



MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL
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MINUTES OF THE BOARD OF SELECTMEN

February 3, 2020

6:30 p.m.

Town Hall, 5

MEMBERS PRESENT: Mr. Boling, Ms. Driscoll, Ms. Jaques, Mr. Bodmer-Turner and Mr. Steinert

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, Executive Assistant BOS/Town Administrator, Ms. Nathan, Harbormaster Pike, Town Planner, Ms. Brown, Town Moderator, Mr. Wilson, Principal Assessor, Ms. Thompson

GUESTS: Planning Board Members and Ms. Beckman

PRESS:

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

Mr. Boling stated the meeting is being recorded by Studio 1623 (Cape Ann TV) for future broadcast and recorded by Ms. Hunter for accuracy in minutes. He asked if anyone was recording the meeting to please let him know and requested attendees silence their cell phones.

0. Items not on the agenda – There were no requests to comment on items not on the agenda.

1. Board of Assessors Candidate Interview: Mr. J. Robert Beatty

Mr. Beatty, a lawyer introduced himself stating he retired after 40 years of practicing law as a commercial litigator. He has resided in Manchester since June 2015. During the course of his legal career he has had numerous occasions to work with real estate appraisers. He has prepared and presented real estate appraisers as expert witnesses on behalf of his clients and he has cross-examined real estate appraisers that were testifying on behalf of one of my client's opponents. To prepare for those occasions, he worked closely with various real estate appraisers in order to (i) understand the appraiser's methodology and data and (ii) be able to defend that methodology and data (in the case of a witness for the client) or attack the methodology and data (in the case of an opposing party's expert).

Ms. Jaques asked Mr. Beatty if he had other obligations that would keep him from participating in meetings of the Board. Mr. Beatty stated he has no other obligations. Ms. Jaques also asked if there were conflicts of interest with neighbors or friends how would he handle them. Mr. Beatty stated he would recuse himself.

Mr. Steinert asked if Mr. Beatty had observed any missed opportunities in the Town. Mr. Beatty stated he has given it no thought since moving here.

Ms. Driscoll stated Mr. Beatty had a wonderful background for serving on the Board. Mr. Boling stated Mr. Beatty has appeared before the Board of Assessors and has been recommended to fill the current vacancy.

Ms. Driscoll moved to approve Mr. Beatty's appointment to the Board of Assessors through June 2022, Ms. Jaques seconded the motion. The motion passed unanimously.

2. Presentation of Mooring Standard Approval for Harbor Rules & Regulations

Harbormaster Pike stated following the storms in October 2019 it was determined the Town required minimum standards for moorings. With the help of Mr. Crocker, Crocker Boat Yard, Mr. Baker, Manchester Mooring, Captain Vanikiotis and Mr. Holt, Manchester Yacht Club and residents Mr. Starkey and Mr. Salter. Standards were defined and added under Section D in Harbor Regulations. New requirements state all moorings shall be equipped with a primary pennant or bridle and secondary pennant.

Ms. Jaques asked how many boats were damaged in the October 2019 storm. Harbormaster Pike stated 2 dozen, some boats were swamped at their moorings, mooring chains and pennants failed, collisions resulted, boats went ashore, and boats were damaged at their moorings.

Mr. Bodmer-Turner had two questions. The first in line 52 #3 *...All mooring owners or mooring service companies shall notify the Harbor Department in writing or other method determined to be mutually agreeable.* Mr. Bodmer-Turner asked what were the other methods? The other methods are online correspondence and use of "Google Docs" which Mr. Bodmer-Turner pointed out are also in writing and redundant. It was agreed to delete the other methods language.

Mr. Bodmer-Turner's second question addressed moorings that do not meet the standards, were there additional measures that could be taken suggesting a fee for non-compliance. Harbormaster Pike stated if a mooring holder was willfully non-compliant, they were putting other boat owners at risk and their mooring should be removed by them or removed for them. Boat owners who leave a non-compliant mooring will return to no mooring. The Harbormaster's practice would be to sink the mooring.

Mr. Boling asked if Harbormaster Pike anticipated push back around asking for standards. Harbormaster Pike stated he has had push back around implementing standards since he came to Manchester. However, following the October storm he anticipates no push back from the boating community.

Mr. Steinert asked about line 39 in #1 *...these moorings will be held in the custody of the Harbormaster for one (1) year and then disposed of according to MA General Law.* Mr. Steinert asked if this was the mooring or the spars that would be held. Harbormaster Pike stated it was the spars and the line would be edited.

Ms. Jaques moved to tentatively approve Mooring Gear and Equipment Regulations with 2 edits. Final approval following second reading on February 18, 2020. Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

Following the motion Mr. Steinert had an additional suggestion regrading final decisions on moorings and meeting standards. Mr. Steinert believes all final decisions regarding a mooring meeting Town standards should be determined by the Harbormaster and not left to one of the approved mooring service providers.

