



# MANCHESTER-BY-THE-SEA

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SELECT BOARD • TOWN HALL  
Manchester-by-the-Sea, Massachusetts 01944-1399  
Telephone (978) 526-2000 FAX (978) 526-2001

## MINUTES OF THE SELECT BOARD

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August 1, 2022

6:30p.m.

Hybrid Meeting

Join Zoom Meeting, Meeting: ID 837 4858 1206 Passcode: 605769 Mobile: 1.646.558.8656

**MEMBERS PRESENT:** Ms. Jaques, Chair, Ms. Harrison, Mr. Round, Ms. Bilotta, and Mr. Sollosy

**MEMBERS ABSENT:**

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

**GUESTS:**

**PRESS:**

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Ms. Jaques called the Select Board meeting to order at 6:30 pm and all members were present by roll call.

**Public Comment on items not on the agenda** – None (Ms. Iovanni wished to present information regarding another community’s experience with the former regional dispatch operators but the Chair concluded this was not appropriate)

1. **Certificate of Recognition – Max Warnock:** Ms. Jaques acknowledged Mr. Warnock’s accomplishment in saving an individual’s life after falling in the water and presented him with a certificate of recognition.

Harbormaster Bion Pike spoke on the incident and was extremely grateful for Mr. Warnock’s heroic act.

2. **Drought Condition Update – Potential Water Ban:**

Mr. Federspiel addressed the Board that our region continues to be very dry. The state has risen to Level 3 (of 4) and highly recommends communities to institute outdoor watering bans. Our town water supply is okay but it could become worrisome through the winter. As a precaution the DPW asked that the Board declare a water emergency and institute a ban on non-essential water use, allowing for hand water only between the hours of 5pm to 8am.

Chuck Dam, DPW Director added that the State has their own drought plan and that is what is dictating the area. The DPW will continue to monitor our supply, which is okay but to be good stewards, we should issue the ban.

Ms. Bilotta asked for a clarification on hand watering only and what would be the penalty for residents that still use their irrigation system? Mr. Federspiel stated that residents can use a hose to water but no use of irrigation or sprinklers. He also said that the Town has the ability to fine people that are not on a private well. Use of extensive watering should be reported to the DPW to be addressed.

Sarah Mellish, 11 Bennett Street, asked if the Board will be allowing drip irrigation to continue? She stated that she has lost trees and shrubs outside of her drip irrigation. The Town need to keep shrubs and trees and should allow drip irrigation.

Mr. Dam answered that if the drip irrigation system was used within the approved time frame it would be okay.

Ms. Harrison stated she felt that using a bucket of water to wash a car should be allowed as long as a hose was not left running. The Board agreed that this would be OK.

*Ms. Harrison moved that the Board issue a water ban for non-essential outdoor water use with the exception of hand watering and drip irrigation of plants along with “bucket washing” between the hours of 5:00 pm and 8:00 am; Ms. Bilotta seconded. Motion approved unanimously by roll call.*

### **3. Committee Interviews:**

#### **a. Jeffrey Bodmer-Turner – Conservation Commission:**

Ms. Jaques stated she has read his application and he would offer a lot of experience on the commission.

Ms. Harrison addressed Mr. Bodmer-Turner on his resume but not much was included on the purview of the Conservation Commission. Mr. Bodmer-Turner answered he has been active in many conservation groups, including the National Audubon and Mass Audubon, member of the Trustee of Reservations and other groups that conserve land and water supply. The primary task on the Conservation Commission is to administer state and local regulations of wetlands and he has had a lifelong interest in conservation.

Ms. Bilotta commented that she is a believer in diversity of thought on committees and boards and after reviewing his application, believes he has the right skillset for the Commission.

Steve Gang, Chair of the Conservation Commission, endorses Mr. Bodmer-Turner’s application.

*Ms. Harrison moved to appoint Jeffery Bodmer-Turner to the Conservation Commission for a 3 year term; Mr. Round seconded. Motion approved unanimously by roll call vote.*

- b. **Jim Brown – Downtown Improvement Project Committee:** Postponed to next meeting.

