



MANCHESTER-BY-THE-SEA

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

May 4, 2020 6:30p.m. Virtual Meeting
<https://join.startmeeting.com/communication2>
Virtual Meeting 425-535-9843

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

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, Chief Fitzgerald, Harbormaster Pike, and Interim BOH Nurse, Ms. Ciccone

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

PRESS:

Mr. Boling called the BOS meeting to order at 6:32 p.m. and asked those online to take a moment to recognize Dr. Samuel Ina a longtime resident of Manchester who died on April 20th at his home in Fort Meyers, FL. Dr. Ina, a dentist, served on the BOH, Conservation Commission and volunteered at the Memorial School.

Mr. Boling welcomed participants to the virtual meeting. He requested participants online to ask questions and make comments through the chat window and participants on the phone to state their name if you wish to speak and speak when recognized. If for some reason you are not called to speak please remind the Chairman, you wish to speak.

As part of the Covid-19 Updates the Board will be discussing Annual Town Meeting with the Town Moderator, Mr. Wilson as well as initial recommendations for phased opening of Town parks and beaches.

Mr. Boling added the Board will take public input and comment at this time on items not on the agenda. There were no comments from the public on items not on the agenda.

1. Covid-19 Updates

Mr. Boling asked Mr. Federspiel and Chief Fitzgerald to update the Board on the status of the Town.

Mr. Federspiel summarizes events related to Covid-19 over that past two weeks:

- He stated all was status quo in Town things were running smoothly a credit to the staff and residents.
- DPW and the Police Departments continue to work with two shifts one week on and one week off.

- Town Hall remains closed to the public with some employees working from home; by mid- to late May staff will return to Town Hall and plan to open to the public by appointment only by the end of the month.
- Mr. Federspiel stated he has heard on conference calls with state leaders the easing of restrictions will be gradual.
- Ms. Ciccone stated there had been no community transmissions in the past month and statewide the percentage of positive cases was going down. She indicated social distancing was working.
- Chief Fitzgerald stated with the warmer weather monitoring congestion and moving people along was part of patrolling the Town. Chief Fitzgerald indicated the majority of resident were doing what was recommended.
- Chief Fitzgerald anticipates this weekend may be busy but manageable. Parking enforcement officers are trained and ready to start and the new reserve officer is completing training.
- Chief Fitzgerald stated the Department is ready to handle easement of restrictions.

Mr. Boling asked if Board members had any questions, there were no questions at this time.

Phased Reopening Discussion

Mr. Boling indicated there are no dates attached to the phased reopening recommendations. The Town is waiting for additional information from the State. Following the initial discussion, the Board will have an opportunity to ask questions and the discussion will be open to the public following Board comment. This evening the Board is focusing on Phases I and II.

Mr. Federspiel stated the Town's proposal calls for four phases to reopening.

Phase I calls for opening Masconomo Park, Tucks Point for access to the floats and Reed Park for safety boats.

Phase II beaches will be open for residents only to walk on Monday through Friday, Tucks Point will be open for walking, but the Chowder House will remain closed.

Phase III beaches open to residents 7 days a week, bath houses will be open, the Chowder House will be open for small groups of 10 or less.

Phase IV return to normal summer and fall activities. There are no time frames for the phases the reopening needs to be discussed, monitored, and reviewed before moving forward.

Mr. Boling thanked Mr. Federspiel and restated the Board would have an opportunity to discuss prior to public comment.

Mr. Bodmer-Turner asked about the playground in Masconomo Park. It is his understanding the playground will remain closed but how will this be accomplished? Mr. Federspiel stated the playground area was roped off now due to playground equipment being high touch areas. Mr. Bodmer-Turner stated the current signage does

not address why the playgrounds are closed. He would like to see additional signage stating why and the concern it is a high transmission area. Mr. Bodmer-Turner asked about other playgrounds. Mr. Federspiel stated with the Memorial School under construction the only other play area are swings at Tucks Point and the swings can be removed.

Mr. Bodmer-Turner has biked and driven to Tucks Point and observed people walking in the park area and out onto the Rotunda. He suggests someone monitor the area for compliance with restrictions.

Ms. Driscoll asked Chief Fitzgerald if he would be adding a patrol officer downtown on weekdays and on weekends with people traversing the area. Ms. Driscoll believes parking enforcement officers are not patrol officers and the expectation that they will monitor pedestrians as well as issue tickets is outside their role. Chief Fitzgerald stated he would monitor and add patrol officers when needed.

Ms. Driscoll asked about the Public Safety boat access to Reed Park and would that open the park for additional boats docking. Harbormaster Pike stated the main docks will not be connected there will be no access for boats to dock at Reed Park. The open dock will be for Public Safety boats and the few dinghies for boats moored in the harbor. Reed Park will be open to the public, the docks will not be open to the public.

