



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

March 7, 2022

6:30p.m.

Virtual Meeting

Join Zoom Meeting, Meeting: ID 833 3492 4138 Passcode: 333945 Mobile: 1.646.558.8656

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

MEMBERS ABSENT:

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

GUESTS: Town Moderator, Mr. Wilson

PRESS:

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. Public Comment – There was no public comment this evening.

1. National Grid – Public Hearing

Ms. Harrison moved to open the Public Hearing on a request by National Grid's to install new conduit/wires under Union Street to upgrade service for 27 Union Street; Mr. Round seconded the motion. The motion passed unanimously by roll call vote.

Ms. Mahabier stated the conduit is for updated services at Cala's Restaurant noting the customer will be doing the digging and National Grid will come in when road work is ready to complete the conduit work.

Ms. Jaques asked if the work request was for underground work. It is for underground work. Ms. Jaques also stated the road work proposed is for the only road that supports deliveries by large trucks for local businesses. She noted the timing of the work needs to be scheduled with a sensitivity for the downtown businesses. Mr. Round asked how long the project would take Ms. Mahabier estimates it will take two working days.

Mr. Federspiel stated the work would be subject to DPW approval of the timing of the project. Mr. Federspiel also requested as the road had recently been resurfaced that the repair be a curb-to-curb repair not a patch. Ms. Harrison asked that the work be

completed between 5:00 p.m. and 10:00 p.m. Mr. Federspiel stated Mr. Dam will finalize the details with the contractor.

Ms. Jaques moved to close the Public Hearing. Ms. Harrison seconded the motion. The motion passed unanimously.

Mr. Bodmer-Turner moved to approve National Grid's request to install 2–3-inch conduits encased in concrete for the property at 27 Union Street, according to submitted plan and with notification to DPW around street opening; Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

2. Open Space and Recreation Plan Presentation

 [Manchester OSRP BOS Review](#)

Information on the Open Space and Recreation Plan as presented was not fully complete. The Board requested completed information be presented at a subsequent meeting for a vote of approval by the Board.

3. FY23 Budget

a) Personnel Requests

Mr. Bodmer-Turner summarized the status of personnel requests for the FY23 budget, stating at the last Finance Committee meeting, members were leaning toward approving the funds to backfill the injured Police Officer vacancy, not fund a new Health Agent (Finance Committee feels regional solutions should be pursued) and add a second floater to the Fire Department but not approve going forward with the SAFER grant to hire additional Fire Fighters to get to four on a shift.

Mr. Federspiel stated Chief Fitzgerald has requested that the Town backfill the vacancy caused by the long-standing injured Officer on-duty case. Given the changes Police Reform will cause with reserves, the Finance Committee is inclined to agree with this request. The need is speculative at this point though it is reasonable to assume that the Town will start losing reserve offices given the new requirement that Officers be full-time academy trained. The Police Department budget will require an additional \$70,000 for this new hire.

Fire Chief Cleary seeks to add staff as well. He advocates for having four on duty each shift. The Town currently has three Fire Fighter on duty with one floater who fills in for Fire Fighters out sick or on vacation. Adding three new hires and moving the floater to a regular shift would give four on each shift. Providing for 4 Fire Fighters on 40% of the time.

As Mr. Federspiel wrote in his recent *Cricket* article, the choices around staffing in the Fire Department comes down to desired service levels. The Chief will contend that minute's count in a structure fire and waiting for mutual aid could make the difference between saving a structure or not. Fortunately, we have very few large structure fires. Back-to-back calls happen 4-6 times a months. Our ambulance service is at a premium level. Most towns our size do not offer town ALS ambulance service. And while call

Fire Fighters are dwindling most everywhere, most communities under 6,000 do not have 16 career Fire Fighters. However, residents seem focused on having a high level of public safety service and may support increasing the staff of the Fire Department. The Board could present a stand-alone article separate from the operating budget requesting voter approval for the additional hires through the Federal (FEMA) SAFER Grant Program with the understanding that taxpayers will be responsible for the additional costs after 3 years.

The Town has a strong possibility of securing a SAFER grant to pay 100% of the cost of new Fire Fighters for the first three years. After year three the Town is responsible for 100% of the new costs. If the Town decides to go with the Regional Dispatch Service, the savings realized will cover most costs for four new Fire Fighters.

The Board of Health is seeking to establish the position of Health Agent, a position that most communities have. In the past, Manchester had a Health Agent either on its own or shared with Essex. Currently, we have a 26 hour a week Administrator, a 10 hour a week Nurse and contracts for Title 5 septic work and inspections (food, housing) but no Health Agent.

During Covid the Town used over \$61K in grant funds to expand the hours of the Administrator and Nurse to address the needs of the pandemic. Going forward the Town can use ARPA (American Rescue Plan Act) funds for four years to pay for the added expenses of a Health Agent. After that the expense will need to be covered by the general fund. The Town could gradually ease off ARPA funds to avoid a jump in general fund use in four years.