#### **4. Reaffirm Vote of Join NSR911 and Ratify the Regional Dispatch MA:**

Ms. Jaques explained that the Board will be voting on reaffirming the vote on joining the North Shore Regional 911, as well as ratifying the IMA.

*Ms. Harrison moved to reaffirm the Select Board’s decision to join North Shore Regional 911; Mr. Round seconded. Ms. Harrison - yes, Ms. Bilotta – yes, Mr. Sollosy – no, Mr. Round – yes and Ms. Jaques - yes. Vote 4-1*

*Mr. Round moved to ratify the Regional Dispatch’s Intermunicipal Agreement; Ms. Bilotta seconded. Motion approved unanimously by roll call vote.*

#### **Consent Agenda:**

##### **a. Approval of July 5<sup>th</sup> minutes -**

*Ms. Harrison moved to approve the minutes of July 5, 2022; Mr. Round seconded. Motion approved unanimously by roll call vote.*

#### **Consent Agenda:**

##### **b. Coast to the Cure 2022 Bike Ride -**

Ms. Harrison addressed her concern with riding on School Street, with it under construction.

Ms. Jaques suggested that Ms. Trainer work with Police Department to avoid School Street.

*Ms. Harrison approved the Coast to the Cure 2022 bike ride subject to the condition that the organization work with the Police Department to avoid the construction on School Street; Mr. Sollosy seconded. Motion approved unanimously by roll call vote.*

#### **5. Open Meeting Law Compliant:**

Ms. Jaques formally acknowledged receipt of the OML complaint from Mr. Coyne.

Mr. Federspiel informed the Board about the formal Open Meeting Law complaint submitted by Robert Coyne. He summarized the three points of the complaint with the Board. Town Counsel prepared a response to the complaint and will submit the letter on the Board’s behalf to the Attorney General’s office and Mr. Coyne with their approval.

*Ms. Jaques moved that the Board adopt the response to the OML complaint from Robert Coyne, and authorize Town Counsel to send this response on the Board’s behalf; Ms. Harrison seconded. Motion approved unanimously by roll call vote.*

Robert Coyne, 115 Beach Street, addressed that the complaint was issued by Manchester Matters, along with himself. He would like to comment once he reads the letter from Town Counsel.

Ronald Skates, 4 Boardman Avenue, stated the way this has been handled by the Board has released a lot of discord in the community and the majority vote was not honored by the Select Board.

Brenda Furlong, 19 Ocean Street, spoke on the Zoning Board of Appeals new tab on the town website that has all the ZBA's correspondences, and she expressed that this was a wonderful way to be transparent. She asked the Select Board to do something similar with citizens letters.

Ms. Jaques stated that was a good point and that was discussed on Saturday at their retreat meeting. This will be further discussion at a follow-up meeting on August 25, 2022.

Sarah Mellish, Chair of the Zoning Board of Appeals, informed that Tiffany Marletta, went above and beyond her hours to upload all the letters and if the Town wants that type of transparency for all boards, you will need to have a budget item to make her position full-time.

**6. Board/Committee Updates:**

**a. Water Resources Protection Task Force:**

Steve Gang, Chair of Water Resources Protection Task Force, referred to the information that was supplied to the Board on the progress and reminder of the Task Force's mandate. He asked if the Board had any questions after reading the information.

Mr. Federspiel stated it would be helpful for a quick summary of the memo and maybe address certain areas to elaborate on.

Mr. Gang updated the Board on the background, membership and objectives/deliverables of the Task Force. As of now the Town has an adequate water supply but there are lots of threats and some opportunities to consider in the future. The next steps are to determine where to spend money and time, how to organize, what requires more study over time and to suggest recommendations to create responsibility and accountability, which includes what type of metrics to use to stay ahead of the problems. He further addressed what the six-working group within the Task Force have been working on.

Tim Kehoe, member of the Task Force, further informed the Board that the sixth working group is working on their timeline for their main tasks, which is responsibility, authority, and accountability. All groups establishing timelines, and these should be completed in a few weeks, which the Board will receive. He thanked Chuck Dam and Nate Desrosiers who have been very responsive to the Task Force and have conducted site visits to the Lincoln Street well and Gravelly Pond with Task Force members.

