize Article 97 Legislation for vote – July 2021
- Anticipated bid in July/August – (Estimate – 3 weeks for bid)
- Anticipated Construction in August – December 2021 (4-6 month duration)

Mr. Boling confirmed the Manchester, Annual Town Meeting was scheduled for Monday, June 21, 2021. Mr. Boling also asked where the paving would stop. Mr. Mavrogeorge confirmed the paving would stop at the town line which is some 800+ feet beyond the transfer station. This 800 feet would remain a gravel road.

Ms. Jaques asked what would happen to the abandoned road. Mr. Mavrogeorge stated the road would be scarified and tilled up and loosened to revert to its natural condition. Ms. Jaques expressed concern the better paved road would result in more traffic. Mr.

Mavrogeorge indicated the new road provided an improved surface which contributed to safety, allowed better access to emergency vehicles, school buses and postal delivery. A traffic study was not conducted but he noted the portion of road in Manchester would remain unpaved.

Mr. Bodmer-Turner asked about the transition conduit for salamanders. Mr. Mavrogeorge stated there are a number of conduits for salamander crossings and where important they would be replaced. Some were replaced with trench drains which allows for sediment to run off, which was not the case with the older conduits.

Ms. Harrison requested clarification around what the Board was being asked for. Mr. Federspiel stated the purpose of the presentation was to review the request for the new right of way and the new road which is further away from the Town's water supply but stays in MBTS property..

Helen Bethell, 59 School St. – Ms. Bethell indicated the entire area was inhabited by rare species and asked if the State had been informed. Mr. Mavrogeorge replied State permitting had been granted and the Conservation Commission of Hamilton had participated in the project from its inception.

Sandy Rogers, 82 Old Essex Road – Ms. Rogers expressed concern about protecting water sources, clear cutting of trees and reseeded the existing road with natural species. Additionally, Ms. Rogers suggested oversight of the project by MBTS Town officials.

Ms. Foley asked about the increase of traffic from Route 128 indicating she had heard from Hamilton residents they were looking forward to easier and quicker access to Town. Mr. Boling replied, the road would have an 800 foot unpaved section and does not believe the new road will increase traffic from Route 128.

Mr. Wilson was asked if he would like a presentation to Annual Town Meeting. Mr. Wilson does not believe a presentation is required but would like Mr. Mavrogeorge to be available to answer questions from residents.

- **Dispatch Options Public Forum**

Mr. Boling outlined the Town's historical engagement with Regional Dispatch and stated the Board would be holding two Public Forums to present and discuss Dispatch.

- In 2005 Regional Dispatch was pursued amongst some 23 communities in Essex County.
- In 2009 the new regional dispatch center was approved to operate out of the Sheriff's Department based in Middleton.
- In 2009 a study in Manchester considered a number of recommendations.
- The Fire Department felt a significant number of improvements were needed around medical emergency calls and fire calls.
- The Board looked into multiple options: Regional, In-Town, Hamilton, Danvers, Beverly and moving to Middleton.
- There were concerns expressed by the Finance Committee and BOS around the move to the then Regional resource.

- The Board decided to address the critical issues of the Fire Department and the Town addressed enough of the issues to remain with In-Town Dispatch.
- The Regional Dispatch in Middleton is now run by the State there is state of the art emergency dispatch, technical support and permanent dispatch staff for both Fire and Police.
- The facility is more mature.
- The move to the Regional Dispatch is free.
- At this time, the decision again is to go to Regional or Upgrade In-Town Dispatch

Mr. Federspiel indicated that was the history of Dispatch and now there are existing deficiencies with the Town's antiquated software and there are challenges with staffing. Dispatch has 3 full time dispatchers who work Monday to Friday in 3 8-hour shifts. The challenge is to fill the weekend shifts. Currently most of the shifts are worked by part-time reserve officers and when there are no part-time reserve officers to fill the shifts full time officers are put on forced over-time to fill the shifts.

