



# MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL  
Manchester-by-the-Sea, Massachusetts 01944-1399  
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## MINUTES OF THE BOARD OF SELECTMEN

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September 20, 2021, 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 889 0186 4777 Passcode: 986452 One tap mobile: 1.646.558.8656

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

**MEMBERS ABSENT:**

**STAFF PRESENT:** Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, Town Planner, Ms. Brown, Fire Department Chief Cleary

**GUESTS:** Conservation Commission Chair, Mr. Gang, Town Moderator, Mr. Wilson

**PRESS:**

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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.

### 0. Chairman's Report & Public Comment

Mr. Bodmer-Turner stated the Board had held a long and detailed Public Forum on Dispatch. During that meeting he had misspoken around money saved that would be reallocated within Public Safety. That was an error the Board has yet to decide what would happen around potential savings if the Town moved to Regional 911 Dispatch.

Additionally, Christian Hill Conservation Restriction on the agenda this evening and scheduled for 7:00 p.m. may be delayed, Ms. Brown and Mr. Gang are in a separate meeting and the agenda item will be addressed when they are available.

### 1. Correspondence & Town Website Policy – Second Read

This evening the Board is addressing how the Town handles email as part of Town Policy and in compliance with State Law. The Board is considering two policies and a new practice. The policies and practice were projected on screen for Board members and the Public to view.

Ms. Harrison strenuously objected to the word generally in the third bullet point of the proposed policy regarding receipt of emails addressed to Town of Manchester Board and Committee members. Ms. Harrison objects to random people accessing emails without going through the public process. Mr. Boling, Ms. Jaques and Mr. Round

agreed with Ms. Harrison. Mr. Boling stated forwarding emails when the Board receives a public records request is a necessary aspect of the policy and mandated by State law. He noted it was better to have one specific place for these emails rather than reviewing Board and Committee members personnel email addresses.

Mr. Federspiel stated there is a presumption that all records are public records except for the records that are designated as an exemption in the law. He noted that when sending an email, the sender does not expect confidentiality and if an individual has an expectation of confidentiality, it is better to place a phone call instead. Mr. Round pointed out that most residents are not aware of the law and suggested adding language to the website homepage of each Town Board and Committee.

*Mr. Round moved to place a disclaimer on the homepage of every Board and Committee with a general statement and link to the Policy Regarding Receipt of Emails to Town Boards and Committees, Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.*

Practice regarding Correspondence as an agenda item will be further developed and considered at the next Board meeting.

*Ms. Jaques moved to accept the Policy for Postings to the Town Website and the Policy Regarding Receipt of Emails to Town Board and Committee members as amended, Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.*

## **2. Utility Abatement Request – 31 Proctor Street**

Mr. Federspiel stated the Board had adopted a policy for Property Owners who requested an abatement due to a leak or other issue. The policy considers a three-year average of typical volume, subtracts that against the leak and applies the wholesale rate above the average. The wholesale rate is measured by the rate of water usage at the Treatment Plant or the more inclusive rate of Treatment and Distribution.

In the instance of the 31 Proctor Street request the more inclusive rate has been applied and the bill adjusted from \$7,331.47 to \$4,005.59 for an abatement of approximately \$3,300.00.

Mr. Boling indicated the policy is meant to work with DPW applying the formula and the abatement only coming to the Board if the Property Owner objects. Mr. Bodmer-Turner asked if the policy was unclear around the total cost. Mr. Boling replied yes. Ms. Jaques asked for the policy to be clarified on the DPW website.

Mr. Federspiel proposed amending the policy to apply the wholesale rate to include both Distribution and Treatment. Noting the policy should be straight forward and include all costs. Mr. Bodmer-Turner supported including the cost of Treatment and not Distribution until the policy is clarified and revised.

