



# 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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January 18, 2022 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 823 9130 3486 Passcode: 361435 Mobile: 1.646.558.8656

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Town Administrator, Mr. Federspiel, BOS Clerk, Brittney Jones

**GUESTS:** National Grid Rep., Sabita Mahabier

**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 Brittney Jones.

### **Public Comment on Matters not on the Agenda**

There was no public comment this evening.

#### **1) National Grid – Public Hearing: New Conduit in Crafts Court**

Ms. Jacques made the motion and Mr. Round seconded, to open the Public Hearing to consider National Grid's request for conduit in the Town's right of way at Crafts Court.

*Roll call to open the Public Hearing: Ms. Jaques (yes), Ms. Harrison (yes), Mr. Round (yes), Mr. Boling (yes), Mr. Bodmer-Turner (yes).*

Sabhita Mahabier from National Grid attended the meeting.

Ms. Jaques asked if police detail would be required (no), how long the process would take (one day), and when National Grid hoped to schedule this (six weeks out-beginning of March).

Mr. Bodmer-Turner asked for clarification on the number of customers that would be impacted. Sabhita Mahabier stated that two customers at the end of Crafts Court would be impacted.

Mr. Boling asked if excavation would impact residents' ability to leave via car. It would not.

Mr. Boling asked how the street would be patched efficiently given the winter weather. Ms. Mahabier replied that the road would be patched and if necessary redone come warmer weather.

Mr. Bodmer-Turner asked if any member of the public would like to make a comment. There were no such requests.

*Ms. Jaques moved to close the Public Hearing; Mr. Round seconded the motion.*

*Roll call vote to close the Public Hearing: Mr. Round (yes), Mr. Boling (yes), Ms. Harrison (yes), Ms. Jaques (yes), Mr. Bodmer-Turner (yes).*

*Mr. Boling made a motion to approve National Grid's request for the installation of the conduit with the conditions that they leave the road in the same or better condition than they found it, returning in the spring, if need be, to meet those conditions and that National Grid apply to the DPW for a street opening permit. Ms. Jaques seconded.*

*Roll call vote on motion to approve request: Ms. Jaques (yes), Mr. Boling (yes), Ms. Harrison (yes), Mr. Round (yes), Mr. Bodmer-Turner (yes).*

## **2) Water Resources Protection Task Force- Interviews**

### Ron Parker

Mr. Bodner-Turner asked Mr. Parker if he was aware of the description of this re-established task force. He informed him that the task force was expected to run for 12-18 months and have a minimum of three meetings, with work to do in between. He provided a history on the original task force: established via a 1989 Town Meeting.

Mr. Parker stated that he is a technologist with an educational background in electrical engineering and computer science and a professional background in technology leadership. He has an interest in environmental science and science overall, but he does not have any specific experience in hydrology or environmental science. He believes that he can apply the skills and experience he does have to look at data and aid in process management.

Mr. Round asked if Mr. Parker had any experience with non-profits or serving on boards or committees. Mr. Parker said that he moved to town in 2020 and would like to serve his town. Serving on a board or committee is something new for him.

Ms. Jaques thanked Mr. Parker for applying and attending the meeting today. She asked Mr. Parker if he thinks he can dedicate sufficient time to serve on this task force. Mr. Parker stated that although he does work full time, this is something he has considered and believes that he can commit to as he has evenings free.

Mr. Bodmer-Turner asked Mr. Parker if he could attend late afternoon meetings if the Task Force was meeting on Zoom. Mr. Parker said that he likely could, but he does not want to guarantee it.

### Gordon Turner

Mr. Turner introduced himself. He has a bachelors and PhD in Chemistry. He said that he presently works in data science for a pharmaceutical company.

Ms. Jaques thanked Mr. Turner for applying and offering his time. She asked if he had the time in his schedule to work on this project. Mr. Turner stated that he had availability on evenings and weekends to dedicate to the task force.

Mr. Boling asked Mr. Turner to provide an explanation of his understanding and motivation regarding the task force. Mr. Turner stated that he found an interesting documentary regarding the brooks in Town and stated that he is concerned about climate change and is very motivated to help. He asked if the 1990 Horsley Witten report was available, and Mr. Federspiel stated that it would be posted on the Town website within a week.

### Tom Kehoe

Mr. Bodmer-Turner introduced Mr. Kehoe. Mr. Kehoe is a former Selectmen and more recently, served as the co-chair of the 375<sup>th</sup> Committee. Mr. Kehoe stated that he had also been a science teacher. He feels that he could contribute to the task force by providing leadership, looking at data, interpreting data, and making recommendations. He also stated that he is familiar with Open Meeting Law.

