



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

January 4, 2021 6:30p.m. Virtual Meeting

Join Zoom Meeting, Meeting: ID 949 8657 9574, Passcode: 286260 One tap mobile: 1.646.558.8656

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

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, DPW Director, Mr. Dam and Town Tree Warden, Mr. Henderson

GUESTS: Ms. Mittermaier, Ms. Bodmer-Turner and Mr. Minasian, Manchester Friends of Trees

PRESS:

Mr. Boling called the BOS meeting to order at 6:31 p.m.

Mr. Boling welcomed participants to the virtual meeting indicating the meeting was being recorded and minutes were being taken by Ms. Hunter.

0. Public Comment

There was no public comment this evening.

1. Public Hearing – Possible Removal of Trees

- Masconomo Park, 24” Norway Maple
- Reed Park, 8” Highbred Elm
- Jersey Lane, 30” Eastern White Pine
- Lincoln Street Well (near bridge) 18” Norway Maple

Ms. Jaques moved to open the Public Hearing, Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

Norway Maple, Lincoln St. The tree is near the pollinator garden a project proposed by Ms. Beinecke and supported by the Conservation Commission. Mr. Bodmer-Turner asked Mr. Dam if he was proposing taking down a tree to put in a meadow. Mr. Dam stated the root system of the tree was not working with the pollinator garden. Mr. Round stated the field of wildflowers was not impeding the wires as suggested. Ms. Jaques stated she looked at the proposed tree for removal and does not see how the Norway Maple is close to the wires.

Mr. Bodmer-Turner stated at the beginning of the driveway there are 15 small trees all growing into wires and those trees could be managed with pruning. Mr. Bodmer-Turner concluded taking down a tree seems to be going in the wrong direction. Ms. Jaques applauded Mr. Dam for his concern about the pollinator garden but does not support taking down the tree. Mr. Round asked for confirmation on how large of an area the garden covered. Mr. Dam stated it was about one quarter of an acre. Mr. Round stated the tree is in one corner and taking down the tree does not impact much of the square footage of the garden.

Ms. Mittermaier looked at the tree and agrees with Ms. Jaques, Mr. Round and Mr. Bodmer-Turner it is unnecessary to take down the tree at this time.

Mr. Boling stated the Board will take evidence on all the trees and vote on the matter at the end of the hearing.

24" Norway Maple and 8" Highbred Elm Mr. Henderson stated the Norway Maple was in sever decline. It had been pruned but he estimated the tree is 60% dead. He believes it would benefit the park to plant a new tree given the state of health of the 24" Norway Maple. Mr. Round asked if the tree was taken down would it be replaced in a reasonable amount of time. The Friends of Trees confirmed it would be.

Mr. Henderson stated the 8" Highbred Elm is 25 years old and not growing due to its proximity to salt water. The tree is 50% dead. Mr. Jaques indicated the tree looked pretty besieged. Mr. Bodmer-Turner asked about the health of the crab apple trees along the wall. Mr. Henderson indicated crab apple trees do better in this location. The trees were defoliated for several years and are subject to injury but are doing better post pruning. Ms. Mittermaier stated the Friends will be happy to replace both trees.

Eastern White Pine 30" Mr. Henderson estimates the white pine is 100 to 110 feet high and appears healthy. He is against removing the tree given it is a native tree to the Town and close to Winthrop Field.

Mike Chapman, 131 Bridge St. – Mr. Chapman is not asking for the tree to be removed he is requesting pruning because the tree is dropping large branches on Jersey Lane. Sequoia Tree Service looked at all the trees along Jersey Lane and expressed concern about the Eastern White Pine falling. Mr. Henderson stated the tree had been posted for removal and had a tag on it.

Mr. Bodmer-Turner stated two trees in the same area about 20 feet back from Route 127 had recently been removed and the core appeared to be rotten. He asked how they came to be taken down. Mr. Henderson stated he had approved removal of the trees because they were a public safety problem.

Jim Moroney, 6 Jersey Lane – Mr. Moroney indicated he had no desire to take down the tree. The issue is major limbs come down along the lane and it becomes a safety issue. Mr. Henderson stated he examined the white pine, and it is not an eminent threat. Ms. Jaques agrees with Mr. Henderson and is reluctant to start removing seemingly healthy trees due to possible risk.

Mr. Henderson state approximately six trees were removed in the last project due to the possible hazard the trees represented to residents walking on Jersey Lane. Mr. Henderson indicated the removals were part of a forest thinning process and the remaining trees will likely do better.

Mr. Round asked about the height of the Eastern White Pine and was it possible to trim or prune the tree to save the viable growth at the top of the tree. Mr. Henderson stated the tree is likely 100 – 150 years old it is structurally sound and unique to the area. Pruning the lower limbs is recommended.

