



MANCHESTER-BY-THE-SEA

SELECT BOARD • TOWN HALL

Manchester-by-the-Sea, Massachusetts 01944-1399

Telephone (978) 526-2000 FAX (978) 526-2001

MINUTES OF THE SELECT BOARD

July 17, 2023

6:30 p.m.

Hybrid Meeting

Join Zoom Meeting, Meeting: ID 871 1295 9224 Passcode: 038178 Mobile: 1.646.558.8656

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

MEMBERS ABSENT: Ms. Jaques

STAFF PRESENT: Town Administrator, Mr. Federspiel, Executive Assistant, Debbie Powers,

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

Public Comments on Non-Agenda Items: None

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

1. Interview: Robert Scott – Zoning Board of Appeals: Mr. Scott was unable to attend. Rescheduled to August 7th.

6c. Discussion – Open Meeting Law and Meeting Attendance: Ms. Harrison discussed her training she received on the open meeting law.

6b. Discussion – Rotunda Public Forum July 27th – Mr. Federspiel asked the Board what time the forum is to start and what they would like to present. The Board answered 6:30pm. Mr. Round asked for a low tide and high tide projections. Ms. Bilotta would like to have some feedback on funding avenues.

6a – Powder House Hill Access – Mr. Federspiel explained the issue regarding access to the open space at the Newport Park property. He explained the next step would be for the Town to issue a letter to the Housing Authority to request a meeting to find a solution. The Board agreed to proceed with the letter.

8b. Accept Resignation of Library Trustee Eden Davies:

Ms. Bilotta moved to accept the resignation of Library Trustee Eden Davies; Mr. Round seconded. Unanimously approved by roll call vote.

8c. Longevity Bench Approvals: Ms. Harrison asked about the maintenance of the benches. Lisa Bonneville, President of the Longevity Bench Project, answered that the benches are meant to be rust proof and a few people have volunteered to clean the benches.

Ms. Bilotta moved to approve the longevity benches; Mr. Round seconded. Unanimously approved by roll call vote.

8e. Ratify Reappointment of Treasurer/Collector:

Ms. Bilotta moved to ratify reappointment of the Treasurer/Collector; Mr. Sollosy seconded. Unanimously approved by roll call.

2. Water & Sewer Rates Public Hearing:

Mr. Sollosy moved that the Select Board open the water and sewer rate public hearing; Ms. Bilotta seconded. Unanimously approved by roll call vote.

Ms. Harrison updated the public on the background of the new water rate structure presented by the Water Resources Protection Task Force.

Steve Gang, Chair of the Water Resources Protection Task Force reviewed the slideshow that was included in the packet.

Mr. Round stated the primary focus is to conserve water and the Town is using about 20% more water than the state average. The state average is 65 gallons per resident per day and we are at 80 gallons per day. The higher users could help with reducing the rate.

Ms. Bilotta asked if the Task Force resolved the issues regarding multi-family homes on one meter are not adversely affected and also about bedroom count. I would like to make sure the right homes are following in the correct tiers.

Erica Brown, 57 Brooks Street & the Cricket, asked if the town were to reconsider the commercial users, wouldn't that distort the data that was presented. Mr. Round answered the data did not include the commercial users.

Mary Foley, 1 Polaski Drive, asked if this was phase 1 of a 3-phase proposal. Ms. Harrison stated we are only considering the first step. Ms. Foley commented that this is a numbers game and asked if this was to conserve water but there is no incentive to conserve. Some communities have a summer and winter rate and why are we decreasing the rate in tier 1 and only targeting tier 2, 3 and 4.

Steve Picone, , commented on the water meters and asked how much a meter costs. Mr. Dam stated that it cost a few hundred dollars, which includes the meter and the install. We are anticipating between \$1 to \$1.5 million to replace all meters.

Jeff Cochand, 15 Vine Street, addressed the quantity of water and the need to replace the meters.

Mary Foley asked if the Task Force looked at other towns who have summer and winter rates. Mr. Gang answered that we looked at 30 different options including winter and summer rates. The Task Force knew where the source of conservation was going to come from irrigation, they felt it did not make sense to make a rate change that would affect all households.

Harris Collishain, 5 Eagle Head Road, asked if the rates are going to be marginal rates? Ms. Harrison answered that it is based on the usage of x amount of gallons at one rate, then your next x gallons are at the next rate.

Eli Boling, 99 Pleasant Street, stated he supports the lower two tiers to be given some benefit for their conservation but has concern about the upper two tiers. He feels that the upper tier will not make a difference in the water conservation and the third tier is where you might see conservation be effective, which would include the businesses and schools but they have not been addressed.

