



# 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

July 22, 2019

6:30 p.m.

Town Hall, 5

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

**MEMBERS ABSENT:**

**STAFF PRESENT:** Town Administrator, Mr. Federspiel, BOS/TA Executive Assistant, Ms. Nathan, Town Planner Sue Brown, Interim Police Chief Todd Fitzgerald, Police Officer Jen Gilson, DPW Director Chuck Dam

**GUESTS:** Max Warnock, Kenneth Warnock, Ryan Gazda, Isabella Bates, Eric Bourke, Brian Miller, Paul Barclay, Tom Kehoe, Sue Thorne, Sybil Vince, Doris Mackin, John Mackin, Sean Mackin, Brian Sollosy, Donna Furse, Mary Foley, Gary Russell, Ronald Mastrogiacomo, Andrea Fish, Loren Coons, Essex Police Chief Paul Francis, Isabella Lundstrom, Eric Lundstrom, Maria Lundstrom

**PRESS:**

Note: An executive session originally called for 6:00PM to review the character of an applicant for a liquor license was canceled at the request of the applicant's lawyer.

Mr. Boling called the BOS meeting to order at 6:30 p.m. Stated the meeting was being recorded by Studio 1623 (Cape Ann TV) for later broadcast and by Ms. Nathan for accuracy in minutes. He asked if anyone was recording the meeting to let him know and requested attendees to silence their cell phones.

Mr. Boling requested a moment of silence for the passing of former town employees Lawrence Hall, Linda Wheelock and Charles Capello.

Mr. Boling asked if there was public comment on items not on the agenda? Paul Barclay, 38 Central Street #1, informed the Board that his toilet flooded and water was shooting out of his shower at his residence which he attributed to work on the Harbor Loop. All together his residence flooded three times causing him concern for the possibility of human waste coming through the pipes. He was dismayed with the time it took for the DPW to respond to his calls to their office.

### **1) Request For New All Liquor License Dynamic Restaurant Group, LLC d/b/a The Mooring, 25 Union Street - Continuance**

Ryan Gazda, Counsel for the applicant, informed the Board he is withdrawing the application on behalf of his client, Michael R. Rossa, and is considering resubmitting at a later date in a different form.

*Ms. Driscoll moved to accept the withdrawal of the liquor license application for The Mooring. Ms. Jaques seconded the motion. The motion passed unanimously.*

## **2) Consent Agenda**

- BOS Minutes – July 8, July 12
- Common Victualler’s License – The Mooring
- Board Appointment: Kate Dainton, 375<sup>th</sup> Celebration Committee
- Shared COA Van Agreement with Essex

BOS Minutes – July 8, July 12 were pulled from the Consent Agenda for review at the Board’s next meeting on August 5. The Common Victualler’s License for the Mooring was pulled as the Liquor License application was withdrawn.

*Ms. Jaques moved to approve the remaining items in the Consent Agenda; Ms. Driscoll seconded the motion. The motion passed unanimously.*

## **3) Correspondence**

- Letter from Bruce Warren re: Resignation as CPC Clerk
- Letter from KP Law re: Increase in Hourly Rate for Legal Services

Mr. Boling noted Mr. Warren’s vacancy will be filled by the CPC and that KP Law’s rates are fairly reasonable and that their proposed rate increase is small and happens every few years.

## **4) Public Hearing: Policy Review/Establish New Water & Sewer Rates FY2020**

*Ms. Jaques moved the Board Open a Public Hearing to Review the Policy and Establish New Water & Sewer Rates for FY2020; Ms. Driscoll seconded the motion. The motion passed unanimously.*

DPW Director Chuck Dam informed the Board of Selectmen there will be a 3.75% increase across the board for the FY20 Water & Sewer Rates. The funds will help maintain infrastructure improvements. He reported that there were no substantial changes with water use right now and that the bulk of usage is in Quarter 3 due to irrigation systems. He said there was nothing to suggest we need to change tiers as we are still below the red line and won’t be penalized by the EPA for over usage. The Town has a back log of water/sewer improvements and is trying to catch up. The water/sewer rates are rising at a slightly higher rate to keep pace with infrastructure improvements. Isabella Bates, 2 Masconomo Street, asked “Why is there an assumption that there will always be a price increase?” Mr. Federspiel explained that a portion of the costs will be covered by bonds and some by rate increases. Ms. Bates also asked “if the Board of Selectmen has considered abatements for residents living on fixed incomes?” Mr. Federspiel said the Town could do some digging to see if there are other options for residents in that situation. Standard usage is 65 gallons per capita per day.