Ms. Jaques asked if it was possible to have the Public Safety boats at Tucks Point. Harbormaster Pike replied it was possible, however there are no eyes on the boats when no one is there, and the boats would be further away from the Harbormaster's office requiring a drive to Tucks Point to access the boats.

Ms. Jaques also asked about staff monitoring the docks and rotunda. Harbormaster Pike stated he will work with Chief Fitzgerald. One of Pike's staff is a retired police officers and good to monitor rotunda access. Ms. Jaques final point was the swings at Tucks Point and stated they could be removed.

Mr. Steinert stated his main questions are related to Phase II and the use of non-police personnel to monitor and maintain order. He is uncomfortable with Parks & Recreation and Harbormaster personnel engaging in disagreements with the public. Harbormaster Pike stated his staff will be directed to reach out to the police in the event of disagreements or confrontations. Mr. Steinert reiterated he would not like to see Parks & Recreation personnel in that role.

Ms. Jaques had a question about parking on Beach Street. She understands parking on Beach Street will be for residents only and would it help if parking were limited to one hour instead of two hours. Chief Fitzgerald stated the parking enforcement officers routinely ticket with 1-3 tickets and does see the benefit of limiting parking to 1 hour. Mr. Boling stated it was an either-or situation.

Mr. Boling had one question for Chief Fitzgerald regarding social distancing over this past weekend. Were folks distancing? Chief Fitzgerald stated there were a couple of trains arriving with a hand full of people. He could not determine if residents were social distancing, however people were entering the closed park from Captain Dusty's.

The Board moved onto the Phase II discussion.

Mr. Bodmer-Turner stated he understood from the way the guidelines were written the purpose of going to the beach was not to go to the beach with a blanket, picnic and to participate in contact sports. He believes that is not clear in the current document. If there are small groups of 10 people or less Singing Beach is being opened up and people will be going in and out of the water and lifeguards will need to be on site.

Mr. Federspiel stated in Phase II Singing Beach would be open for transient use only walking or running on the beach. There would be no sitting or sunbathing allowed. The beach will not be open for residents staying for the day.

Mr. Bodmer-Turner also asked about the windy day discussion. His understanding about aerosol transmission although there is little written is wind will disperse not transmit Covid-19. He would suggest removing the restriction.

Ms. Jaques stated she had a couple of points and was in support of opening the beaches sooner rather than later, at least Singing Beach. It is difficult to police every person in Town to confirm they are doing what is most effective and if they are following the guidelines. She suggested the Town try to open Singing Beach for a soft opening.

Ms. Jaques read several articles in the New England Journal of Medicine to learn more about transmission of Covid-19 outdoors. The NEJM indicated large droplets drop to the ground when expelled, however small droplets can dehydrate and linger as droplet nuclei in the air and behave like aerosols in Covid-19 and, when exhaled, are viable for up to 3-hours. It is essential that people wear masks in public spaces and social distance.

Mr. Steinert stated he would like to see separate management for Singing Beach due to train access, including management of residents and non-residents. Mr. Steinert stated the risk to the Town from one person arriving with Covid-19 is significant. Mr. Bodmer-Turner stated access to the Beach is already controlled with beach tags. Chief Fitzgerald pointed out non-residents can buy a beach pass.

Mr. Boling stated the Board would continue the discussion around Singing Beach and then open discussion to the public.

Ms. Driscoll asked Chief Fitzgerald if he knew how Rockport was managing the resident only access to Bear Skin Neck. Chief Fitzgerald does not know, however he will reach out to Rockport's Chief and discuss the management of Bear Skin Neck.

Ms. Driscoll also asked what the metric was for limiting people on the beach? Ms. Marshall is reviewing that recommendation and will provide additional information from other communities in the near future.

Mr. Boling opened the discussion to the public.

Mike Leahy stated he heard Mr. Steinert's concern and asked what benchmarks would be in place to adopt Phases I, II and III. Mr. Federspiel stated the criteria for adopting the phases are Phase I will be implemented right away with Phase II implemented based

on the success of Phase I. Additionally, the Town will review infection rates to assure the rates are declining before the Town has confidence to proceed.

Eric Bradford asked if the closures originally were intended to reduce police exposure to infection, in part, then what has changed. Mr. Boling stated when this first started the situation was new to residents; now that the population has been more fully educated on the situation and has had a chance to adapt, we are hoping the risk to police will be lower.

Sue Thorne asked why the beaches were open Monday through Friday in Phase II. Mr. Boling stated the idea was to ensure the Town had control over too many people coming into Town. Ms. Thorne thought it was important for the beaches to be open on the weekend for families with children who are at home engaged in online learning. She suggested signs in North Station indicating Singing Beach was closed to non-residents.

Janice Redding confirmed Phase II allowed for people on the beach not dogs. Mr. Boling stated that was correct.