Christina Deliso, 6 Lincoln Avenue commented on the state average of 65 gallons a day per user. She felt residents would be penalized if they have more than two people in their household. She has a household of five then she should be allotted 65 gallons per day per user but she is at tier 2 and being penalized for having a family of more than two.

Dana Vermilyn, School Street, commended the Task Force and commented that tier 3 is very large, suggested that tier 3's starting point to be higher to allow for legitimate reasons why someone might be slightly over the average usage. Ms. Bilotta addressed that people in tier 3 would benefit from the tier 1 and tier 2 usage and only additional gallons at the higher rate.

Tom Kehoe, 20 Lincoln Street, commented that the goal was to keep water available for the future and water is a resource that is difficult to monitor and the new water meters will help keep track of water usage.

Chris Glass, 12 Woodcrest Road, stated he is a family of 7, in the top tier and he is concerned that this will penalize people with larger families. Even a family of 4 would be in tier 2 or tier 3 automatically. He would like the Select Board to not vote on anything without taking in account of the census numbers and the ability to make an adjustment based on that information.

Ellen Cross, 31 Smith Point Road, commented that the Town bills quarterly and it would be very hard to change behavior if you don't have the information. She asked if there was a way to provide information on the bills. Mr. Gang answered that would be up to the DPW but the Task Force recommended switching billing to gallons instead of cubic feet.

Sarah Pierce, 9 Friend Street, commented on the mention of PFAS in town water by Mr. Gang and asked if the water is safe to drink. Mr. Gang commented that PFAS in town is closely monitored, we are below the current maximum thresholds, and we are ahead of the game to filter them out in the future

Harris Komishane, 5 Eagle Head Road, asked if the Board votes to approve, when would the new rates take effect and suggested to have it start next quarter. Ms. Harrison answered that it would start immediately as a retroactive rate.

Philip Furse, 8 Blossom Lane, referred to comments made by Mr. Gang that if tier 1 makes you efficient is incorrect. Efficiency has to do with usage per person and in a 6 people household, use the state average of 65 gallons per day, 365 days that translates in 4,757 per quarter which put his household in a penalized tier.

Laurene Iovanni, 20A Pine Street, commented that the town should be looking at families that have taken the necessary steps to conserve and issue rebates for those that have changed their behavior. Ms. Harrison addressed that the tiers do give the citizen the incentives to conserve.

Mr. Round moved that the Select Board close the evidentiary portion of the hearing; Ms. Bilotta seconded. Unanimously approved by roll call vote.

The Board discussed the proposed water rates. Ms. Harrison addressed that nothing has been said about the schools and how will it be addressed for multi families units and commercial establishments. Mr. Federspiel answered that multi family is pretty simple but a little more difficult for a new commercial structure; that would be more involved. He stated that we could keep the existing structure and increase it by 3% only for commercial.

Ms. Bilotta spoke on the proposed residential structure and a waiver process to deal with some cases is a fair way to proceed but asked if we have modeled commercial yet. Mr. Federspiel stated that modeling has not been done. Ms. Bilotta stated she is in favor of moving ahead on the residential rates but not commercial.

Mr. Sollosy commented that larger households will not be billed at tier 3 until they reach that point and is satisfied with the proposed stepped system with the savings spread over the quarter.

Mr. Federspiel suggested to change tier 2 cap from 4,000 to 6,500 cubic feet per quarter which captures a family of 8.

Ms. Harrison asked if it is possible to send bills with current rate along with the proposed rate. We need to give people a chance to look at water usage before a larger bill is imposed.

Ms. Harrison suggested that we increase the water and sewer rates 2.5% and relook at this in September.

Mr. Round moved that the Select Board increase water and sewer rates as currently implemented by 2 ½ percent and reconsider more progressive rates at the second September meeting; Ms. Bilotta seconded. Unanimously approved by roll call vote.

8:43pm – Recess

3. Pickle Ball Court Discussion with Parks & Recreation Committee:

Mr. Federspiel updated the Board on the pickleball court complaints. He stated that the Parks & Recreation Committee have addressed the complaints, which included a sound study and identified potential sound barriers.

Cheryl Marshall, Director of Parks & Recreation Department addressed the many different options for barriers the committee have looked into. There is only one company that makes a transparent barrier, which they are recommending. She asked the Board how much do you want to spend on the barrier?

Ms. Bilotta asked what the cost difference between sound barrier and a tennis bubble. Ms. Marshall explained that a bubble would cost between \$1 to \$1.2 million with everything and sound barrier would be around \$26,700. That would include the clear barrier on the front and a different barrier on the Sweeney Park side. The company would also provide a sound test with nothing up and another test with the barrier up. The Committee asked for the Board to approve their recommendation to move forward with the barriers.

