



# MANCHESTER-BY-THE-SEA

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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

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January 19, 2021 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 979 9282 8857, Passcode: 18101 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, Fire Department, Chief Cleary, Police Department, Chief Fitzgerald

**GUESTS:** BOH, Dr. Hahn

**PRESS:**

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Mr. Boling called the BOS meeting to order at 6:32 p.m.

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

Mr. Boling stated the Congregational Church bells were ringing at 5:30 p.m. this evening to honor all those who had lost their lives to Covid.

- **Public Comment**

Ms. Jaques had a comment in response to several people who had reached out to her interested in the 40B, 40R and Land Use in the Master Plan. Some residents are implying the Master Plan is a contrivance of the Town Administrator and Town Planner, that simply is not true. The Master Plan for MBTS was developed over five years and required by the State. The ideas in the Master Plan were developed with citizen input working with a dedicated Master Plan Committee and all Town Boards and Committees.

Ms. Jaques added no one in Town works harder than Mr. Federspiel and Ms. Brown they are honest and earnest. The Town is fortunate to have them. Anyone with questions should acquaint themselves with the job descriptions for Town Administrator and Town Planner both Mr. Federspiel's and Ms. Brown's work on behalf of the Town exceeds their job descriptions.

Mr. Boling agreed stating the BOS often does not spend enough time recognizing the work of Town employees.

- **Committee Interview Sean Zahn – Zoning Board of Appeals**

Mr. Zahn has lived in Manchester for 12 years. He recently retired after 29 years of service with Delta Airlines. Mr. Zahn stated he is interested in becoming more involved in the community.

Ms. Jaques thanked Mr. Zahn for volunteering and asked if he was available to participate in ZBA meetings. Mr. Zahn is available for meetings. Ms. Jaques also asked if Mr. Zahn was familiar with Town zoning bylaws. Mr. Zahn indicated he has just recently started reviewing the bylaws and once he is in the position expects it will be easier to understand how the information comes into play. Ms. Jaques stated ZBA often makes tough decisions that involve neighbors and would that be a problem. Mr. Zahn stated it is not a problem. ZBA decisions must be based on the rules.

Mr. Round expressed his gratitude for Mr. Zahn volunteering and asked if Mr. Zahn he had dealt with conflict in the past. Mr. Zahn stated he was the safety environmental coordinator for New England and worked with federal and local agencies dealing with different groups thus conflict is not new to him. Mr. Round stated there are a number of positions open on Town Boards and asked if there was something specific that drew him to ZBA. Mr. Zahn replied he is currently President of the Rotary and his time in that role ends in June, the ZBA position intrigued him and he has the time to serve.

Ms. Harrison stated she assumes Mr. Zahn is aware of the 40B application before the Town and ZBA is the Board that will be most involved setting boundaries. She asked how quick a study Mr. Zahn would be around environmental protection concerns. Mr. Zahn stated he served as an environmental coordinator for Delta Airlines and believes he has some experience with environmental concerns. Ms. Harrison pointed out this will not be an easy position and she would like to be sure Mr. Zahn will put in the learning time. Ms. Harrison thanked Mr. Zahn for volunteering.

Mr. Bodmer-Turner thanked Mr. Zahn and stated it is clear this will be a challenging Board next year and if the BOS can provide any support, we will be happy to do that.

Mr. Boling asked , in Mr. Zahn's travels, has he been before a Planning Board, Zoning Board of Appeals or in a public hearing with a judiciary role. Mr. Zahn stated while living in Texas he sat in on a ZBA meeting and witnessed some and has read decisions of the Boards. Mr. Boling asked if he was an interested party, participant or abutter in the hearings. Ms. Zahn stated he was purely an observer and it was several years ago.

Ms. Jaques asked Mr. Zahn what his motivation was for getting on ZBA. The BOS typically asks if there is any specific agenda or reason. Mr. Zahn stated he would like to give back to the community he loves and see it grow while keeping the small town feeling. Mr. Boling asked if Mr. Zahn understood the role of the alternative ZBA member. Mr. Zahn stated his understanding of the role was to follow the Board meetings and stay current on what is happening.