*Mr. Boling moved to approve the Proctor Street abatement of \$3,325.88 resulting in a revised bill of \$4,005.59, Ms. Jaques seconded the motion. The motion passed 4 in favor and Mr. Bodmer-Turner opposed.*

### **3. Christian Hill – Conservation Restriction**

Article 14: from June 22, 2020, Annual Town Meeting provided for the Acquisition of the Christian Hill Lot for purposes of Open Space and Recreation. The language in the article *...for water supply protection, open space and passive recreation purposes, including the incidental right to use, widen or otherwise improve the existing logging road thereon, after consultation with the Conservation Commission, for passive recreation purposes and/or pedestrian and vehicular access to other conservation or recreational land, with the care, custody and control of said parcel to the held by the Conservation Commission under the provisions of G.L. Chapter 40, Section 8C and subject to Article 97 of the Massachusetts Constitution:*

Mr. Federspiel indicated this is what the voters approved, and the Conservation Restriction (CR) should honor it. In crafting the proposed CR, questions have been raised about how best to articulate these rights. Note in particular Section II B, Section 9, and Section 12. The language in the vote leaves a few questions open-ended like whether the logging road can be paved. This is something that would have to be decided in consultation with the Conservation Commission. Any improvements must be related to passive recreation purposes and/or access to other conservation or recreational lands.

#### **Conservation Restriction Outlines I Purposes A – E, II Prohibited Acts A 1 –7 and Uses, Exceptions Thereto and Permitted Uses and B Reserved Rights and Exceptions 1 – 4**

Ms. Brown would like to see the CR resolved quickly. Mr. Gang thanked the Board for supporting the acquisition of Christian Hill.

Ms. Jaques expressed concern that what Town residents approved should be part of the Conservation Restriction and if the Article is amended or qualified in any way, it is essential to go back to voters to decide what is being proposed in the CR.

Mr. Bodmer-Turner asked what was the intent of the language as voted? Ms. Brown stated the use of the logging road is an allowed use and language could be inserted to define for what purpose the logging road is used. Mr. Federspiel believes Section B item 12 motor vehicles in the last sentence limits the language of the vote and achieves what the Town was working towards, we are talking about a narrow window of vehicular access. Mr. Gang suggested adding and defining vehicles for access to passive recreation.

Ms. Brown would like to request Town Counsel craft language to present to MEET. Concern has been expressed around a lot of cars passing on the logging road.

Mr. Boling stated he would like to see the language left with some flexibility. The Forest Stewardship Plan for the Western Woods hopes to maintain connection among the parcels and for people to use the land for passive recreational purposes. He would like to preserve the ability to connect parcels, maintain the land and provide access for motorized bike, e-bikes. He believes it is important.

Mr. Bodmer-Turner asked if A6 does not override B12 and wondered how the two were in the same document. Ms. Brown believes the particular uses for safety; maintenance are not meant as a prohibition but an allowance.

*Mr. Bodmer-Turner moved to request, Town Planner, Town Administrator, Chair of the Conservation Commission, Executive Director of METC and Mr. Boling (BOS Representative) in consultation with Town Counsel clarify the language in the Conservation Restriction for Christian Hill and bring their recommendation back to the Board on October 4, 2021. If language is not finalized a representative of the group will return with a report on progress. Mr. Boling seconded the motion. The motion passed unanimously by roll call vote.*

#### **4. BOS Policies Review –**

Policy Review discussion was moved to the Board meeting on October 4, 2021. Ms. Harrison requested an electronic copy of the policies for review. Mr. Federspiel will forward an electronic copy of the policies for the Board to review.

#### **5. Fall Town Meeting – Possible Articles and Deadlines**

Fall Town Meeting (FTM) the current proposal is to proceed with a FTM held outdoors on November 13, 2021, under a tent with heaters, lights and all audio-visual needs addressed. The Town is currently working on estimates from vendors and plans to use CARES Act dollars to cover expenses.

Mr. Wilson indicated the reason for the outdoor venue is to protect the health and safety of voters. Mr. Wilson noted six feet of social distancing is not possible at either Memorial School or the Middle High School.