Joe Lyman, consultant for the sound barrier and an expert on pickleball, addressed the transparent noise barriers. The company that makes the barrier has been doing sound mitigation for about 50 year and the product comes from New Zealand. It has been used in construction sites in the United States but no pickleball courts as of yet.

Muffin Driscoll, 33 Pleasant Street, explained that the Committee and Director have been diligent to try and meet the concerns of the pickle ball players and neighborhood. This approach is a compromise.

Ms. Bilotta asked if the Board issued their support, what the next step would be. Ms. Marshall answered that we would be able to move forward with the consultant and USA Pickleball to see the samples.

Christina Deliso, 6 Pleasant Ave, asked if the neighborhood was not satisfied with the sound mitigation, what would happen next and suggested to convert the courts back to tennis. Ms. Harrison answered the courts are closed in December and if the neighbors are still not happy this would come back before the Board.

Kim Logue, 142 Summer Street, stated there are times during the day where she cannot be in parts of her house, and it is very annoying to hear. Putting up a sound barrier may help but is unsure. The Board of Health was not happy with the sound mitigation report because it was based on a model.

Lisa Bonneville, 23 Woodholm Road, addressed the interaction with players and observers. She asked if it is possible to back up the barrier to a space behind the fence and commented on the longevity bench at the court.

Ms. Bilotta moved to have the Parks & Recreation Committee move forward with their recommendation and report back to the Board on August 21, 2023; Mr. Round seconded. Unanimously approved by roll call vote.

4. American Legion Alcohol License Amendments:

Mr. Round referred to the question regarding Allan Kirker's citizenship. The Board also asked about the hours of alcohol consumption on the deck. Ms. Powers will look into the questions and bring the amendments to the next meeting.

5. Quarterly Reviews – Police Chief:

The Board reviewed the Police Chief's quarterly memo with Chief Fitzgerald. Memo included in the packet.

Chief Fitzgerald addressed that the extra harbor patrol has been working out very well.

Ms. Harrison asked to include the use of overtime spending in his next report. Chief Fitzgerald noted that overtime will be on the midnight shift.

Fire Chief:

Mr. McNeilly addressed his status report with the Board, which is included in the packet and addressed goals for the next quarter.

Town Administrator:

Mr. Federspiel reviewed his quarterly report with the Board and discussed succession planning.

The Board agreed he is doing a great job and all departments are running wonderfully.

6d. Discuss Possible Fine Structure for New Well Regulations:

Peter Colorusso, Chair of BOH, reviewed the fine structure for new well regulations with the Board, which is included in the packet.

Mr. Round asked in the past 3 years, has the Town issued any well violations. Mr. Colorusso was unsure. Once you construct the well, there are no regulations.

Ms. Harrison asked how many drinking water wells are in town? Mr. Colorusso thought there was about 40. A lot of wells are registered as irrigation or agricultural.

The Board agreed that graduated fines are a good idea but wording needs to be worked on. Mr. Colorusso will note their comments.

8f. Approval Legal Joint Representative Consent Form:

Ms. Bilotta moved to approve the legal joint representation consent form; Mr. Round seconded. Unanimously approved by roll call vote.

8d. Short Term Guest License – 16 Desmond Avenue:

Ms. Harrison moved to approve the short term guest license for 16 Desmond Avenue; Mr. Round seconded. Unanimously approved by roll call vote

9. Town Administrator’s Report

Finance Committee: The committee is discussing modifying are target for reserves by excluding the school budget from the calculation but including capital. The net result would be a lower reserve target by about \$1 million. Also, at their meeting on July 26 Chuck will be in to give a presentation on capital needs.

Grease at the sewer plant: Cooking grease can cause problems at the sewer treatment plant. Homeowners also should not be putting grease down the drain. We will embark on an outreach campaign to help educate people about this issue.

School Budget and the apportionment formula: Discussions will be getting underway soon on what changes, if any, should be made to the district apportionment formula and other strategies for dealing with the district budget challenges. This will be an important topic through the fall. Perhaps at our meeting on the 7th we discuss how you would like to approach this topic.

10:41 pm Ms. Bilotta moved to adjourn the meeting; Mr. Sollosy seconded. Unanimously approved by roll call vote.

Next meetings: July 27 (Rotunda Forum) & August 7 (regular meeting)

List of Materials:

- Public Hearing Notice & Presentation
- Pickleball Sound Study
- Liquor Amendments – American Legion
- MHA Letter
- Well Regulations Info
- Consent Agena Items