*Ms. Jaques moved to approve the 3.75% rate as recommended for FY20. Ms. Driscoll seconded the motion. The motion passed unanimously.*

## **5) Public Hearing – Extension of No Parking Zone, Brook Street**

*Ms. Driscoll moved the Board Open a Public Hearing on the Extension of No Parking Zone, Brook Street; Ms. Jaques seconded the motion. The motion passed unanimously.*

Interim Police Chief Fitzgerald reported that a resident requested an extension of the No Parking Zone by 35 feet to eliminate cars parking on the curve of the street past the tennis courts in front of 46 Brook Street. Mr. Fitzgerald stated that there have been lots of complaints over the years about that stretch of the road being dangerous although there have been no accidents.

Sean Mackin, 42 Brook Street stated that there were problems all the time with cars parked on the street as one can't see beyond the cars when going around the curve.

Sybil Vince, 46A Brook Street stated that when she comes out of her driveway and she has to pull past a large parked car it is very dangerous. She added that she's afraid that someone will get hurt.

Doris Mackin, 42 Brook Street stated that cars parked on the street obstruct her view when pulling out and that it's a safety hazard letting cars park in front of the tennis court.

Interim Police Chief Fitzgerald pointed out that there is no time limit for parking on Brook Street as long as the vehicles have a resident parking sticker.

*Mr. Bodmer-Turner moved the Board to Close the evidentiary portion of the Public Hearing on the Extension of No Parking Zone, Brook Street; Ms. Driscoll seconded the motion. The motion passed unanimously.*

*Ms. Jaques moved to approve the amended No Parking Zone to extend to 46A Brook Street. Ms. Driscoll seconded the motion. The motion passed unanimously.*

## **6) Planning Board Interviews – Brian Miller, Donna Furse, Chris Olney & Brian Sollosy**

Mr. Boling opened the Joint Meeting between the Board of Selectmen and Planning Board when it was determined through a roll call that both Boards had a quorum. The purpose of the Joint Meeting was to fill the Planning Board vacancy. Mr. Boling stated that since the position is elected it needs to be jointly appointed by both boards.

**Brian Miller**, 92 School Street is a retired emergency room physician and has lived in town for 31 years. Prior to working as an emergency room physician he was a chemical engineer. Now that he has the time to volunteer he is interested in offering his time to the town of Manchester-by-the-Sea. He believes that permanency in residency is a very important component to serving on the Planning Board. When questioned by Mr.

Steinert on what he sees as missed opportunities Mr. Miller stated not reserving land to make it available for affordable housing. Mr. Miller stated that he provided feedback on the Master Plan process at a review meeting and is very familiar with zoning laws.

**Donna Furse**, 8 Blossom Lane was a Nurse Practitioner for 20 years and has lived in Manchester-by-the-Sea for 8 years. She is intrigued by the Planning Board intricacies, doesn't have an agenda, is invested in the town and wants to make a difference. She expressed an interest in serving on the Planning Board whether it's now or down the road. She sees infrastructure and major land use needs as missed opportunities.

**Brian Sollosy**, 11 Central Street, has lived in town over 20 years, has worked in the real estate field as a consultant to developers and is currently involved with the architectural woodworking field. . He stated his concerns are in town affordable housing and would like to see an increase in inventory while protecting existing housing. Mr. Sollosy has been active with the Chamber for 8-9 years, served as a referee for Parks & Rec for 15 years and has free time to commit to the Planning Board which he sees as an opportunity to bring about change. He has issues with the downtown development and would like to see more outside the box thinking by the DIP Committee.

**Chris Olney**, 10 Old Neck Road, was raised in Manchester-by-the-Sea and has extensive experience in both the public and private sectors in the planning field. He is vested in the Master Plan and wants to contribute to its implementation. He has a strong desire to protect and enhance the character of the town and feels the current zoning conflicts with that goal. Mr.Olney stated not having more mixed use in the downtown is a missed opportunity.