Mr. Minasian, Friend of Trees, stated the tree appeared healthy and strong. He asked about the Locust trees which were removed and wondered if the Town was taking too aggressive stance due to fear of trees falling down. Mr. Boling asked if the tree removals were at the request of neighbors or DPW.

Mr. Dam stated neighbors approached DPW about their concerns and in consultation with Sequoia Tree Service's arborist and Mr. Henderson, Town Tree Warden an assessment was made, and the Town invested several thousand dollars trimming and removing tress along Jersey Lane.

Mr. Chapman stated we did approach Mr. Dam about concerns around trees on Jersey Lane specifically about dropping branches. Mr. Boling stated the Board would discuss the process in the future. This evening the Board is focusing on the four trees in the hearing.

Mr. Bodmer-Turner moved to close the evidentiary portion of the hearing, Ms. Jaques seconded the motion. The motion passed unanimously.

Ms. Jaques moved to approve to removal of the 24" Norway Maple at Masconomo Park, Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

Mr. Bodmer-Turner moved to approve removal of the 8" Highbred Elm at Reed Park, Ms. Jaques seconded the motion. The motion passed unanimously.

Ms. Jaques moved to deny removal of the 30" Eastern White Pine on Jersey Lane, Mr. Bodmer-Turner seconded the motion. Mr. Round offered a friendly amendment stating the tree should be considered for further pruning and reviewed in six months. Ms. Jaques accepted the friendly amendment. The motion passed unanimously.

Mr. Round moved to deny removal of the 18" Norway Maple on Lincoln Street, Ms. Jaques seconded the motion and offered a friendly amendment that the tree be pruned. Mr. Round accepted the friendly amendment. The motion passed unanimously.

2. Covid 19 Updates

Mr. Boling was disappointed there were no members from the BOH able to join the BOS this evening.

Mr. Federspiel stated 730 tests were conducted among Town residents and there were not a significant number of positive tests. The testing with Allens Pharmacy went well

with the Town using CARES Act funds to cover testing expenses. Mr. Federspiel stated he anticipates a rise in cases in the coming weeks due to the holidays. He recommends taking a pause in testing.

Mr. Federspiel understands the State has struggled to hire staff to support the Statewide contact tracing efforts. The Town is hiring and training a third person to support contact tracing for the Town. Ms. Jaques asked if the Town nurse needed additional help. Mr. Federspiel stated the staff feels comfortable with three people working and additional support from the State.

Mr. Federspiel stated Gloucester is leading an effort to provide vaccines for all Fire, Police and first responders. Mr. Federspiel would like the Board to authorize a MOU for the vaccination service and to support and process insurance claims for the Town's first responders being vaccinated.

The MOU with Gloucester will cover police, fire and possibly the Town nurse. Ms. Harrison recommended signing the MOU after the Board's review of the document. Mr. Federspiel is concerned sign up requires quick turn around and asked if the Board could authorize contingent on reviewing for approval.

Mr. Federspiel suggested holding a special meeting to approve and sign the authorization when it is received. The Board will remain flexible and will hold an emergency meeting to review and approve the MOU.

Mr. Bodmer-Turner stated the Board could authorize Mr. Federspiel to sign the MOU. He is concerned that Fire and Police personnel are included in the first round to receive vaccinations, stating it is a critical public health issue. Mr. Round asked should the authorization be signed by the BOS or on our behalf. Ms. Harrison would like to see the MOU prior to authorizing.

Mr. Boling indicated the BOH was parsimonious around sharing information with residents. Active cases are noted but there is no qualifying information. Mr. Boling understands it is difficult while maintaining confidentiality and contact tracing requires confidentiality. However, he would like the BOH's opinion on cases are the cases from external contacts, clusters in Town, additional information on active cases across two weeks and the Town's shifting from red to yellow.

Ms. Harrison asked how many active cases were identified through testing. Mr. Federspiel estimated less than ten. Mr. Round is curious about the methodology of active cases are they quarantined at home and when are they free to leave. He would like the process defined. Ms. Jaques agrees with Mr. Round that type of clarification would go a long way. Ms. Jaques also stated the BOS are not appraised who in Town has tested position

Mr. Bodmer-Turner supports Mr. Round regarding active to inactive and is concerned that there is detailed information to back up decisions being made by the BOH. He fears we are becoming "tiered of this". Ms. Harrison asked about continuing testing and suggested offering testing for residents identified through contact tracing.

BOH representatives will be asked to participate in the next BOS meeting.