3. Annual Town Meeting Preliminary Discussion of Proposed Articles

There are no citizen petition articles this year nor is there a long list of “special” articles in addition to the standard articles. However, the following are for the Board’s consideration.

- 1) Utility bills and property owners ultimately responsible for bills – most often landlords have tenants pay utility bills directly to the provider. The Town has run into challenges when a landlord has been asked to pay a tenant’s past due bill after the tenant has left Town. Recently this happened when the restaurant in the former Coffee Cup location declared bankruptcy leaving the Town with a few thousand in uncollected fees and past utility bills. A new bylaw is recommended to make it clear property owners are ultimately responsible for utility bills.

Town Counsel, Michele Randazzo has recommended wording for a new bylaw. BOS will recommend moving forward with this change to the bylaws.

- 2) Affordable Housing Trust bylaw amendment – the current bylaw governing the Trust has a cumbersome process for replacing a Trustee, including a requirement to record the new Trustee in the Registry of Deeds. This is an unnecessarily complex approach and the Board could recommend a bylaw change to simplify the process.

Town Counsel, Michele Randazzo has recommended language. BOS will recommend moving forward with the recommended change to the bylaw.

- 3) 12-acre Lot – the parcel in the western corner of the Town is available for purchase from the current owners for \$60K. The Board pushed this article to Annual Town Meeting to engage Commissions, Boards and Committees in additional discussion around goals for the Western Woods. Progress is being made in developing a plan and the Conservation Commission is interested in adding the 12-acre Lot to conservation land as part of a larger goal to own all 500 undeveloped acres that comprise this area.

Ms. Jaques asked if the 200 acres proposed for Town owned conservation land is the land easily accessible? Mr. Federspiel replied it was not.

Mr. Boling stated there is a working group developing a more detailed plan proposing how the Town will approach conservation land, discuss conservation land and establish

land for conservation purposes. Mr. Boling hopes to have a proposed plan for the Board to review at the next meeting.

BOS is generally in favor of the purchase of the 12-acre Lot in the Western Woods.

- 4) Cornerstone Church – Currently the Town Administrator is seeking voter approval for the needed funds to purchase the Church over a two-year period, \$600K of “free cash” at two different Town Meetings. It is possible for the Board to ask for one funding vote if preferred. The Town has a 4-month window to exercise the option once the Church informs the Town, they are ready to officially sell.

Ms. Driscoll asked if the Finance Committee has had a conversation about the request for funding the Cornerstone Church. Mr. Federspiel stated that conversation is scheduled for an upcoming Finance Committee meeting.

Mr. Wilson stated a vote to purchase the Church will require a 2/3 vote at Town Meeting. The Board will hold on deciding on a Cornerstone Church warrant article until the article is discussed with the Finance Committee.

- 5) A later Annual Town Meeting? This possibility has been discussed in the past. Holding Annual Town Meeting at the end of April or the first of May would allow for the development of the fiscal year budget to take place with a solid 6 months of the previous fiscal year budget completed. Currently the new budget is developed with only a quarter of the fiscal year completed and using incomplete data for health insurance and other projections. An extra three weeks would improve projections and allow for a more accurate budget.

Mr. Boling recommended more detailed language around the proposed date change and for repercussions to be considered with Town Clerk and Town Counsel.

- 6) Local tax on short term rentals – this is a new local option tax. State room taxes are being collected currently. It would be relatively easy to enact this tax if voters approve it. Mr. Federspiel does not have a good estimate for how much a local tax would generate but an estimated \$100K would be helpful to the Town.

Mr. Boling stated in principle the Board is supportive of the proposed tax. Mr. Federspiel will follow up with the State for additional information on implementing the tax.

4. Planning Board & Selectmen – Joint Discussion

Planning Board Members in attendance: Chairman, Mr. Mastrogiacomo, Mr. Coons, Ms. Delisio, Ms. Foley, Ms. Fish, Mr. Olney and Mr. Russel.

Mr. Mastrogiacomo called the Planning Board meeting to order at 7:20 p.m. and read the following introductory statement.

...As you are aware the Planning Board in September 2019 approved final changes to the Master Plan that was vetted by the Master Plan Committee and the Planning Board over the past two years and adopted by the Planning Board in the spring of 2019.

The Plan notes that citizens have a concern about the “lack of transparency” in Town decision making and calls for communication and more transparency as items to be addressed. In response to this the Planning Board has asked for this joint meeting as a first step in expanding communication to improve the quality of information and clarify the decision-making process.