Stephanie Low stated Bear Skin Neck is blocked off with a police officer enforcing the resident only condition.

Caroline Weld asked for clarification for boat access for Manchester Harbor Boat Club members. Harbormaster Pike stated there is Boat Club access with resident parking and non-resident parking available. Mr. Federspiel stated non-residents will need to park behind Town Hall.

Ms. Jaques stated Manchester Yacht Club provides parking for its members on Manchester Yacht Club property. There are restrictions on the number of people on the floats.

Mr. Steinert asked about MSA indicating he had not heard from them. Mr. Federspiel stated camps are an open question that needs to be answered with guidance from the state.

Ms. Thorne stated residents and non-residents need information and clarity. She asked for final guidelines to be printed in the *Cricket* and posted on the Town website.

Ms. Ciccone stated many residents believe combining Phase I and Phase II is ideal.

Mr. Boling asked the Board for their thoughts on combining Phase I and Phase II. Ms. Jaques stated she has given a lot of consideration to Mr. Steinert's concerns. She is leaning toward combining Phase I and Phase II, but a full opening is not merited.

Mr. Bodmer-Turner stated he believed the Town could implement Phase I tomorrow and recommended shifting from discussing Singing Beach to reviewing plans for White and Black beaches. Suggesting Singing Beach might open on May 19 assuming the targeted number of cases according to the CDC guidelines have been achieved.

Mr. Steinert is good with Phase I without Parks and Recreation and Harbormaster personnel enforcing. He has no objection to opening White and Black beaches and Singing Beach only when it can be fully managed.

Ms. Driscoll stated she was good when management was resolved. Parks and Recreations and Police need more time to staff and define the metrics around crowding. This will give people the opportunity to see how the situation moves forward. Ms. Driscoll would like to see more work prior to opening with questions and concerns.

Mr. Boling summarized the discussions. There were three areas raised. The first option open Reed Park, second allow people to walk to the Rotunda with a parking attendant at Tucks Point and the third as soon as staff is ready allow resident only access to Singing Beach. The situation poses a threat if the Town loosens restrictions too soon. It is agreed Phase I and Phase II are open to residents only. The Town is prioritizing the safety of residents. Mr. Boling asked for the Boards comments on Reed Park and Tucks Point Rotunda.

Mr. Bodmer-Turner suggested adding White and Black beaches to Phase I for walk on residents only. Mr. Bodmer-Turner stated people will find a way to go on to the beach. He would like to see additional signage at Reed Park. He believes the Rotunda needs to be managed for social distancing and the Harbormaster might mark the deck and walkway similar to the grocery store.

Ms. Jaques agrees with opening Reed Park. She would like to see the Rotunda roped off with access only to the outer portion of Tucks Point. Ms. Jaques believes Ocean Street is still under construction and suggests opening White and Black beaches following the end of construction.

Mr. Steinert had no additional comments. Ms. Driscoll suggested opening Reed Park and Tucks Point. She believes White and Black beaches should open later.

Mike Leahy stated he was impressed with the information provided from the NEJM and asked if keeping areas closed indefinitely was a violation of the residents' rights. Mr. Boling stated it was not indefinitely and the areas are closed due to a Public Health Emergency. The Board of Selectmen holds the authority to manage an issue of Public Safety.

Mr. Boling moved to approve Phase I including opening Reed Park as soon as the relevant Departments can manage the logistics. The Board will further review Phase II at the May 18 meeting of the Board. Mr. Bodmer-Turner had a friendly amendment to add the docks are not publicly assessed. Mr. Boling accepted the friendly amendment. Ms. Jaques seconded the motion. The motion passed unanimously.

Mr. Boling indicated the Board would now discuss Town Meeting, however ahead of that discussion he mentioned the potential impact on the District budget due to the decrease in revenues to the State. State and Federal aid to the District is significant and changes to that aid will impact the Town's planning and timing of Town Meeting.

Mr. Wilson stated he has extended Town Meeting to June 8, 2020 at which time he will set the target date for the meeting on June 22, 2020. The location of the meeting is the

MEMSHS football field where 500 residents could be accommodated with seating 10 feet apart.

The Town Moderator in consultation with the Board of Selectmen makes the decision on location. Mr. Wilson believes the football field and outdoor location is the best possible way to keep residents safe and allow for participation in Town Meeting.

Ms. Jaques likes the recommendation for the football field. She also asked how it would be possible for the Board to pass over items already in the Warrant to provide for a shorter meeting. Mr. Wilson stated he can entertain a motion to pass over specific Warrant Articles at the request of the Board of Selectmen.

Mr. Bodmer-Turner is in support of the location as are Mr. Steinert, Ms. Driscoll, and Mr. Boling.