Mr. Gang spoke on the workings of Scott Horsley's team on where the water comes from that fills up Gravelly Pond and Round Pond. It is understood that it is spring feed by

ground water, but it is important to understand the direction of that flow in terms of landfills and roadways. Mr. Horsley has delivered a preliminary proposal to study the movement of water into Gravelly Pond, which would require some funds to be spent.

Mr. Round stated when the Task Force comes back to the Board, we should have some concrete results. We only have working plans right now but it is starting to come together.

Mr. Gang informed the Board that the BOH in Hamilton reached out to the Task Force for information and assistance. Mr. Federspiel answered that if they are looking for baseline information that would be fine to provide but if they are looking for any recommendations or policy decisions, the Task Force should have those approved by the Select Board before distributed out.

Mr. Round stated that the Task Force needs to gather information to make recommendations and will keep the Select Board informed. Ms. Jaques asked that the Task Force cc the Executive Assistant to keep everyone on the same page.

**b. Affordable Housing Trust:**

Muffin Driscoll, Manchester Affordable Housing Trust updated the Board on the RFP that the Trust, the Housing Authority and Town Planner have worked on since February. The RFP has been reviewed by Town Counsel and the group has made their adjustments. She is hoping to put it on the Central Register by the middle of August.

Mr. Round asked if it is possible to solicit a 40B developer to help with the role of developing the DPW lot off Pleasant Street. Ms. Driscoll is willing to discuss this aspect but we will have to see what proposals are submitted.

Ms. Bilotta stated the RFP looked great and asked what the timeframe would be to start to build/renovate something? Ms. Driscoll stated that is very hard to know until they have conversations with developers. There would also need to be a Town Meeting vote in terms of use of the Pleasant Street property and she cannot put a timeframe on the build. Ms. Bilotta asked that in future RFPs to look at technology and electric vehicle charging stations.

Ms. Harrison recommends the Town consider a friendly 40B project. The Town has had earlier 40B projects that have benefited the town. A friendly 40B project would overcome the reservation of the RFP. It would be nice for this project to renovate existing housing and increase our numbers of affordable units.

Sandy Rogers, 82 Old Essex Road, asked if the RFP is currently available for review, and if not, when will it be available.

Mr. Federspiel answered that the draft RFP is included in the Board's meeting packet, which is available on the town website.

**c. Western Woods:**

Sue Brown, Town Planner reviewed the update she sent to the Board. The Town has been doing research in the Western Woods area to understand how many parcels are there and who owns them. With funding by the CPA, the Town has learned that the we own a fair amount of land. As one of the two principal owners, the other being the Manchester Essex Conservation Trust, about 2/3 of the land in the Western Woods is already preserved. The three initiatives are under way, the first being a forest management plan, which will have a forester who is looking at our parcels, documenting and mapping them and will come up with recommendations for land management based on the Town's goals. Ms. Brown is hopeful the MECT will do a similar process.. The second initiative is the CPC funding the Open Space and Recreation Committee received to preform deed research and identify public rights of way. Once they are found, she would like to have them documented and properly managed to remain open. The third task is the active partnership with Cape Ann Trail Stewards, who walk the trails, provide maintenance and gifted the Town with a kiosk that we hope to install at the entrance off Crooked Lane to provide information about the trails and that they do pass over public and private land.

Mr. Round stated that there is a lot underway to make this space more useful. Many of the parcels are land locked and asked if there are any plans to speak with the other landowners.

Ms. Brown informed the Board that she sent letters to all private landowners to notify them of what the Town will be conducting and if they had any interest in selling or provide trail access, the Town would speak with them. Long term goals are to own or obtain Conservation Restrictions on as many parcels as we can so we can maintain and expand the trail system.

Patrice Murphy, Manchester Essex Conservation Trust (MECT) stated she was happy the Town is looking to conserve more land in this area and have not acted on the Forest Management Plan yet. The organization will be looking at the plan in the future.