In October the Planning Board held a retreat to discuss a collective vision for land use in the Town going forward. Since that time, we have been quite active. In addition to the regular business of reviewing special permits, ANR’s, curb cuts etc. we have been active in moving forward with:

- Recodification of the Town zoning bylaws. Attorney Mark Bobrowski has been hired and we have had monthly 2-hour meetings for the past 6 months with Mr. Bobrowski, members of the ZBA and the Zoning Officer and Building Inspector.
- We have voted to move forward with a 40R overlay district planning process.
- We are looking to revise curb cut procedures including inspection and enforcement.
- We are looking forward to the Downtown Parking Study and to community conversations about preserving the Western Woods and increasing the diversity of housing in Town.

I’d also like to acknowledge the hard work and guidance of the Town Planner, Sue Brown and the Planning Board clerk Helene Shaw-Kwasie.

This evening the Planning Board would like to discuss:

- Governance and Communication
- Zoning Recodification and update
- Master Plan Implementation

Mr. Russel who served on the Master Plan Committee cited specific recommendations made in the Master Plan (page 18) on the means to achieve a fiscally responsible and transparent Government. Included under this heading are specific recommendations to communicate effectively, review and document MBTS’s existing organization structure and Review and document existing governance processes (by Department, Board and Committee).

Mr. Boling stated those were great points and in the past year changes have been made to support the recommendations, including Board and Committee trainings with a handbook defining exact responsibilities. Committees and Boards have charters and the Chairperson of the Board or Committee is responsible for reviewing those charters with sitting members from time-to-time.

The Town has hired a part-time Communication person to support the Town Administrator and Town. Often people do not get the message or see the available information until they are ready. The BOS newsletter has been restored and will be

available over multiple channels. The Board of Selectmen will welcome suggestions on what additional channels to use and specific items to address. The Board members are interested in hearing the Planning Board's suggestions.

Ms. Jaques stated she liked the information from the Master Plan and found the information very helpful. Land use is under the purview of the Planning Board. I would like to recognize the Planning Board for your efforts on behalf of the Town.

Mr. Russel would like the opportunity to sit down with the Communication person and Mr. Federspiel.

Ms. Foley asked who was slated to do the process and procedures. She stated nothing has been implemented and the information is not accessible on the website. Mr. Boling asked if Ms. Foley could be more specific. Ms. Foley asked where is the curb cut process defined?

Mr. Federspiel suggested a Permitting Guidebook be developed with printed and online copies available for residents and Board members.

Ms. Delisio stated minutes for Boards and Committees are not posted on time. Mr. Boling stated Boards and Committees are required to file minutes regularly and in a timely manner. Ms. Delisio also would like to see all building permits online. Mr. Federspiel stated he would confer with the software company on the Town's capability to add that information online assuming it is legal.

Mr. Mastrogiacomo stated the Town has 40 Departments and Boards/Committees engaged in Land Use. Liaisons from the Planning Board have been assigned to all 40 Departments and Board/Committees.

Mr. Mastrogiacomo asked on behalf of the Planning Board about the role of the Bike and Pedestrian Committee and the Downtown Improvement Committee and would it be possible for those Committees to become subcommittees of the Planning Board. Mr. Boling stated subcommittees are usually made up of members of the Board.

Mr. Boling stated the Downtown Improvement Committee was established to address a very specific project proposed for Downtown and additionally was engaged in working on the project for the front of Town Hall. The Bike and Pedestrian Committee is not engaged in land use. The Bike and Pedestrian Committee focuses on the safety and health of walkers and bicyclists.

The Planning Board also asked about CPC as their plans related to Town property and the role of the Conservation Commission. It was recommended if the Planning Board has specific recommendations related to CPC, DIP and other Boards and Committees that they be made and brought before the Board of Selectmen for further discussion.

Mr. Simboli owner of the MAC and 50 acres around the MAC joined the meeting to outline his long-range development plans for the property. His objective is to introduce the project and discuss how to move forward. Mr. Boling requested an overview and basic timeline.

Mr. Simboli stated his need is to define the process working with the Town and address needs around permitting. He would like to get on the fall Town Meeting for a vote to support the initial stage of his project. He is asking what the Town wants from the development and with that information he will move onto initial steps. Mr. Simboli estimates the project will take 5 to 10 years to develop he stated the hotel is viable for development and the highest revenue generator for the Town.

Mr. Federspiel stated this type of project would likely require a special Commission including members of the Planning Board, DPW, BOS, Conservation Commission and outside professional consultants who would help the Town vet the scope of the project.

Mr. Boling thanked Mr. Simboli and stated he had provided the salient details it is in the Town's best interest to work together and to figure out how to move forward. The Town will try to be expeditious. Mr. Simboli was approached by the Master Plan Committee to outline some potential growth of the land around the MAC.

Initial development plans include:

- Office, Service Retail and Restaurant
- Skating Rink
- Tennis Court Expansion
- Medical
- Housing – Assisted Living Facility, Single and Multi-Family Dwellings
- Regional Hotel/Inn and Day Spa

Mr. Mastrogiacomo stated recodification will likely be presented at the fall Town Meeting. The Board has homework to complete focusing on unclear bylaws, but it is planning on moving into public meetings.

