



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 16, 2020

6:30 p.m.

Town Hall, 5

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

MEMBERS ABSENT: Mr. Steinert

STAFF PRESENT: Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, Executive Assistant BOS/Town Administrator, Ms. Nathan

GUESTS: Town Moderator, Mr. Wilson and BOH Member, Dr. Bradley

PRESS: *Cricket*, Ms. Brown

Mr. Boling called the BOS meeting to order at 6:34 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. **Young Hero Award Presentation** – Tommy Bergeron – Postponed, participants were not available this evening.
2. **Manchester Bath & Tennis Club – Seasonal Liquor License Renewal**

Ms. Jaques stated she is a member of the Manchester Bath & Tennis Club, however, believes her membership will not influence her decision.

Mr. Boling stated there had been noise complaints in the past and would like to specify that events close by 11:00 p.m. Ms. Berube indicated last call takes place at 11:00 p.m. and most event participants are off site by 11:30 p.m.

Mr. Bodmer-Turner moved to approve the Seasonal Liquor License Renewal for Manchester Bath & Tennis Club with 11:00PM being last call and the premises closed by 11:30, Ms. Driscoll seconded the motion. The motion passed unanimously.

3. **Speed Limit – Update** – There will be no decisions made this evening the Speed Limit Update was deferred to a later meeting. Mr. Boling stated if there are comments regarding proposed speed limit changes comments should be

provided in writing either emailed or mailed to Mr. Federspiel and/or Chief Fitzgerald.

4. Annual Town Meeting Review

Mr. Boling stated the initial purpose of this item was to wrap up the Warrant and decide which Board Member would be speaking to which Warrant Article. Although we may get to that discussion this evening there are other priorities. Ms. Driscoll stated she would prefer to have that discussion when Mr. Steinert is available. Mr. Boling agreed Warrant Article decisions will be moved to such time the full Board is present.

Mr. Wilson, Town Moderator, discussed his Declaration of Recess and Continuance. Which stated:

Pursuant to Massachusetts General Laws, Chapter 39, section 10A, I declare Manchester-by-the-Sea Annual Town Meeting scheduled for April 6, 2020 recessed and continued, this 17th day of March 2020. In consultation with the Board of Selectmen and the Board of Health, I have determined that a public safety emergency may prevent voters from attending the meeting on April 6.

The nature of the emergency is the outbreak of the 2019 novel Coronavirus (“COVID-19”). In making this Declaration, I note that on March 10, 2020 Governor Charles D. Baker declared a state of emergency in the Commonwealth and prohibited gatherings of more than 250 people throughout Massachusetts. On March 15, 2020, the Governor reduced the number of constituting a prohibited gathering to more than 25 people. Although the Governor’s orders explicitly exempt legislative bodies (in other words, town meetings), turnout for Manchester-by-the-Sea town meetings regularly exceeds 250 voters. In addition to consulting with the Selectmen and Board of Health, I have reviewed guidance from the Massachusetts Department of Public Health and the U.S. Centers for Disease Control and Prevention. Given the rapid spread of the disease, the limited testing and conducted to date, the present lack of containment, and the risk to vulnerable populations inherent in public gatherings, I conclude that delay the Annual Town Meeting is in the best interest of the Town and its citizens.

...I intend to declare additional continuances of up to 30 days each as necessary to defer the meeting until it can be held safely. In considering further deferrals, I will continue with the Board of Selectmen and the Board of Health.

Mr. Wilson stated the Date of Declaration of Recess and Continuance is April 13, 2020 but he believes this will be the first step of additional delays. He also clarified that because the Warrant had been posted the BOS could not vote to delay the Annual Town Meeting.

Additionally, Mr. Wilson stated the emergency extension provided the Town with the flexibility to operate under FY20 budget by 1/12th of the FY20 budget month to month. He stated the Massachusetts Municipal Association was working to add an additional 2.5% for FY21 budgets operating under FY20 budgets.

Mr. Bodmer-Turner stated he read a memo from Senator Tarr’s office indicating bills were being developed to provide greater flexibility for Municipalities and Towns and

wondered if part of that included an easier extension for town meeting dates. Mr. Wilson stated his understanding from the State Moderator's chat line was that the legislative process was proceeding without input from the public.