Mr. Bodmer-Turner asked about the need for a quorum for Town Meeting. Mr. Wilson stated the current by-law quorum number is 100. The State is considering decreasing that number to 10% which would allow for a quorum of 10. Ms. Driscoll stated that number is too low she hopes as many residents as possible will participate in the meeting. Mr. Steinert, Mr. Bodmer-Turner and Ms. Jaques agree with Ms. Driscoll.

Mr. Steinert believes this is an important meeting and opportunity for residents to get together. Mr. Kehoe asked about a rain date. Mr. Wilson stated a rain date will be announced in advance.

2. FY21 Budget Discussion

Mr. Boling stated not much has changed on the Plan B proposal, however a real issue has been raised about the logistics of the District's budget as it relates to State aid. The District receives \$4M in state aid and like the Town budget the State budget is going through changes and the amount of aid available for the District is not known. A 10% decrease in State aid will result in a shortfall for the District of \$400K. Add to that the request from the Town and the total shortfall to the District is more than \$600K which will result in significant structural changes for the District.

The Town and District will not know the status of the District budget by June 22nd. An option for addressing the potential budget shortfall is to delay Town Meeting and shift to a 1/12th FY20 budget. Mr. Federspiel stated the State requires the Town to hold Town Meeting prior to the end of the Fiscal Year. Mr. Wilson indicated if the Governor's state of emergency remains in place it may be possible to delay Town Meeting until the state of emergency is lifted. An additional possibility is to continue with the scheduled Town Meeting and call a Special Town Meeting when the District's budget shortfall is determined.

Ms. Driscoll asked if the Finance Committee had discussed the potential budget shortfall. Mr. Boling stated Mr. Creighton was in the Budget Collaboration meeting but the Finance Committee has not met to discuss the issue. She would like to hear the Finance Committee's recommendation. Ms. Jaques agreed with Ms. Driscoll stating the Town needed more time to gather information from the State. Mr. Bodmer-Turner indicated the District will likely not know the amount of State aid prior to mid-August.

Mr. Wilson stated he does not see the Governor lifting the state of emergency and the Town would have time following the lifting of the state of emergency to schedule the Town Meeting. Mr. Boling concluded by stating the Town Meeting planning will continue with the Town potentially needing an additional meeting. No decision will be made this evening and the Board will wait for feedback from the Finance Committee.

Mr. Steinert asked what the current hypothesis was regarding the State. Mr. Boling indicated there were rumors going back and forth with little visibility or clarity. There are serious concerns about the decrease in State revenues.

Mr. Federspiel stated the FY21 budget was approved prior to Covid-19 and the CPC projects were approved by the BOS and Finance Committee in advance of the current situation. Mr. Federspiel would like to give the Board an opportunity to review the projects.

Mr. Steinert stated he was fine with what was outlined in the original budget. Mr. Bodmer-Turner supported the Sweeney Park project but thought deferring the Parks and Recreation improvement and landscape and restoration work should be considered. Mr. Driscoll stated she was in favor of all application as they were vetted and approved by the CPC. Ms. Jaques agreed with Mr. Bodmer-Turner but included deferring the Sweeney Park project.

Mr. Boling stated he had not made up his mind and would like to have a conversation with representatives from CPC about deferring projects in anticipation of projects for FY22 having a higher priority to projects currently approved.

3. Consent Agenda

- BOS Minutes for April 21, 2020

Ms. Driscoll moved to approve the Consent Agenda, Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

4. Correspondence

- Memo from 375th Committee re: Celebration Events
- Letter from MIAA re: Participation Credits, Dividends and Mid-Year Adjustments
- Letter from Comcast re: June 30 Extension of Covid-19 Response Policies
- Email from Resident re: Beach & Union Streets Intersection Project
- Email from Resident re: Speed Limits

Mr. Boling stated Comcast was not disconnecting service because of Covid-19 and would be waiving late fees through June 30, 2020. Residents emails regarding intersection projects and speed limits will be addressed post pandemic.

5. Town Administrator's Report: Construction Update, Fire Chief Hiring Update

- ✓ Intersection work and Ocean Street projects are wrapping up.

- ✓ Lining of sewer pipes along Sawmill Brook and School Street will be taking place shortly, residents will be informed and can expect an unpleasant gaseous odor which will dissipate quickly.
- ✓ Town Common project is progressing and will be completed by the end of May.
- ✓ Fire Chief interviews will be taking place next week. Hopefully, the new Fire Chief will be in place early July.

6. Other Matters, as May Have Not Been Reasonably Anticipated by the Chairman – Discussion Only.

Ms. Jaques moved to adjourn the meeting, Ms. Driscoll seconded the motion. The motion passed unanimously.

Meeting Documents:

- Budget Reduction Spreadsheet
- Correspondence as listed
- Consent Agenda as listed
- Town Administrator's Report

Upcoming BOS Meetings

- Monday, May 18, 2020
- Monday, June 1, 2020
- Monday, June 15, 2020