Mr. Boling asked the Planning Board to state their candidate of preference while reminding the group that the person selected must receive the majority of votes from both Boards. A majority of Planning Board members expressed support for Chris Olney as their top choice although all four candidates have much to offer.

Ms. Jaques made a motion to appoint Chris Olney to replace Peter Canny. Mr. Bodmer-Turner seconded the motion. The Board of Selectmen and Planning Board members were polled. The motion was passed unanimously by the Board of Selectmen. The Planning Board passed the motion by a vote of 4-1 with Andrea Fish, Gary Russell, Ronald Mastrogiacomo and Loren Coons in support. Mary Foley voted against the motion. Chris Olney will fill the vacancy created by Peter Canny's resignation and will serve until the next Town Election in May 2020.

#### **7) 375<sup>th</sup> Committee Update Including Request for Approval of Ceremonial Bonfire and Use of Town Seal – Tom Kehoe, Sue Thorne**

Tom Kehoe and Sue Thorne provided an overview on the 375<sup>th</sup> Committee activities. The Committee's goal is to offer many activities for free or a minimal fee. He also thanked the Board of Selectmen for appropriating \$10,000 to the Committee. The 17 members are finalizing next year's event calendar; selling a puzzle of the Town Quilt; creating a Calendar featuring photographs of Manchester-by-the-Sea; soliciting sponsorships and organizing a social media presence to promote these efforts. Kehoe and Thorne also requested permission from the Board of Selectmen to hold a Ceremonial Bonfire on January 12, 2020 in the MAC parking lot and to use the town

seal in 375<sup>th</sup> printed materials. Isabelle Lundstrom, a rising Sophomore at MERHS and the designer of the 375<sup>th</sup> logo walked the Board through the design process.

*Ms. Driscoll moved to declare January 12, 2020 the official Ceremonial Bonfire day. Ms. Jaques seconded the motion. The motion passed unanimously.*

*Mr. Bodmer-Turner moved to allow the 375<sup>th</sup> Committee to use the Town Seal on 375<sup>th</sup> Celebration printed materials. Ms. Jaques seconded the motion. The motion passed unanimously.*

## **8) School Resource Officer – Discussion**

Ms. Driscoll recused herself from the discussion as she is an employee of the Manchester Essex School District.

Interim Police Chief Todd Fitzgerald stated that the idea for a School Resource Officer (SRO) position came out of a recommendation from his predecessor, Police Chief Edward Conley. Interim Police Chief Fitzgerald and Essex Police Chief, Paul Francis, have met several times to develop policies and a Memorandum of Understanding for this position.

Joanne Maino, MERMS Principal; Patricia Puglisi, MERHS Principal and Pamela Beaudoin, Superintendent of Schools spoke on behalf of the benefits that this position brings to the School District.

The value of the SRO is to build relationships between the schools and communities, serve as a mentor in the classroom while teaching important messages to the students and acting as a guidance figure supporting students in and out of school. Although the SRO position will be armed he/she will not focus on law enforcement but rather will frame relationships in a positive way while having someone in place that's another arm of preventive measures. The SRO's time would be split between the elementary school (20%) and middle/high school (80%) following students as they progress through the school system. The Officer is prepared to help students on a daily basis, with facility and protocol improvements to help meet safety needs and extend education to parents. The position would take an active role in any threat posed.

Since September is fast approaching concern was expressed over whether a not there was enough time to put the SRO in place for the upcoming academic year. School Officials will meet on August 6 to discuss whether they can implement the position by the beginning of the school year. A presentation on Manchester-Essex regional services will be on the Board of Selectmen's August 19<sup>th</sup> agenda. Mr. Federspiel will reach out to the Essex Town Administrator Brendhan Zubricki and Ms. Beaudoin as soon as possible and provide an update at the August 19<sup>th</sup> meeting.