Ms. Jaques thanked Mr. Kehoe for volunteering for this task force and asked Mr. Kehoe if he has time to give to the task force. Mr. Kehoe stated that he has commitments to the Boy Scouts but that he has time early afternoons, evenings, and weekends. He stated that it will be made easier with meetings scheduled in advance.

Mr. Round referenced the fact that the 375<sup>th</sup> Committee went on longer than expected due to the Covid-19 Pandemic and that Mr. Kehoe served for multiple terms as a Selectman. He asked if he was prepared if this task force needed longer than 12-18 months. Mr. Kehoe stated that he was.

Mr. Kehoe suggested that everyone on the task force visit the three water facilities to familiarize themselves with where these facilities are in Town and what they do.

Mr. Bodmer-Turner asked if Mr. Kehoe was aware of the PFAS) testing that has been performed by the DPW. Mr. Kehoe said that he had noted it but had not spent time on it yet. Mr. Bodmer-Turner stated that it was certainly something of concern that needed to be addressed by the task force.

### Joe Sabella

Mr. Bodmer-Turner asked Mr. Sabella what his particular interest in this committee was and why he wanted to be a member of the task force.

Mr. Sabella stated that he has been a resident of the Town for 48 years and that he is a founding member of the Community Preservation Committee. He is also a yearly participant in brook clearing and water testing. He stated that he is retired and has much time to dedicate to the committee if chosen. He is currently serving on the Historic District Commission, the CPA, and Friends of Manchester-by-the-Sea Trees.

Ms. Jaques thanked Mr. Sabella for all the time that he already gives to the town and the history he can provide on water resources.

Mr. Round also thanked Mr. Sabella for volunteering and being so active in the Town. He stated that he appreciates Mr. Sabella's perspective on things as he has been here so long. Mr. Round asked Mr. Sabella what his interest in the task force is. Mr. Sabella stated that he is interested in protecting water supply from infiltration, excessive runoff, and etc. Mr. Sabella stated that he is presently involved with other different groups on similar issues, namely Gordon College.

Ms. Harrison asked Mr. Sabella what familiarity he had with the previous report and if he could list anything from the previous report that is of value to the Town's water resources. Mr. Sabella stated that he has not read the text in full, but he agrees that things need to be updated and worked on constantly and that things come up continuously and believes that everything needs to be looked at and investigated. He suggested that the chair should delegate specific tasks to be split up between everyone.

Mr. Bodmer-Turner asked Mr. Sabella if he was aware of the fact that there were two levels of participation to this group, the more formal Task Force and various working groups that will be formed as needed.

Mr. Boling asked Mr. Sabella to go into more detail about working with the DPW on water testing. Mr. Sabella stated that he has participated in water testing for many years and that everything has come back as within acceptable standards

Mr. Bodmer-Turner asked Mr. Sabella if he was aware of PFAS in the Town's water supply. Mr. Sabella said that he is not, but he is in possession of the 148-page report and if it is covered in that then he will be. Mr. Bodmer-Turner said that it would not be in the report as it is a more recent concern. He provided a brief explanation: they are "forever" chemicals that do not break down. There are about 3000 types, 6 of which are tested in Massachusetts. Testing was recently done and 2 PFAS have shown up in the range of concern.

Mr. Bodmer-Turner thanked Mr. Sabella for applying and coming to the meeting tonight. He stated that there were 6 at-large positions available and that the board would appoint accepted applicants at the upcoming February 7, 2022 meeting.

Mr. Bodmer-Turner stated that other members have also been nominated by the Stream Team, Board of Health, Open Space and Recreation Committee, and Conservation Committee. Helen Bethell, Olga Hayes, Jennifer Lamothe, and Francie Cordell have been nominated.

Other boards and committees also nominated members in a previous Board of Selectmen meeting. The complete nomination list is now:

Conservation Commission: Steve Gang, David Lumsden, Ashley Ochs

Board of Selectmen: John Round, Ann Harrison (alternate)

Open Space and Recreation Committee: Helen Bethel, Olga Hayes (alternate)

Planning Board: Ron Mastrogiacomo, Sarah Creighton (alternate)

Board of Health: Peter Colarusso

Stream Team: Jessica Lamothe, Francie Cordell (alternate)

*Ms. Harrison moved to appoint Steve Gang, David Lumsden, Ashly Ochs, Helen Bethel, Olga Hayes, Jennifer Lamothe, and Francie Cordell to the Water Resources Protection Task Force; Mr. Boling seconded the motion.*

*The motion passed unanimously by roll call vote: Mr. Boling (yes), Ms. Jaques (yes), Mr. Round (yes), Ms. Harrison (yes), Mr. Bodmer-Turner (yes).*