Mr. Boling asked if the Planning Board had a communication plan laid out for the recodification and the 40R. He stated this is a large update to the Zoning Laws, and it will require a certain amount of public outreach. It is important to develop comprehensive plans to avoid challenges at Town Meeting.

Ms. Delisio stated part of the contract with Attorney Mark Bobrowski was that he will lead the information sharing with the Community. Ms. Brown stated the workshops will likely start in March 2020.

Mr. Mastrogiacomo moved to adjourn the Planning Board meeting, Mr. Russel seconded the motion. The motion passed unanimously.

5. Consent Agenda

- BOS Minutes – January 21, 2020
- Fish Trap License Renewal – James Santapaola

The Board discussed the Fish Trap license renewal with Harbormaster Pike clarifying the area of the proposed Trap. The Trap is 7 fathoms by 160 fathoms off the west end of Kettle Island. The Board agreed to grant the license with a letter confirming the limited location of the Trap.

Ms. Driscoll moved to approve the Fish Trap License renewal as amended, Ms. Jaques seconded the motion. The motion passed unanimously.

Ms. Driscoll moved to approve the minutes of January 21, 2020, Ms. Jaques seconded the motion. The motion passed with Mr. Steinert abstaining.

6. Town Administrator's Report

- 1) Fire Chief Search:** As you know the initial group of candidates did not do well in the assessment exercises. The Search Committee recommends re-opening the search and casting a wider net, our advertising for the position focused on Massachusetts. We received a couple of applications from CT. There are New England wide and National publications in which the Town can advertise. The Town employed a consulting firm for the assessment exercises, however, the Town did not utilize their full range of recruitment services. Board discussion and recommendation is sought. Cost for full-service support is in the \$20K range. The cost of the assessment service was \$8K.

Mr. Bodmer-Turner asked if the candidates had been notified of the outcome of the assessment. Mr. Federspiel replied yes, they were notified. Mr. Bodmer-Turner also asked if candidates could reapply? Mr. Federspiel offered that option to the Search Committee and the answer is yes. Fire Department personnel would like for the search to be done right that a person be identified who will bring stability to the Department and longevity to the position.

Consulting firm is willing to help with the second round providing advertising support without charge and working in an abbreviated fashion building a profile of the ideal candidate and working with the community. Ms. Driscoll stated given the firm's involvement in the current process they will be in a position to help identify semi-finalists. For \$10K the firm would conduct another assessment, review applications and narrow down candidates to the semi-finalist group. Time frame 3 months puts the Town into May with a July start date.

- 2) meHUB:** A group of parents have created a new web site aimed at being a resource for parents and youth. The site provides information on a range of physical health, mental health and substance abuse topics. Representatives of meHub would like to come before the Board to explain their work to provide social emotional health for the community. They would like to discuss funding support as well. meHub is bringing in a guest speaker and the cost for the speaker is \$7,500.00.

Mr. Bodmer-Turner expressed concern that the group is an independent entity and questioned whether there may be liability for the Town related to funding the program. meHub started as a Town bulletin board it is beyond that at this time. The link is on the District web site but independent of the District.

Ms. Jaques stated it is a great resource for parents.

Ms. Beckman stated it is surreal to be on the other side of the Board. She was invested in the Master Plan and worked with the Planning Board. She is thrilled with this evening's meeting and watching the land use discussion and the Master Plan. It is a great opportunity in the process and not a time to get caught up in the details and how the Town moves forward with developers to engage the Town with 40R. If there is anything she can do to support and help the Board, she is available.

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

Mr. Bodmer-Turner moved the Board go into Executive Session, Ms. Jaques seconded the motion. Mr. Boling, yes, Mr. Bodmer-Turner, yes, Ms. Driscoll, yes, Ms. Jaques, yes. Mr. Steinert, yes. The motion passed.

8. Executive Session:

Under M.G.L. Ch. 30A, 21 (a)(3) To Discuss Strategy with Respect to Possible Litigation.

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

Meeting Documents:

- J. Robert Beatty, Memo re: Vacancy on Board of Assessors
- Email from Mr. Mastrogiacono re; Planning Board Meeting with BOS
- Consent Agenda items as listed
- Correspondence as listed
- Town Administrator's Report
- Proposed Harbor Regulations to be Placed under Section D
- Mr. Mastrogiacono Opening Statement
- Mr. Russel's pages from the Master Plan
- Mr. Simboli Layout for MAC Area Development

Upcoming BOS Meetings

- Tuesday, February 18, 2020, BOS Meeting
- Monday, March 2, 2020
- Monday, March 16, 2020
- Monday, April 6, 2020 – Annual Town Meeting