**7. Sand Dollar Cove Discussion:**

Mr. Federspiel addressed the Board that Sand Dollar Cove has been an ongoing discussion for many years. A few weekends ago, two events happened simultaneously on the water that created a large crowd the Town staff could not handle. It raised concerns on how can we manage the area. The problems cannot be solved tonight but the Harbormaster and Police Chief have come up with a few short-term recommendations.

Harbormaster Bion Pike stated the town had the greatest number of boats at Long Beach on that weekend. There were about 300+ boats, which consisted of around 1,200 people. He detailed what happened that day on the water. He continuously slowed the many boats down coming into the no wake area and removed the floats and boats from inside the private

swimming area. He addressed that he did not issue any tickets due to the hostile environment.

Ms. Bilotta asked if the sponsored event had permission from the Coast Guard. The Harbormaster answered that there were two events, the event for Marine Max had a marina permit and the other event did not require a permit as per the Coast Guard. He specified the town does not get a copy of the Coast Guard permit and does not get a say in the issuance of the marina permits.

The Harbormaster informed the Board that the Police Chief set up a meeting with the Chief of the Gloucester Coast Guard office and it was agreed that the Coast Guard would send a boat down on Saturday or Sunday to patrol the water. He suggested going forward he will speak further with the Coast Guard to have additional requirements for marina permits, including notifying the town, obtain a Town permit and possibly a requirement for a police detail.

Ms. Bilotta would like to make sure both events are held accountable. The Harbormaster would like to make sure this doesn't happen again and continue working with the Police Chief and Coast Guard. The quick fix is to have the Coast Guard notify us of any permits issued so the Town is aware of any event that would happen and develop a Special Use Permit for Water Events.

Mr. Round is concerned that the Coast Guard doesn't notify the community involved. The Town needs to know when large water events will be happening. The Harbormaster stated that he did get an email from the Coast Guard a few days prior to the sponsored event. He will be working with the Coast Guard to establish better communications with the Town.

Ms. Harrison asked that the Harbormaster obtain the Coast Guard permit requirements and guidelines for the Board to review.

Ms. Jaques asked that the Harbormaster and Police Chief to come up with further recommendations and bring them back to the Board before the end of year.

**8. Liaison Reports** – postponed till next meeting

**9. Consent Agenda:**

**b. Warrant for State Primary on September 6, 2022**

*Ms. Harrison moved to approve the warrant for State Primary on September 6, 2022; Mr. Sollosy seconded. Motion approved by unanimous by roll call vote.*

*Ms. Harrison moved to approve a sufficient number of police officers, but not less than 1, at the poll location at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54 which was changed in section 13 of Chapter 92 of the Acts of 2022. Further, move to designate the Police Chief*

*the authority to assign specific police officers according to scheduling and availability. The Town Clerk will advise the Police Chief on the location and time the officer is needed; Mr. Round seconded. Motion approved unanimously by roll call vote.*

**d. Acceptance of Resignation – Kurt Svetaka, Bicycle & Pedestrian Committee**  
**e. Approval of Wetland Survey – Chebacco Road**

*Mr. Round moved to approve consent agenda items D and E; Mr. Sollosy seconded. Motion approved unanimously by roll call vote*

**f. Boston Post Cane**

*Mr. Round moved to approve the transfer and awarding of the Boston Post Cane from the Elder Brethren to the Manchester Select Board; Mr. Sollosy seconded. Motion approved unanimously by roll call vote*

**10. Town Administrator’s Report:**

Mr. Federspiel spoke about the workshop held on Saturday. The Board worked on their procedures and processes and will continue the discussion on August 25<sup>th</sup>.

He spoke about the Board’s September 6<sup>th</sup> meeting date because this is the day of the state primary. The Board decided to move the meeting to September 8<sup>th</sup>.

He addressed the issue at Spy Rock Hill. The Building Inspector will be in contact with the owners and will be issuing a citation letter to have them come in and obtain a special permit.

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

**Meeting Materials:**

Certificate of Recognition  
Dispatch IMA  
OML Complaint and KP Law draft response letter  
Consent Agenda – as listed  
Town Administrator’s Report

**Upcoming Select Board Meetings:**

Monday, August 15, 2022  
Thursday, September 8, 2022