- **Covid 19 Updates**

Mr. Federspiel indicated Covid numbers in Town are a bit more stable following the holiday up tick. Overall, there remain a high number of cases statewide and there are

concerns around more contagious strains showing up in MA. Currently health care workers, nursing home residents and first responders are being vaccinated. Citizens over 65 will start being vaccinated in February and the general population sometime in April. The BOH continues to monitor and trace local cases. These efforts are a lot of work for the Town Nurse and we appreciate her work on behalf of residents.

The State anticipates opening vaccination centers in each county. Danvers will likely be the site for MBTS with an additional site at the Topsfield Fair grounds. A multi-town effort is under consideration with Ipswich's pharmacy and Allens Pharmacy to run locally and in a similar manner to the flu shot clinics. A meeting tomorrow will discuss all possibilities for Town residents with information on vaccination sites presented at the February 1, 2021 BOS meeting.

Mr. Boling asked Dr. Hahn if he had additional comments. Dr. Hahn stated it is too early to give details on planned clinics. He indicated the Town would likely need to work with a larger municipality like Gloucester stating setting up a vaccination clinic in a small town our size might be too complex.

Ms. Jaques asked Dr. Hahn if the Task Force was the same as the vaccination sub-committee, he stated it was and a meeting is scheduled for tomorrow from 11:30 a.m. to 1:00 p.m. Ms. Jaques asked what the participation rate was for the Town's first responders. Dr. Hahn stated it was 70% and he did not have information on the 30% who did not participate, however, 30% was a typical rate for not participating in vaccination programs, stating some people are reluctant or adversarial to vaccinations. (Note: the rate has climbed to nearly 90%.)

Ms. Harrison asked if there was anything the Town could do to encourage first responders to be vaccinated. Mr. Federspiel stated the Town was providing information to encourage first responders to sign up. He clarified the Town's first responders include PD part-time reserve officers who may have been vaccinated elsewhere. Ms. Harrison stated people avoiding vaccinations are a danger to themselves, the people they serve and their colleagues. Dr. Hahn stated there is no requirement to get vaccinated but he agrees with Ms. Harrison.

Chief Cleary stated 95% of EMT's performing duties had been vaccinated. Mr. Round asked how many first responders there were in Town. Mr. Federspiel stated about 45, Mr. Round concluded 15 opted to not get vaccinated but we do not know the reasons. Chief Fitzgerald stated 72% of the PD were vaccinated, three staff diagnosed with Covid were told by their physician not to be vaccinated for 90 days after testing positive and concluded the PD numbers are going to be higher than 70%.

Mr. Boling asked to discuss the community communication issue with the BOH. He understands the State provides specific information around information that is available for residents but believes we are under communicating and would like to clarify the information made available for residents. The Town posts the number of active cases and the total number of cases and the number of cases from the previous week go away and do not relate to the new total.

Mr. Boling would like to understand how the calculations are made. The question most often raised by residents is, how did the Town have this many cases last week with this

many active cases and now there are more cases but only two additional active cases. The BOH is doing a disservice to the Town by the lack of clarity in information provided. Residents are confused and Mr. Boling believes we could be doing better in developing a bond of trust between the BOH and residents with greater clarity in information provided.

Dr. Hahn indicated it would be possible to carry over the previous week's information on the Town website to provide trends as they develop but it would not be possible to break out active vs. asymptomatic vs. hospitalized. Mr. Boling understands that but when we do not provide information people fill the vacuum. Mr. Boling stated he is asking for something more relevant for residents as to why do the numbers work the way they do.

Mr. Round stated it would be helpful to understand the methodology and the BOH is making assumptions about which cases are active or not and that would be helpful. Mr. Bodmer-Turner suggested identify new active and continuing. Dr. Hahn would like a compilation of residents questions and he will discuss with the Board and create a fact sheet.

- **Town Email Accounts Policy Discussion**

The proposed Town email expense cost has come down significantly to about half of what was initially proposed to \$9.6K from \$20K. The question remains around how many accounts for each Board. This evening the BOS will have a brief discussion but make no final decision.

Mr. Bodmer-Turner developed a spreadsheet for Town boards, committees and commissions and determined Town email addresses were currently provided for the BOS and Planning Board. One member of the HAC (the chair) has a personal email address on the Town website and Mr. Bodmer-Turner believes that should be changed. Currently of the 189 residents serving, 12 members have Town email addresses leaving 177 residents serving without a Town email address. Mr. Bodmer-Turner stated some committees in addition to the chair might be considered for a Town email address, mentioning the Conservation Commission, ZBA and Finance Committee.