Additionally, there are questions on how Town Dispatch is staffed during major incidents when it is imperative to have two dispatchers.

Outstanding questions:

- Responsibilities of Dispatchers – first point of contact when a person comes into the station. Walk-ins to the Police Station average 1.5 daily
- If move Dispatch – work with a unstaffed station
- Create a Safe Lobby
- To staff to same level as Regional would require having two dispatchers on full time and double current costs.

Ms. Mellish stated she was on the ad hoc committee and recognized that the Regional Dispatch was not originally effectively managed. With the State take over that issue has been resolved. Ms. Mellish would like to evaluate the cost of Dispatch with two full time people working and the Police Station open 24 hours. A full and accurate financial analysis needs to be done and the Town is not there yet.

Ms. Jaques stated reserve police officers are transitioning to full time officers with the new State requirement that all police officers reserve and full time have the same level of training.

Sandy Rogers, Old Essex Road – Ms. Rogers requested all information around Dispatch be put on the Town website.

Timeline for discussion and decision process is open but once a decision is made and if the Town is moving to Regional Dispatch, it is a nine month process. Funding to upgrade the In-Town Dispatch if that is the decision will be in the FY23 budget.

Mike Storella, 119 Pine Street – Mr. Storella requested statistical analysis on performance of Dispatch both from the Fire and Police Chiefs and from Regional Dispatch.

Mr. Boling stated the next Public Forum will be held on July 19, 2021.

- **Discussion Alternative July 4<sup>th</sup> Parade**

The Board discussed the possibility of preparing and holding a July 4<sup>th</sup> Parade on July 4<sup>th</sup> 2021. Regrettably, the timeline for a parade although it is a much loved and revered Town tradition is not possible for a myriad of reasons. Not the least of which are safety and staffing.

July 3, 2021 will feature the Red, White and Blue pancake breakfast hosted by the Rotary and on July 4, 2021 the Town will hold a house decorating contest followed by a boat parade at 4:00 p.m. and evening concert starting at 6:00 p.m.

A special event for 2021 will be held on September 25<sup>th</sup> with the 375<sup>th</sup> Celebration Parade starting at 2:00 p.m. (following the July 4<sup>th</sup> Parade Route) with all the bells and whistles of the usual July 4<sup>th</sup> Parade which will return in 2022 with fireworks!!

- **Construction Updates Including Bridge Street Striping**

Aside from the State's work on Bridge Street the Town is in a short lull. DPW is busy with spring clean-up and preparing for summer. Painting Seaside One is scheduled. The bids for the compost project at the transfer station are due on June 10<sup>th</sup>. Water pipe bids are due later this month with material prices spiking (pipe costs have nearly doubled over the last year) Town dollars will not allow for the planned level of work this summer.

The State's milling and repaving of Bridge Street was a surprise to the Town. We were able to get the State to agree to consider re-doing the Harbor/Bridge Street intersection as a standard "T" intersection without the slip lanes. The request is being reviewed and hopefully the State will return to complete this work.

The question of striping on Bridge Street has been brought up by a few of the abutting property owners. The Town's on-street parking By Law states parking is allowed on both sides of Bridge Street between Pine and Ashland. There is insufficient room for two travel lanes and two lanes of parking. One resident has asked that the striping be re-done so the center line follows the center of the road. Mr. Dam and Mr. Federspiel agree that the striping should be done along the current layout.

The board discussed the issue and agreed people cannot park on both sides of the street it is a safety issue.

Helen Kamins, 13 Bridge Street – Ms. Kamins stated she has lived at 13 Bridge Street for 16 years and the lack of parking in front of her home presents all kinds of problems. She believes the residents on the even side of the street use all available parking to the detriment of the residents on the odd side of the street.

Mr. Boling stated decisions were made several years ago in response to residents on the even side of the street and the striping was changed. Ms. Jaques pointed out that residents on the even side of the street have no other parking available to them and



residents on the odd side have available parking on Bennett Street and all the homes have off street parking.