The Board discussed the outdoor FTM plan and concluded the outdoor venue in November would result in low turnout and would simply be too cold to hold an effective meeting. The options laid out for FTM include:

- Reconsidering the Middle High School for a Saturday meeting
- Outside under a tent with heaters
- Venue outside of Town
- Postpone the meeting to Spring

Mr. Bodmer-Turner expressed concern that postponing the meeting would leave several time sensitive items unresolved including:

- Town of Hamilton land swap
- Citizen Petition Articles – Mr. Wilson stated if there is no FTM the articles do not need to be entertained
- Field on Pine Street
- Request from Harbormaster for new boat
- Planning Board Articles

The Board concluded consideration will be given to additional indoor venues. Mr. Wilson indicated the Middle High School cafeteria and gymnasium could hold up to 400 people, but the cafeteria alone will not meet the projected needs of the meeting. Further consideration of location and date of the meeting will establish the timeline for Articles and approval of the Warrant.

#### **6. Dispatch Next Steps and Budget Implications**

Mr. Bodmer-Turner asked if the Board had any questions following the Public Forum. Mr. Round stated he does not have a feel for the community and where they are in the process. Ms. Jaques stated she understands this should not be a Fire vs. Police situation and hopes it will not be. She noted the Board had heard from the Police Chief, Dispatchers and Reserve Officers and wondered if it would be possible to hear from Paramedics who have been very conscientious in their approach.

Chief Cleary asked what format the Board would like to hear from Firefighters and Paramedics, individually or from the union. Mr. Jaques indicated she recalled hearing from Fire Fighters some time ago but would like to hear their professional perspective on what is best and safest for the Department.

Chief Cleary indicated that to a person Fire Department personnel support going to Regional Dispatch, but he can ask the rank and file to respond. Mr. Bodmer-Turner indicated all employees had an opportunity to provide input during the two Public Forums and believes asking now would pit one department against another. Chief Cleary stated he had requested the employees to let the facts speak and as head of the Department the employees support going to Regional but if the Board decides to remain in Town they support two full time dispatchers, additional training, and supervision for dispatchers.

Ms. Jaques asked if the Board had definitive numbers on what that would cost. Mr. Federspiel noted that what the Chief is proposing meets the NFTA standards and includes updated fire alarms and a sprinkler system to protect the dispatch operation. Mr. Federspiel stated projected costs did not include improvements to the building. Mr. Bodmer-Turner requested those numbers be added and asked what other steps needed to be taken between now and October 4, 2021.

Ms. Harrison asked about the radio equipment needed. Mr. Federspiel stated the \$270K in the budget will get the Town to a basic equivalent of what is available at Regional but that is part of the five-year projections and equipment upgrades are part of technical changes and there will be additional costs in future years. Ms. Harrison also asked if the Town could go through the feasibility study for Ipswich and estimate what it might cost the Town if Regional decides to recoup costs. Mr. Federspiel believes that is a good suggestion.

Ms. Jaques suggested when compiling the numbers that the estimates be completed to Fire Department specifications. Mr. Bodmer-Turner clarified that Chief Cleary is requesting the Town meet NFTA standards, Ms. Jaques would like to understand the NFTA standards.

Mr. Boling outlined three paths forward:

- 1) Go into feasibility study with North Shore Regional 911
- 2) Upgrade to meet Fire Department request
- 3) Complete partial upgrade to dispatch

Mr. Boling stated to go to the Fire Department requested number it will trigger a Proposition 2 ½ override and typically it is better to complete the override process once. Mr. Boling would like to know what the scope looks like and when would this happen, this fiscal year FY23 or next FY24?

Mr. Bodmer-Turner indicated that would get into other areas of the budget including the possibility of a new Essex Elementary School. Mr. Boling stated if we commit to staying in-house to what the Fire Department needs, he would like to see the Board commit to a specific 2 ½ override plan and to vote that with a time frame.

## **7. Powder House Lane Apartments**

- **Possible Letter to DHCD**
- **SHI Process**

Mr. Federspiel stated MassHousing has issued a Letter of Eligibility to SLV and it is anticipated that the SLV 40 B Application will be forthcoming to ZBA.