Mr. Round supports the committee chairs having email addresses but not the full membership. He stated it is going to be challenging to provide tech support for 177 members. Mr. Round suggested adding the chairs and seeing how it works. Ms. Jaques likes the idea of chairs having email addresses and supports the Planning Board, ZBA ahead of the Finance Committee. Ms. Jaques would like to see training and refresher courses around the Open Meeting Law.

Ms. Harrison believes a Town email address acts as a reminder to people that this is not an ordinary email and to be aware of information being shared.

Mr. Boling stated there would be a lot of accounts to balance, support and manage if all members had email addresses and believes it is important for boards with a quasi-judicial role like ZBA to communicate through Town email. He will consult with Town Counsel and revisit the discussion later.

Mr. Bodmer-Turner had two follow up questions from his search of Town Committees. There are currently addresses on the Town website for the Master Planning Committee. Mr. Federspiel stated that committee is no longer active and will remove those addresses. Additionally, Mr. Bodmer-Turner did not find any evidence of Library Trustees on the Town website. Mr. Federspiel will correct that omission.

- **Review Proposed Tree Policy**

Mr. Boling stated this evening the Board will review the Proposed Tree Policy.

Mr. Boling indicated the current policy has gone back and forth between 10', 5' and is now back to 11'. The proposed changes in the tree policy change the definition of a Town tree to those trees within 11 feet of the edge of road pavement. The Finance Committee concluded there was not enough information available around the financial impacts of the policy to the Town to support the proposed policy and voted to take no action.

Ms. Jaques stated it is important for the Town to have a tree policy for all the reasons enumerated in the policy. Ms. Jaques asked if a stipend for the Tree Warden had been reinstated and if the policy applied to private as well as public streets. Mr. Federspiel replied the Tree Warden's stipend had been reinstated and the policy applies only to public streets. Ms. Jaques also asked when the new tree inventory would be completed. Mr. Federspiel stated DPW has no plans to work on a new inventory.

Ms. Mittermaier stated DPW's inventory was completed in 2018 and the Friends would be happy to discuss the possibility of a new inventory. Ms. Harrison asked if the inventory included heritage trees. Mr. Federspiel stated the State provides a specific definition of a heritage tree and the Town could request residents help with identifying heritage trees.

Mr. Round stated the Tree Budget is now \$55K but can be higher and lower. Mr. Federspiel stated the amount spent varies due to storm damage which is the single greatest variable. Mr. Boling stated feed back from residents about trees not being maintained was one of the reasons for increasing the budget a few years ago. Mr. Bodmer-Turner stated that requires a tree maintenance plan.

Ms. Jaques asked if the policy had been vetted by Town Counsel. Mr. Federspiel stated the policy had been vetted. Mr. Boling thanked the Friends for all their work and help.

*Ms. Jaques moved to approve the Manchester-by-the-Sea, Town Tree Policy, Ms. Harrison seconded the motion. The motion passed unanimously.*

- **FY22 Budget Discussion – Dispatch**

Mr. Federspiel stated Fire and Police Dispatch has been a conversation in the Town for several years and we have yet to determine if moving to the Regional Communication Center (RCC) will be a good move for the Town. We have a dispatch center and the employees do a great job. The recurring discussion revolves around whether the RCC can provide better service at a lower cost. The RCC works well in many communities and is now run by the State and offered to communities at no cost. There is no guarantee

the service will be provided for free indefinitely. The Chiefs have provided their reviews for discussion.

Chief Cleary stated he did not have much history with the RCC discussions given he started as Chief in July 2020. He believes the RCC will allow the Fire Department to provide the best level of service for the Town. The RCC provides computer aided dispatch (CAD) software, reporting and record keeping software, electronic paging software programs, mobile data terminals and more. Chief Cleary stated for the FD there is no downside to moving to the RCC. If the FD remains in Town, he recommends upgrading staffing and management of dispatch to the level the RCC would offer.

Mr. Boling asked about systems changes for the FD. Chief Cleary stated current technology and radio system upgrades would be integrated into the RCC system. The current FD reporting software is no longer supported and needs to be replaced. Chief Cleary would like to upgrade paging software and have mobile data terminals in all FD vehicles. Mr. Boling asked if we moved to the RCC how long would the transition take. Chief Cleary stated the transition process according to the RCC is a 400 step process and would likely take 9 to 12 months to complete.