While the pandemic will end, the Town will be dealing with COVID as an endemic disease. And COVID has exposed the underfunding of our Public Health System overall. The State has allocated \$200M in new funding for Public Health needs. These funds will go toward improving training and certifications needed for Public Health personnel as well as encouraging regional approaches to delivering Public Health services. The BOH favors hiring a part-time agent and lower slightly the cost of contracted services (unless the part-time agent can handle Title V work in which case contracted services can be further reduced). An additional \$48K is requested.

Mr. Bodmer-Turner asked if Board members had additional questions. Ms. Harrison, Ms. Jaques, and Mr. Boling did not have additional questions. Mr. Round stated he had two questions. The first around simultaneous calls asking if the majority of simultaneous calls were EMS calls. Chief Cleary confirmed that was correct. Mr. Round asked how two EMS calls were managed. Chief Cleary replied one call was managed by two Fire Fighters with transport to the hospital. The second call was managed by one Fire Fighter who provided care and waited for transport to the hospital from a mutual aid ambulance. Ideally the Chief would like to have 4 personnel available with a second ambulance to transport and subsequently bill for the service.

Mr. Bodmer-Turner asked how the Board was leaning with regard to the Police Chief's request. Ms. Harrison, Mr. Jaques, Mr. Boling, and Mr. Round were in favor of the request.

Ms. Jaques asked the Police Chief to verify the cost of sending a Reserve Officer to the Academy. The Chief replied 26 weeks, \$40K plus full time salary. Additional information was requested around the minimum number of hours to qualify. Chief Fitzgerald replied 2,400 active-duty hours and Dispatch duty does not count as active-duty. Mr. Bodmer-Turner concluded in general the Board supports the position in the Police Department. Mr. Federspiel added this is not an additional position this is a replacement for the injured officer.

Chief Cleary clarified his request for additional Fire Fighters stating he would like to get to 4 Fire Fighters on all shifts allowing him to assure 2-in 2-out in the event of fire and meet OSHA requirements. And to run two ambulances in the event of simultaneous calls. Ms. Jaques asked if OSHA requirements applied equally to Towns/cities regardless of the size. Chief Cleary stated the requirements apply to all Fire Departments.

Mr. Bodmer-Turner stated the question moving forward is the Board in favor of accepting the Safer Grant if awarded.

Mr. Round stated he would be in favor of adding three Fire Fighters if Dispatch moves. Mr. Boling asked the Chief if it is stipulated in the Safer Grant that employment is guaranteed past three years. The Chief replied it is not. Mr. Boling stated the worse possible case is, it is not feasible in year four to continue. While in the intervening three years the Town has the benefit of three Fire Fighters. Mr. Boling believes it is reasonable to accept the grant but there is no way the Board can commit beyond three years. Ms. Harrison agreed with Mr. Boling and suggested the Finance Committee provide additional funding over the three years to provide a slope not a cliff at the end of year three.

Ms. Mellish indicated the Finance Committee will address the BOH request for a Health Agent at their next meeting on March 24, 2022. (subsequently rescheduled to March 17/) The BOS will discuss following the Finance Committee meeting.

b) Planning Board Legal Services Request

Legal services for all Committees, Boards and Departments are managed under the Board of Selectmen with requests forwarded to the Town Administrator. The Planning Board is requesting a Legal Services line item. The Town Planner has a small Professional Services account that the Planning Board has used for Legal Services. Mr. Federspiel believes it is best to have one manager for Legal Services. When the Planning Board or other Boards or Committees has requested legal advice the Town Administrator has forwarded the request to Town Counsel. Mr. Federspiel is not opposed to allocating funds to the Planning Board. However, he believes Legal Service requests should go through the Town Administrator.

The Board briefly discussed the request. Mr. Bodmer-Turner suggested holding further discussion for the BOS Policy review.

4. Warrant Article Discussion for Annual Town Meeting

Mr. Federspiel stated there are currently four Articles proposed for Annual Town Meeting:

- 1) Sprinklers in Buildings – Boarding Houses, Multi-Family Units, and other buildings
- 2) Local option for a Room Tax on short-term rentals allowed by the State
- 3) Changing the name of the Board of Selectmen to Select Board
- 4) Zoning By-Law change to allow CST to move forward with permitting process

Mr. Wilson stated he had previously stated that he may not propose a Consent Calendar, but he believes it would be beneficial to get 6 to 7 Articles included in a Consent Calendar. Mr. Bodmer-Turner asked which Articles Mr. Wilson would include, Mr. Wilson stated he does not have a list but suggested accepting Town reports, setting salaries to zero, revolving fund for Parks & Recreation and others.

Mr. Federspiel clarified he is interested in the Board's opinion on which Articles they would like to see included in April ATM as he is preparing a draft Warrant and would like it to be accurate. Ms. Harrison mentioned the Planning Board moving from an elected Board of seven to an appointed Board of five and the BOH moving from an appointed Board to an elected Board. Mr. Wilson indicated the BOH has an alternative solution and may not be making that request.

Ms. Harrison stated changing the name from BOS to Select Board is not time critical, however, she disagrees with the change and will vote against it and may campaign against the change. Mr. Bodmer-Turner stated he had previously proposed the change indicating that 70% of the State BOS have made the change including the MA Association of Select Boards.