### **3) Dispatch: Discuss Standards for Service & Reliability**

Ms. Harrison stated that she would like to see dispatch have emergency power. She stated that there is currently a generator for the Town, but there is a danger that this generator would not be protected during a serious storm. She also stated that she is concerned that the new CAD system advertises itself as being “software as a service”, meaning the software runs at a central location and users connect to it via the Internet. She stated that she is concerned that there are parts of dispatch that could not run without connection to the central server if Internet is interrupted. Ms. Harrison also stated that she is worried that the security inside the Dispatch Room is at risk due to the openable window in the back of that room. She stated that it is her understanding that Middleton has four separate providers that could connect to the internet for the CAD system. She is also concerned about the time that it takes in an emergency to get someone in. She suggests that a stand-by list be established.

Mr. Federspiel stated that the town has plans for a replacement generator that would be able to power more and would be physically higher up. These plans are scheduled for two years out.

Ms. Harrison asked why this is not prioritized to be sooner. Mr. Federspiel stated that there have been many competing needs and that other things have taken priority.

Mr. Boling stated that in general, he would agree that we need a more comprehensive list of what would need to be done to build out and maintain dispatch to be comparable to other communities. He agrees that Ms. Harrison’s points are worth following up on.

Mr. Round agreed with Ms. Harrison and Mr. Boling that these are valid concerns and noted that times of inclement weather are likely going to result in higher call volumes and therefore there is a greater need for strong connection and dependable generator. He asked for further explanation on the different providers (Internet, microwave, fiber).

Mr. Bodmer-Turner suggested that the Board of Selectmen establish guidelines on how many redundancies are needed.

Ms. Harrison asked Mr. Federspiel if he could explain what he learned through conversation with Middleton regarding what is accessible without access to central dispatch/Internet. Mr. Federspiel stated that dispatch would continue to be usable, but records management software would not be searchable nor would the computer aided location aspect function.

Mr. Bodmer-Turner asked what type of backup is needed. Ms. Harrison stated that there should definitely be a backup to present providers (Comcast). Mr. Bodmer-Turner agreed and stated that he wanted to determine the number of backups required.

Fire Chief Jason Cleary stated that the Board might find the standards in the NFPA and APCO instructive.

Police Chief Todd Fitzgerald stated that the generator and building security needs to be addressed regardless of whether or not dispatch stays in-house or goes regional. He also stated that he believes the 911 line is on a different line/server. The new business lines are on a cellular backup.

Ms. Harrison asked if there was a way to get the replacement of the generator moved from being scheduled two years out to this year. Mr. Federspiel stated that it was possible if the Board of Selectmen wanted to make the budget change.

Ms. Jaques expressed concern for where the new generator would go and stated that she did not feel the current location was the proper location. Mr. Federspiel stated that it could be moved and that something could be built around it for added protection. Ms. Harrison asked if something could be done to protect the current generator in the interim.

Mr. Bodmer-Turner stated that he would like a chance to review standards for Fire and Police and then revisit this topic.

#### **4) Review of Selectmen Policies**

##### **a. Policy 87-1: Procedures Covering Accidents for Paid Employees**

Ms. Harrison covered the first policy, which was procedures covering accidents for paid employees. She stated that their feeling was that this should be a part of the personnel policy and that Mr. Federspiel should set time to add this in. Mr. Federspiel stated that he was working on a draft with Town Accountant, Andrea Mainville. Mr. Bodmer-Turner asked for a motion to change Policy 87-1 to replace it with an Employee

Personnel Policy that addresses the issues of insurance claims and accidents following a second hearing.

*Ms. Harrison moved that for a first reading, the Board proposes revoking Policy 87-1 and replacing it with a Personnel Policy to be developed. Ms. Jaques seconded the motion.*

*Roll call vote to approve motion: Ms. Harrison (yes), Mr. Boling (yes), Mr. Round (yes), Ms. Jaques (yes), Mr. Bodmer-Turner (yes)*

b. Policy on Replacing Tapes of Selectmen's Readings

Ms. Jaques referenced a line in the policy which states that these recordings will be permanently available to the public and asked if this is at a cost.

Mr. Round asked if it was correct that recordings of "video and voice" must be available. Mr. Federspiel stated that Zoom and both meeting rooms upstairs at Town Hall have video capability. Mr. Round expressed concern with this not being possible with technology issues. Ms. Harrison stated that she finds just audio recordings to be hard to follow. Mr. Bodmer-Turner stated that the legal record of a meeting is the minutes, and he is not sure that recordings need to be kept permanently. Ms. Harrison stated that it is not a question of money or space as storage is affordable and that it actually costs more to get rid of the recordings than it would to maintain them. Mr. Bodmer-Turner suggested setting retention at three years but stated that he would have to get the opinion of Town Counsel.