Ms. Jaques asked during the transition period how operational is the FD with current dispatch. Chief Cleary replied if the Town was moving to the RCC and the move took 9 to 12 months he would recommend remaining with the status quo and no upgrades. If the move took longer, he would request upgrades. Ms. Jaques asked about the current radio infrastructure upgrades and the dollars for this effort. Chief Cleary stated the cost for the radio upgrades had been incurred in previous budgets.

Ms. Jaques asked about the volume of complaints around the RCC. Chief Cleary stated there were some complaints related to differences in services provided by departments and the RCC has altered their policies to allow for the difference in department procedures. Ms. Jaques last question was around the costs of remaining with the current dispatch. Chief Cleary stated the FD would need a paging program, recording keeping software and mobile data terminals.

Mr. Round confirmed there were no dispatch operating expenses in the FD budget. Chief Cleary stated that was correct. He asked Chief Cleary if he had spoken to other chiefs currently using the RCC. Chief Cleary had spoken with other chiefs some of whom had been with the RCC since the beginning which they admitted was a rocky start but since the State has taken over the RCC all the chiefs were positive about the service. There are currently 5 FD connected to the RCC.

Mr. Bodmer-Turner stated his concern was a general concern around State funding and what happens when that funding is withdrawn. He stated the onboarding costs are remarkably low and he appreciated the detail provided by the Chief.

Ms. Harrison asked if the Chief's intention of going with the RCC was the amount of money to bring the Town's dispatch up to the level of the RCC. Chief Cleary stated the costs to the Town to provide the level of service at the RCC would be cost prohibitive. He is concerned with a single dispatcher handling regular and emergency calls. Chief Cleary provided a list of critical expenses and nice to have expenses. He believes it is a

priority to have two dispatchers working and to have an integrated reporting and paging system.

Chief Fitzgerald expressed concern around costs related to a “dark station” if the Town moved to the RCC and recommended if dispatch moves there will be a need to have staff on duty at the PD, ideally through the night.

Chief Fitzgerald outlined the number of station walk ins to the PD and the need to have personnel available to assist the requests and issues of walk ins. Many walk in requests are currently addressed by dispatch staff who are also reserve officers. If dispatch moves to the RCC it may be necessary to call back a patrol officers to address the needs of walk ins.

In the most recent MRI report on staffing, it was recommended the PD add a fourth full time dispatcher for additional coverage.

In cautioning a move to the RCC Chief Fitzgerald cited collective bargaining issues, loss of current grant revenue, the need for public input and the possibility of joining with Gloucester in a proposed Cape Ann dispatch center.

Mr. Boling stated in relation to the possibility of a dispatch center in Gloucester, over the years towns have proposed local dispatch centers and the State has turned all proposals down. Chief Fitzgerald indicated Beverly and Danvers made proposals and they were determined to be too close to Middleton but a Cape Ann dispatch center managed by four chiefs would be different. Chief Fitzgerald concluded he is not saying the RCC is not the place for the Town.

Ms. Jaques asked if the current PD Administrative Assistant could manage walk in traffic. Chief Fitzgerald stated he shares the Administrative Assistant with the FD.

Chief Fitzgerald recommends adding one additional dispatcher and upgrading the record keeping system to maintain dispatch in Town. Chief Fitzgerald suggested the Board look to other small towns like Georgetown with 4 full time dispatchers. He disagrees with the need to have two full time dispatchers on all the time.

Ms. Jaques stated it is wonderful to live in a small town where the person who takes the emergency calls knows where you live.

Mr. Bodmer-Turner asked under the current dispatch model how many times has the PD needed to shelter someone. Chief Fitzgerald stated in his 30 years he could recall one incident when a resident needed to be sheltered and that one incident was enough to support an open PD. Mr. Bodmer-Turner agrees one incident needs to be supported.

Mr. Bodmer-Turner asked how frequently a walk in requires pulling an officer off the street. Chief Fitzgerald stated it happens and when it does happen it can easily tie up an officer for an 8 hour shift. To say how often this happens he would need to review the records.

Mr. Round asked about the dispatchers and how they split their time with 911 calls, the PD and FD and DPW. Chief Fitzgerald replied most small communities are like us with a consolidated dispatch center.