Mr. Boling stated he believed Mr. Wilson's Declaration was pretty straight forward. Mr. Boling understands that every two weeks the Board will move on these notices. Mr. Wilson stated if anything emerges from the State House by the end of the month it may change the current need. He will keep the Board informed.

Ms. Driscoll stated the opening of school may trigger forward movement.

Mr. Boling discussed the complication the Town faces with the proposed Capital Exclusion Article and the ballot. The Capital Exclusion is for \$725K and would be approved at Town Meeting prior to appearing on the Town ballot for approval. With a delayed Town Meeting and the need to hold Town Elections Mr. Boling indicated the Board may decide about Capital Exclusion item one way or another. Discussion is currently deferred but not for much time.

Mr. Wilson stated there is no way to postpone Town Elections. Postponing Town Elections would require a Court Order or Governor's Bill. Mr. Bodmer-Turner asked if there was a mechanism for a special election. Mr. Wilson stated he did know the answer to that question.

Mr. Wilson indicated all current elected officials will remain in office and according to MA Law Ch. 41 until such time that a successor is elected and qualified.

Mr. Wilson stated he would like to thank Dr. Bradley and the BOH for their work. He was grateful for their help.

Ms. Driscoll moved to endorse the Town Moderator, Mr. Wilson's, Declaration of Recess and Continuance of Town Meeting to April 13, 2020, Ms. Jaques seconded the motion. The motion passed unanimously.

Mr. Federspiel informed the Board there were three changes to the Warrant:

- 1) Article 3 the North Essex Agricultural & Technical School (NEATS) was level funded from FY20, however the FY21 assessment from the NEATS is \$16K above last year to accommodate a student who enrolled in NEATS but has since become a School Choice student in Gloucester. The student is a Manchester student and the adjustment according to Mr. Federspiel is part of an incomprehensible requirement in state law. He will continue to protest the assessment. In the meantime, the new amount for Article 3 is \$169,045.00.
- 2) HVAC grant requires funding for the grant project to come from the Town's General Fund. In the original budget the requested line item was \$60K but with the need for the grant funds to come from the General Fund the line item needs to be increased to \$160K. The grant of \$100K will be allocated to the General Fund.
- 3) The Finance Committee voted to approve \$50K to cover the grant and an adjustment to the Sidewalk and Drainage line item from \$425K to \$375K to allow for the \$100K needed to cover HVAC.

Mr. Bodmer-Turner asked what happens to the grant funds and did the adjustment require additional taxes. Mr. Boling stated there are no additional taxes required funding is from the General Fund and the grant money will be returned to the General Fund.

Ms. Jaques moved to approve the amended Warrant figures: \$169,045.00 for NEATS, \$160K for HVAC installation and a decrease in the Sidewalk and Drainage line item in the amount of \$50K to support HVAC installation, Ms. Driscoll seconded the motion. The motion passed unanimously.

Dr. Bradley welcomed the opportunity to speak to the Board. She stated COVID-19 was like nothing seen in our lifetimes and the Town needed to be proactive in acting to prevent the spread of the disease. She encouraged the Board to overcome any awkwardness they may feel in implementing the mandates from the State and CDC.

She indicated 40% to 70% of all citizens may come down with the disease. It is significantly more contagious than the flu with a mortality rate of 3% to 4% based on information from Italy and South Korea. Older adults and individuals with underlying health issues are more than likely to die from the disease.

She believes it is the responsibility of the Board to protect the most vulnerable part of the population. She strongly indicated social distancing will limit the progression of the disease.

The Board discussed communication and notifications around COVID-19. The Town web site will be updated, articles in the *Cricket* and postings at senior housing will support information disbursed to the community. Dr. Bradley stated it is important to get information to seniors without computer access.

Dr. Bradley warned the Board to brace themselves for the epidemic to peak in late April to mid-May. It will likely be summer before the community starts to approach normal life.

Consent Agenda

- BOS Minutes – March 2, 2020
- Accept Beverly Melvin’s Resignation from Board of Health
- Special Event Applications:
 - Festival-by-the-Sea
 - Half Marathon-by-the-Sea – held for approval of Memorial School use
 - Easter Egg Hunt @ Masconomo Park – postponed until Aug. or Sept.
- Reserve Fund Transfers: \$50,000 added to legal/professional services; \$4000 added to Auto/Building insurance

Ms. Driscoll moved to approve the Consent Agenda as amended and with the Minutes of March 2, 2020 held, Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

Ms. Driscoll moved to approve the minutes of March 2, 2020 as amended, Mr. Bodmer-Turner seconded the motion. The motion passed with Ms. Jaques abstaining.