The Board discussed the impact this would have to other boards. It was noted that this would impact all quasi-judiciary boards: boards that conduct formal hearings and render decisions rather than boards that are advisory. Mr. Round agreed with the proposed three-year retention but agreed that Town Counsel should advise.

Mr. Boling proposed that the Board get the opinion of Town Counsel and do a full reading of the revised policy at the February 7, 2022 meeting.

c. Policy 88-1: Policy on Policies

After a general review of the proposed revisions and some minor editing, the Board was comfortable with the re-write of this policy.

*Mr. Boling moved, and Ms. Jaques seconded a motion to declare this a first reading of the proposed amended Policies on Policies and to hold a second reading at the 2/7/22 Board of Selectmen meeting. By roll call vote all voted in favor*

d. Policy 88-2: Use of Town Counsel

Tabled until next meeting.

## 5) Consent Agenda

- Bos Minutes: Dec 6 & 20, 2021
- Common Victualer License Renewals
- Change of Manager – Antique Table
- Reserve Fund Transfer Request

The minutes for December 6, 2021 were submitted and can be voted on to approve. Minutes for December 20, 2021 were not submitted but will be at the next meeting.

A Reserve Fund Transfer is being requested to cover Workers' Comp medical bills. While the Town has coverage after their \$25,000 deductible, they have to pay the bills first and then get reimbursed. Finance Committee has approved the transfer.

*Ms. Jaques made a motion to approve the Consent Agenda less the second set of minutes. The motion was seconded by Mr. Boling.*

*Roll call vote to approve Consent Agenda: Ms. Harrison (yes), Mr. Round (yes), Ms. Jaques (yes), Mr. Boling (yes), Mr. Bodmer-Turner (yes).*

## 6) Town Administrator's Report: Compost Facility; Research Lab Proposal; COVID; Placemaking Grant Update

- **Compost Facility:** The Town agrees with Black Earth regarding design modifications as long as they provide stamped engineering drawings for all changes. It is anticipated the contract will be ready for approval for the February 7, 2022 meeting.
- **Research Lab Proposal:** There was a preliminary presentation made by representatives of Manchester resident Michael Combs, founder of Cell Signaling Technologies, at the last Planning Board meeting for the development of a research lab campus on 40 acres of undeveloped land owned by the MAC. In order for that project to go forward, there is a need to amend the LCD bylaws and obtain Board approval. There will be more discussion in the coming weeks and the proponent would like to attend the February 7, 2022 Board of Selectmen meeting to come before the Board to provide an overview.
- **COVID:** The Town has secured 1500 rapid tests via the state's low-cost contract and ARPA funding. Tests will be provided to all staff, residents at Housing Authority apartments, residents who participate in the Meals on Wheels program, and local businesses. Tests will be distributed over the next week. Additional resources for testing include ordering at-home tests via a new Federal website launching this week (four per household) and purchasing tests from retailers and submitting for reimbursement from health insurance companies. The Town continues to enforce a mask mandate to combat the spread of the virus.
- **Placemaking Grant Update:** As a part of the local Rapid Recovery Program for businesses, one element that the Board wanted to advance was Placemaking. An opportunity to participate in a study in conjunction with Essex and a grant to fund that has been identified. The study will provide plans for how to make the Town more welcoming and "pedestrian friendly". There are also plans to pursue funding for new off-season events in the spring. The Town is also in line to have

a parking study done through the assistance of MAPC and developing plans for public restrooms and combatting parking shortages with the DIP.

**7) Other Matters, As May Have Not Been Reasonably Anticipated by the Chair**

There were no additional matters to discuss this evening.

*Ms. Jaques moved to adjourn this evening's public portion of the meeting and to enter executive session for per MGL CC.30a, Section 21(A)(3): To Discuss Strategy with Respect to Pending Litigation and Contract Negotiations and not to return to public session Ms Harrison seconded the motion.*

*The motion passed unanimously by roll call vote: Mr. Boling (yes), Mr. Round (yes), Ms. Harrison (yes), Ms. Jaques (yes), Mr. Bodmer-Turner (yes).*

**8) Executive Session Per MGL CC.30a, Section 21(A)(3): To Discuss Strategy with Respect to Pending Litigation and Contract Negotiations**

**Meeting Materials:**

Applications – Water Resources Protection Task Force

BOS Policies

Consent Agenda – as listed

Town Administrator's Report

**Upcoming Board of Selectmen Meetings:**

February 7, 2022

February 22, 2022