Ms. Harrison stated the Board needs to be closer to understanding the full numbers before asking for public input. Ms. Jaques stated the RCC is free would it be possible to receive a contract with an understanding of how long it will be free. Ms. Jaques also asked if the RCC offered contracts. Mr. Boling stated it is likely the RCC has annual contracts and state contracts run year to year.

Mr. Boling summarized – the Town has gone through the RCC question previously and decided not to move dispatch to the RCC due to lack of maturity in the program. That said it appears it is worth looking at the RCC again. The Town needs to enumerate several areas i.e., the vestibule for PD, consider the communication infrastructure, extension to Town Hall which is currently in the Capital Plan and more. Mr. Boling would like to review the old plans, assign current estimates, develop a consolidated report and discuss the RCC with the Finance Committee.

Mr. Boling asked Chief Cleary if the Town is not going to the RCC in the next 9 months are the improvements you have proposed in the current FD capital budget. Chief Cleary responded no. The current budget is level funded and there are no proposed increases. Mr. Bodmer-Turner requested a breakdown of Chief Cleary's proposed numbers phased in over two years.

Mr. Boling stated as a compromise position the Town had enhanced the current dispatch center with a second console and a plan to bring in a second dispatcher in support of the FD. In the University Lane fire, the plan did not play out as planned. Mr. Boling asked if there were other cases where the plan worked or were the inefficiencies consistent. Mr. Boling would like to discuss the plan.

Chief Fitzgerald stated the emergency call back plan for University Lane did work. Chief Fitzgerald was the person who responded and he was there quickly. Mr. Boling stated he was going from his recollection and if he misrepresented the plan it was due to the inaccuracy of his recall. Chief Fitzgerald did say there were problems with the radio infrastructure and those challenges have been addressed.

Mr. Federspiel will work with the Chiefs and pull together a side by side comparison of different plans by mid-February.

Mr. Boling would like to review the move in more depth before committing to changes in this fiscal year. Mr. Federspiel stated the change once decided would be a 9 to 12 month process and the Town would likely not be flipping the switch until next year.

Ms. Harrison stated even if we wanted to move quickly changes to the Police Station require time and the station needs to be made safer. Mr. Harrison asked what does the Fire Chief need in the budget. Mr. Federspiel stated if the decision is to move to the RCC the FD will stay with the status quo. Ms. Harrison would like the vestibule improvements to include handicap accessibility and restated current handicap accessibility needs for signage.

Mr. Federspiel outlined next steps:

- 1) Develop a consolidated report
- 2) Discuss all capital items related to change
- 3) Prepare for public forums
- 4) Decide to present at ATM or Fall Town Meeting
- 5) Agree on format for Report – one report outlining this year, one report outlining next year, a report if we decide to remain with dispatch in Town
- 6) Decide on staffing for PD

Mr. Bodmer-Turner stated the decision needs to be made and presented as this is something the Town needs to accomplish together. Mr. Bodmer-Turner thanked the Chiefs for their input and hard work in reviewing the dispatch discussion.

- **Consent Agenda**

- BOS Meeting Minutes, December 21, 2021 and January 4, 2021
- Approval of Housing Production Plan
- Ratification of Appointment – Town Clerk

Ms. Harrison moved to approve the Consent Agenda without the ratification of the Town Clerk as that has been delayed until next meeting, Ms. Jaques seconded the motion. The motion passed unanimously.

- **Correspondence**

- Letter from LEC Environmental Consultants, Inc. re: Chebacco Road Infrastructure Improvement Project

- **Town Administrator's Report**

- ✓ Compost Facility: Mr. Federspiel stated we were disappointed in the response to the Town's RFP. Only Black Earth responded and it was an incomplete proposal. Mr. Federspiel will work with DPW Director and Project Manager to map out what options are available.
- ✓ Follow up on outstanding PD matter is taking place and the Board will be updated.
- ✓ 40R Mr. Federspiel is increasingly of the mind that the 40R tool is not the best approach for modifying the LCD due to requirements around housing. Additional discussions around 40R will take place during the All Boards meeting in late February.

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

*Mr. Bodmer-Turner moved to adjourn the meeting, Ms. Jaques seconded the motion. The motion passed unanimously.*

**Meeting Documents:**

- Consent Agenda as listed
- Correspondence as listed
- Town Email Policy

- Tree Policy
- FY22 Budget
- Town Administrator's Report

**Upcoming BOS Meeting**

- Monday, February 1, 2021
- Tuesday, February 16, 2021