5. Correspondence

- Letter from MASSDOT re: FY21 Chapter 90 Funding
- Correspondence from DCR re: Tree City USA Application
- Correspondence from DEP re: Notice of Waterways Application for Crocker's Boat Yard
- Letter from Xfinity re: Changes to Xfinity TV Services
- Letter from John Jay re: Sea/Washington Streets Intersection

There were no additional comments on correspondence this evening.

6. Town Administrator's Report

- ✓ Town Hall will be closed to the public starting tomorrow. Services will be provided through email, phone and exceptions on a case by case basis with one on one meetings.
- ✓ Public Safety will be fully staffed with new scheduling. Officers will work 12-hour schedules.
- ✓ Fire Department – ambulance calls have in the past relied on Police to provide first on-site assessment, Police will pull back and allow EMT's to enter first. Dispatchers will ask about respiratory issues during initial intake. If there is a respiratory issue the EMT will enter in full protective gear.
- ✓ Public Safety back up will be provided by Essex, mutual aid and fall back support from State Police and possibly the National Guard.
- ✓ Schools are closed until April 6, 2020.
- ✓ Library is closed.
- ✓ Safe Boating Classes cancelled, Mr. Pike had 100 people signed up for the Safe Boating class.
- ✓ Fire Station is closed to the public.
- ✓ Fourth Quarter Real Estate tax due date has been extended to May 15, 2020. There will be a drop box outside of Town Hall for payments.
- ✓ Playgrounds are closed and closing will be posted at playgrounds.
- ✓ After school and Parks & Recreation programs are cancelled.
- ✓ COA vans will run for medical appointments, grocery shopping and pharmacy runs only. All COA activities have been cancelled. The COA is working on match making for shopping and errands for seniors who are sheltered in place.
- ✓ DPW will continue to operate and the Transfer Station is open.
- ✓ Bars and restaurants are closed, open only for takeout.

Mr. Federspiel stated bars and restaurants are being directly impacted by the Governor's order and believes it will help these businesses by promoting take out and purchase of gift certificates. Mr. Federspiel stated State legislation is considering low interest loans and additional ways to provide financial support like waiving utility bills for businesses.

Mr. Boling stated there are legal issues with some considerations like property tax abatement and waiving utility bills. On the other-hand Mr. Boling has spoken to property owners who agreed to pass abatements onto owners of restaurant owners. Ms. Driscoll stated additional conversations about abatements needs to take place.

Mr. Boling reported he spoke to one restaurant owner in Town who needs to lay off all their employees.

Mr. Federspiel stated the Governor had announced the prohibition and the BOH enforces the prohibition. Mr. Federspiel is asking the BOS to provide leverage around businesses with liquor license. The Town plans in a polite way to communicate if an establishment ignores the Governor's order, they are subject to losing their liquor license.

Ms. Driscoll moved to support the Town's reminder to restaurant business owners that their businesses are closed, and violations of the order could result in the Town acting up to and including revocation of liquor licenses, Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

Ms. Driscoll moved to approve the recommended extension of payment of real estate taxes to May 15, 2020, Ms. Jaques seconded the motion. The motion passed unanimously.

Mr. Federspiel concluded the impact to the Town is unknown, but Town Hall will be open and employees working to support the residents.

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

8. Executive Session:

Under M.G.L. Ch. 30A 21 (a) (3) To discuss strategy with respect to possible litigation and to discuss strategy with respect to collective bargaining.

The Board moved to enter executive session: Mr. Boling, yes, Ms. Driscoll, yes, Ms. Jaques, yes and Mr. Bodmer-Turner, yes.

Meeting Documents:

- Interim Chief Beardsley Memo re: Tommy Bergeron
- Manchester Bath & Tennis Club Application for Alcoholic License
- Assessment of Speed Limits and Recommendations and Additional Information
- Annual Town Meeting Warrant
- Consent Agenda as listed
- Correspondence as listed
- Town Administrator's Report
- Declaration of Recess and Continuance
- Press Release Update on Town Operations

Upcoming BOS Meetings

- Monday, March 30, 2020
- Monday, April 6, 2020 – Postponed
- Tuesday, April 21, 2020
- Monday, May 4, 2020