Mr. Round believes the Sprinkler requirement has not been fully vetted and needs to be fully explained to the voters. Mr. Wilson agreed with Mr. Round indicating the subject might generate a lot of discussion and it would be better to postpone to June Special Meeting to allow for time to fully explain the Article.

5. Administrative Matters

a. Schedule Special Town Meeting

Ms. Harrison moved to hold Special Town Meeting on Saturday, June 11, 2022 at 1:00 p.m.; Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

Mr. Boling moved in the event of rain and the meeting needs to be held inside to hold the Special Town Meeting on June 14, 2022 at 6:00 p.m.; Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

b. MBTA Communities & Transit Oriented Development Public Forum

Public Hearing is scheduled for March 22, 2022 at 7:00 p.m.

c. Update on 40B Legal Services

Ms. Mellish, ZBA Chair is currently working with Attorney Pucci, and following a coordination meeting there has been a high degree of communication and representation during the ZBA Hearings.

6. Update BOS Policies

The Board continued their discussion and editing of BOS Policies. Edits and Policies are contained in the PDF below.



PoliciesMar042022.
pdf

a. Policy on Erasing Tapes (1st Reading)

Mr. Boling moved to approve the first reading of the Policy on Erasing Tapes; Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

b. Policy on Policies (2nd Reading)

Ms. Jaques moved to approve the second reading of the Policy on Policies; Mr. Boling seconded the motion. The motion passed unanimously by roll call vote.

Ms. Jaques asked about changing the name from BOS to Select Board. Mr. Boling indicated the State had ruled earlier when BOS were moving to Select Board that existing legal documents with BOS did not need to be changed to reflect the new name.

c. Policy on Use of Town Counsel (1st Reading)

Mr. Boling moved the Policy on Use of Town Counsel to a second reading; Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

Mr. Boling moved the Board of Selectmen give temporary approval for the Zoning Board of Appeals and Planning Board to have use of Town Counsel effective immediately and ending after the adoption of the policy following the second reading, Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

d. Policy on Meetings of the BOS (1st Reading)

Mr. Boling moved the Policy on Meetings of the BOS to a second reading as amended. Ms. Jaques seconded the motion. The motion passed unanimously by roll call vote.

e. Policy on Use of Town Hall (1st Reading)

Mr. Boling moved the Policy on Use of Town Hall as amended. Ms. Jaques seconded the motion. The motion passed unanimously.

7. Consent Agenda

- a) **Change of Manager: Manchester Bath & Tennis Club, Inc**
- b) **Common Victuallers Licenses, Allies Beach St. Café, and American Legion Post 113**
- c) **BOS Meeting Minutes – 2/22/22**

Ms. Jaques requested the Change of Manager be for the Manchester Bath & Tennis Club, Inc. be removed from the Consent Agenda.

Mr. Round moved to approve the Consent Agenda; Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

The new manager for Manchester Bath & Tennis Club, Inc. will correct her application and resubmit for the Board.

8. Town Administrator's Report:

a. Cape Ann Voices, Climate Solutions Project

Voices for Climate Action/Climate Solutions: Two regional efforts are underway aimed at advancing work to make Cape Ann more resilient to the impact climate change is bringing. The Voices project consists of two parts – one-on-one interviews with residents and a more formal ethnographic study. Both aim to capture what Cape Ann residents cherish about their home communities with an eye toward protecting these cherished attributes in the face of the challenges climate change is bringing. We have a handful of volunteers interviewing fellow residents (see the attached packet) and hope to involve students as well. BOS involvement either as someone being interviewed or being an interviewer is welcomed.

The second element of the Project involves Harvard's Graduate School of Design. A simulation of what a Category 3 hurricane will likely do to Cape Ann is being developed and will be available on-line. The graphic portrayal is sobering. The research team next turns its attention to measures we can take to better prepare ourselves for future big storms. These measures will be prototypes that will have applicability in many different locations throughout the region.

b. 34 Tappan Street, Consideration for Senior Center

The old grain storage building near the corner of Tappan and Sea Streets has the potential to serve as a Senior/Community Center. Like the Cornerstone Church building, the main building here is extremely well built with massive timbers. The post and beam construction makes it relatively easy to transform the interior into a new use. Todd Waller, the current owner, is willing to consider either an outright sale of the property to the Town or an arrangement where he renovates to our needs under a lease to own arrangement. The land abuts the RR tracks and there could be access off the commuter parking area. Both Ms. Hammond and I feel there is potential here that is worth exploring. The Selectmen agreed the site was worth pursuing as a possibility.

9. 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 the meeting; Ms. Harrison seconded the motion. The motion passed unanimously by roll call vote.

Meeting Materials:

National Grid Proposal

Open Space and Recreation Plan

Budget Requests – Personnel and Planning Board Legal Services

ATM Warrant Articles

BOS Policies

Consent Agenda – as listed

Town Administrator's Report

Upcoming Board of Selectmen Meetings:

Monday, March 21, 2022

Monday, April 4, 2022