3. Town Email Accounts Policy Discussion

Mr. Boling stated there are 200 to 300 members of Boards, Committees and Commissions who may be covered by opening Town emails to all Boards, Committees and Commissions. The issues are:

- 1) Open Meeting Law and compliance with Open Meeting Law would require additional training for all individuals with a Town email address.
- 2) Email communication between meetings among Board and Committee members is rare and should take place with Town staff present.
- 3) Tech support and issues that may need to be resolved by adding 200 plus Town email addresses and issues that arise with individual users could be expensive.
- 4) Cost the cost of adding 200 plus email addresses is projected at \$20K.

Ms. Harrison is concerned about communication between Board and Committee members and the fact that we currently have no idea what people are doing in private email exchanges. If members have a Town email, there is the possibility of some check and the Town has a record of the communication.

Mr. Bodmer-Turner strongly supports Town accounts to support Open Meeting Laws. The Town can see the record of members and know what communication is going on with members using the platform. Mr. Bodmer-Turner asked if there was an economy of scale if the Town increased the number of users by 200 plus.

Ms. Jaques confirmed elected officials are assigned a Town email address. Mr. Federspiel confirmed all elected officials have a Town email address. Ms. Jaques stated she understands if there is an issue Committee and Board members private email and phone record can be subpoenaed. Mr. Federspiel stated members could be asked to turn over all phone and email records. Ms. Jaques stated is someone wants to communicate under the radar they are going to do it.

Ms. Mellish, Chair of the ZBA and Finance Committee would like to have a Town email address to facilitate communication between residents attempting to communicate with the ZBA and Finance Committee.

Mr. Round asked what other Towns did about providing emails. Mr. Federspiel stated it varies some Towns provide email addresses and some do not. Mr. Round agrees with Ms. Mellish's comment there are some Committees that require email addresses to communicate with residents. Ms. Harrison stated there are a number of smaller committees and believes the BOS should set a floor for which committees and boards receive email addresses.

Mr. Boling concluded by stating he will confirm with other Towns their practice for providing email addresses. Mr. Bodmer-Turner believes the annual \$100 cost is prohibitive. Mr. Federspiel stated that is Microsoft's charge to the Town.

4. FY22 Budget Discussion

Mr. Boling stated the Finance Committee meets on January 6, 2021 to initiate budget discussions with the final budget review scheduled for the end of February. The

decision around scheduling Annual Town Meeting for the first week in April 2021 is at this time undecided and a final decision will be made at the end of February. Mr. Boling asked the Board if there were specific FY22 budget questions at this time indicating he had no questions.

Ms. Jaques stated she had no further questions. Mr. Bodmer-Turner is interested in reviewing Dispatch specifically how the change will be planned, and savings realized from the move to Middleton. Mr. Round stated he had questions around police salaries but would save them for subsequent conversations. Ms. Harrison would like to review sidewalk work proposed for next year.

5. **Consent Agenda**

- BOS Meeting Minutes, December 21, 2020
- Accept Resignation for Assistant EMO, Tom Kehoe

Mr. Boling clarified Chief Fitzgerald is now Director of the EMO and Chief Cleary is the Assistant Director. The Board will accept Mr. Kehoe's resignation and acknowledge his years of service to the Town. The Board requested a letter of acknowledgement and thanks be forwarded to Mr. Kehoe.

Ms. Jaques moved to approve the Consent Agenda with the minutes held for additional review by Mr. Bolling, Ms. Harrison seconded the motion. The motion passed unanimously.

6. **Correspondence**

- Letter from Xfinity re: Regional Sports Networks
- Letter from Xfinity re: Programming Changes & Municipal Emergency Reporting Procedures

7. **Town Administrator's Report**

- Mr. Federspiel stated the Town Clerk interviews were moving forward and he would have a recommendation for the Board at the meeting scheduled on January 19, 2021.
- Compost bid is out and due in two weeks at which time the contract will be negotiated.
- The BRIC (Building Resilient Infrastructure and Communities) Grant request in the amount of \$6M has been submitted for the Sawmill Brook Culvert. It is anticipated the Town will receive 75% of funding from the grant with 25% from Town resources.

8. **Other Matters, as May Have Not Been Reasonably Anticipated by the Chairman** – There were no additional matters this evening.

9. **Executive Session:**

- A. **Under M.G.L., Ch. 30A 21 (a)(3) To discuss Strategy with Respect to Pending Litigation Regarding a Personnel Matter.**
- B. **Under M.G.L., Ch. 30A 21 (a)(6) TO discuss possible real estate transaction.**

Ms. Jaques moved to adjourn the meeting Business Meeting and to go into Executive Session, Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.

Meeting Documents:

- Consent Agenda as listed
- Correspondence as listed
- Town Email Policy
- FY22 Budget
- Town Administrator's Report

Upcoming BOS Meeting

- Monday, February 1, 2021
- Tuesday, February 16, 2021