Mr. Boling stated he would be happy to sit down with Ms. Kamins and Town staff to see if there is a possible way to resolve the on street parking issue and maintain safety.

- **Consent Agenda**

- BOS Meeting Minutes – May 17, 2021
- Public Shade and Town Tree Policy – Add Heritage Trees (clarification)
- Boston Post Cane – revised procedures
- Special Event Permit Application & One Day Liquor License – 2021 Festival-by-the-Sea
- Clerical & Union Contract Approvals
- Solid Waste Contract Approval to JRM
- Rescind Covid Emergency Declaration Effective June 15, 2021

*Mr. Bodmer-Turner moved to approve the Consent Agenda, Ms. Jaques seconded the motion. The motion passed unanimously*

- **Correspondence**

- Letter from Xfinity Re: Programming Advisory
- Correspondence Re: Dispatch

- **Town Administrator's Report**

- 1) **Special Meeting:** The Board has a special meeting scheduled for June 17, 2021. The main focus will be the letter to Mass Housing regarding SLV's proposed 40B project. There are additional items the Board needs to consider as well – reappointments to Boards and Committees, speakers for ATM Articles and additional short-term paying guest applications. If needed, the Board may also meet on June 22, 2021 to approve the final version of the Mass Housing letter. Mr. Federspiel will have a preliminary draft for discussion on June 17, 2021. It is recommended the Board forward a letter to the State Accessibility Agency explaining the Town's Complete Streets Policy and how the Town plans to extend sidewalks up School Street. In this letter the Town will indicate SLV should be required to have a sidewalk within their proposed development as well.
- 2) **Powder House Hill Parking:** As the Board may recall, the Housing Authority is no longer allowing residents to park in their parking area at Newport Park to access the trails. The HA believes they need to reserve all parking spaces for tenants and tenant's guests. This is not sitting well with residents who frequent Powder House Hill. The Town has been providing free trash pickup and disposal for MHA sites at a cost of approximately \$12K a year. (Initially we thought they were "piggybacking" on our contract rates with Waste Management but paying Waste Management directly. This has not been happening.) This may leverage to request that two parking spaces be made available from 9:00 a.m. to 5:00 p.m. for Powder

House Hill access. Anecdotally it seems there is plenty of parking during the day.

- 3) **Path to Beach Street from Town Hall Parking Lot:** The survey is completed and a short path is sketched out. The path will be easy to implement. The Town is developing a draft agreement for the Church to review. It is hoped the new path will be functioning in July 2021.
- 4) **Virtual vs In-person vs Hybrid meetings:** It is expected legislation will pass to allow virtual meetings to continue past June 15, 2021, the end of the State's emergency declaration. If so, it is recommended the Town should continue with virtual meetings Town Hall is set up for hybrid meetings with Board and Committee members meeting in person and residents and presenters joining virtually. There is a capital request before voters to fund the necessary AV upgrades to Room 5 to handle this. Obviously, if legislation is not approved, Town Committees and Boards will return to in-person meetings until we have the AV upgrades in place. Mr. Federspiel believes that residents will demand the virtual option going forward.
- 5) **Mr. Federspiel's Schedule:** He is away the 10<sup>th</sup> through the 14<sup>th</sup> and hopefully moving through the next week. Mr. Federspiel will be available for the meeting on June 17, 2021.

- **Other Matters, as May Have Not Been Reasonably Anticipated by the Chairman** – There were no additional matters this evening.

#### **Meeting Documents:**

- Consent Agenda as listed
- Correspondence as listed
- Presentation Materials Chebacco Woods Road
- Eagle Scout Project – Presentation
- Dispatch Options Public Forum
- Town Administrator's Report

#### **Upcoming BOS Meeting**

- Tuesday, July 6, 2021
- Monday, July 19, 2021