The original letter to DHCD related to placement of Powder House Lane Apartments on the Subsidized Housing Inventory (SHI) was drafted and forwarded to the BOS for consideration. The Board found the letter not to be of a tone that was representative of the Town and the current efforts of the Affordable Housing Trust (AHT).

The letter addresses DHCD's policy requiring current tenants to vacate their apartments. The current DHCD policy states in order for units to be placed on the SHI all units need to be opened to the Fair Housing Lottery and during that process, it is decided who will occupy the units with no preference given to current tenants.

Efforts were initiated to redraft the letter. Ms. Morse expressed an interest in the editing and as a result has invested time in identifying other possibilities for adding units and specifically adding the Powder House Lane Apartments to the SHI.

Ms. Morse has identified the possible use of Home Funds which provides funding for renovations of units with tenants in place. Following the renovations, the units through an application process subsequently qualify for the SHI. Ms. Morse understands that using Home Funds is a possible way to add the units at Powder House Lane to the SHI without displacing current tenants and suggests a Town employee or Board member pursue the possibility.

Mr. Bodmer-Turner would like the Affordable Housing Trust to be engaged in the process of drafting the final letter to DHCD. The Trust has been working with DHCD around the development of a comprehensive plan for adding units to the Town's SHI.

Mr. Bodmer-Turner believes the letter should be reviewed and handed over to the AHT with the possibility of an additional letter coming from the Town Administrator. Mr. Federspiel stated he would like to confirm the Home Fund approach while the Board considers the draft of the original letter.

Mr. Hall stated working with NSCDC, a lot of thought and consideration had gone into the letter asking DHCD for a policy change. Ms. Harrison indicated asking a State Agency to change its policy need to be done with great care. Mr. Bodmer-Turner proposed Ms. Morse, Ms. Harrison, Mr. Boling, Mr. Hall, and representatives of the AHT work together to edit the letter in a tone and approach more favorable to the Board.

Mr. Boling will email the group with proposed times for a Zoom meeting.

#### **8. Consent Agenda**

- BOS Meeting Minutes – September 8, 2021
- Resignation – Jennifer Doane, Cultural Council
- Cub Scout Pack 30 Scouts BSA Troop 3 – Request for Overnight at Singing Beach
- Small Businessperson of the Year Proclamation
- Single Precinct Authorization Form

*Mr. Boling moved to approve the Consent Agenda (with the minutes of 9/8/2021 as amended); Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.*

#### **9. Town Administrator's Report:**

**Staffing:** I am sorry to report that Sonja has decided to take a job with the Swampscott Senior Center (a good fit for her!). Her last day will be September 28<sup>th</sup>. We also have the new special projects/grant coordinator, Sue Croft, starting up. Sue can also help in the interim with some of Sonja's duties. We are interviewing a leading candidate to replace Ginny Thompson who retires at the end of this month. Next month Bob W. retires from the sewer plant post he has had for many years. Lots of transitions!

**Central Street Dam/Culvert project:** This has garnered some attention of late. My article in the Cricket was an attempt to get out ahead of the project. The Town does not have a choice of doing the project unless you want to permanently shut down Central Street. Managing what is going to be a complicated project and putting into place communication protocols will be critical. The Town has time to work on this, but it does not hurt to let people know that this project is on the horizon.

**Compost Contract:** The review is still underway – am now aiming for an October meeting.

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

#### **11. Executive Session:** Was deferred to October 4, 2021.

#### **Under M.G.L. Chapter 30A, Section 21 (a)(3) to Discuss Strategy with Respect to Pending Litigation**

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

#### **Meeting Materials:**

Consent Agenda – as listed  
Board and Committee Applications

Utility Abatement Materials  
Christian Hill June Warrant Article and Proposed Conservation Restriction  
BOS Policies  
Proposed Fall Town Meeting Warrant Articles  
Dispatch Materials  
Letter to DHCD  
Town Administrator's Report

**Upcoming Board of Selectmen Meetings:**

Monday, October 4, 2021

Monday, October 18, 2021