Ms. Jaques questioned how to quantify success. Ms. Beaudoin listed criteria to measure the position's success: is this individual seen as a caring adult, in addition, an assessment tool will be created by the Principals, the MOU will be redone every year by the Police Departments and an annual evaluation completed by the Principals for that position. The hope is to try this out for 2-3 years as a pilot program. The three school

representatives present at the meeting have all previously worked with an SRO in other school districts. Ms. Beaudoin stressed how important it is to have the right fit. Hamilton-Wenham will have an SRO this year. The Manchester Essex School District will borrow best practices from other districts.

Mr. Boling suggested having a discussion regarding the funding model after operational questions are addressed. He expressed support for the position stating that it will dovetail nicely to increase Manchester-by-the-Sea's community policing efforts.

Mr. Federspiel stated that Manchester-by-the-Sea can absorb the town's share (30-40%) as monies can be freed up by rearranging how we handle detective duties. An Officer can come from the Manchester-by-the-Sea day staff by back filling the position. Interim Chief Fitzgerald stated that the Department has the staffing as one Officer is graduating from Police Academy. Total cost for a full-time officer is approximately \$100,000. Assuming the District pays up to 60% of this the two towns are looking at a \$20,000 contribution each if split evenly.

#### **9) Proposal for Bicycle Pump Track at Burn Dump, Pine Street – Max Warnock**

Max Warnock provided a short description of the project-a pump track is a group of dirt rollers and berms when placed correctly allow for no peddling and instead the use of pumping for speed on a track made from compacted dirt. There is no cost to the town. People that ride the track will maintain it. The project is outside the wetland buffer zone. Once the project receives approval it can be set up quickly. Over 50 people signed a petition in support of the Pump Track. In addition to approval from the Board of Selectmen, Max is also looking to someone from the Town Hall to provide oversight.

The community needs to weigh in on this use. Safety of the users of the property isn't a hurdle but we can get confirmation from the State. The site can be insured as an active recreational playing field open facility without supervision.

Mr. Federspiel will talk to Cheryl Marshall, Parks & Rec. Director, regarding discussion of proposal by the Board of Selectmen. Parks & Rec will be asked to reexamine the proposal and hold a community forum with regard to this particular project as a public use. If the project moves forward, Parks & Rec would work with DPW to manage details. Parks & Rec would probably be in favor of the Bicycle Pump Track for short term use (4-5 Years) of the Burn Dump. That would give time to gauge popularity of the tract of land.

#### **10) Town Administrator's Report**

Tim Girian resigned from the Board of Assessors.

Work is underway to overhaul our zoning regulations. Sue Brown has assembled a working group comprised of Planning Board and ZBA members, the Town's Building Inspector, a few citizens and consultant Mark Bobrowski to assist.

The Seacoast Economic Council has declined to fund the harbor master office/public restrooms project for now. They have asked that we develop our plans further, nailing

down the location, design and costs before reapplying. They indicated they would view a resubmitted request favorably once we have more details about the project.

The grant funding to study the Limited Commercial District was turned down. If the Planning Board agrees to pursue a 40R district within the LCD we will be able to receive technical assistance from the state on this aspect.

Draft of new Personnel Handbook was distributed to the Board members. The new handbook contains existing material that has been reformatted and paginated along with new sections needed per various new labor law requirements. Our HR consulting firm has assisted in the development of the new handbook. The final step is for the BOS to vote final approval at the August 5<sup>th</sup> meeting. Selectmen were asked to read the document ahead of time and be prepared to ask questions prior the meeting.

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

#### **Meeting Documents:**

- Town Administrator's Report
- Consent Agenda Items as Listed
- Correspondence Items as Listed
- Liquor License Application for Dynamic Restaurant Group LLC d/b/a The Mooring
- Police Department Officers Reports Re: Michael R. Rossa
- Water & Sewer Rates FY2020
- List of Manchester's 375<sup>th</sup> Anniversary Events
- Manchester-Essex Regional Middle School/High School Resource Officer Job Description
- MOU Between the MBTS PD, Essex PD and MERSD RE: the School Resource Office Program
- MBTS PD Policy for School Resource Officer/Juvenile Officer
- Scope Statement: Manchester Pump Track
- Planning Board Letters of Interest-Donna Furse, Chris Olney, Brian Miller & Brian Sollosy

#### **Upcoming BOS Meeting**

- August 19, 2019
- September 3, 2019
- September 16, 2019