



MANCHESTER-BY-THE-SEA

SELECT BOARD • TOWN HALL
Manchester-by-the-Sea, Massachusetts 01944-1399
Telephone (978) 526-2000 FAX (978) 526-2001

MINUTES OF THE SELECT BOARD

September 19, 2022

6:30 p.m.

Hybrid Meeting

Join Zoom Meeting, Meeting: ID 827 6809 4384 Passcode: 145775 Mobile: 1.646.558.8656

MEMBERS PRESENT: Ms. Jaques, Chair, Ms. Harrison, Vice-Chair, Mr. Round, Ms. Bilotta, and Mr. Sollosy

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator, Mr. Federspiel, Executive Assistant, Debbie Powers

GUESTS: Tom Kehoe and Sue Thorne

PRESS: Erica Brown, Cricket

Ms. Jaques called the Select Board meeting to order at 6:30 pm and five members were present by roll call.

Public Comments on Non-Agenda Items: None

1. 375th Committee – Gift of Elementary School Photographs:

Tom Kehoe and Sue Thorne, Co-Chairs of the 375th Committee presented the Board with two photographs of the Memorial Elementary School, one of the school that was built in 1953 and one of the new school. The photos were done by Barby Almy, a local photographer. The Committee used some of the excess funds that were fundraised to finance the photos. The Committee would like to have them displayed in Room 5 for everyone to enjoy.

The Board thanked for the 375th Committee and Ms. Almy for the photographs.

10. Consent Agenda:

a. Approval of Minutes – September 7, 2022 -

Ms. Harrison moved to accept the minutes of September 7, 2022; Mr. Sollosy seconded. Mr. Sollosy yes, Mr. Round yes, Ms. Bilotta yes, Ms. Harrison yes and Ms. Jaques recused herself.

b. Designate Harbor Department Items as Surplus -

Ms. Harrison moved to designate the listed items as Harbor Department surplus; Ms. Bilotta seconded. Motion approved unanimously by roll call.

c. Water Resources Protection Task Force Consultant Approval -

Mr. Round moved to approve the Water Resources Protection Task Force consultant proposal; Ms. Harrison seconded. Motion approved unanimously by roll call vote

d. Proclamation for Manchester/Essex Rotary's 20th Anniversary –

Mr. Sollosy moved to approve a proclamation for the Manchester/Essex Rotary's 20th Anniversary; Mr. Round seconded. Motion approved unanimously by roll call vote.

9. Liaison Updates:

Ms. Harrison explained that the Conservation Commission has approved eel grass control and their next meeting is later this month. The School Committee meets tomorrow, and she missed the Council on Aging meeting.

Mr. Sollosy stated that the Parks and Recreation Committee voted on the 8:00am to 8:00 pm Pickball Court hours and still investigating sound measures. The Pine Street Fields Public Hearing was held last week and they received positive feedback. There will be an extension of sidewalks and a crosswalk. There will be an upcoming event at Masconomo Park sponsored by the Memorial School.

2. Drought Condition Update:

Mr. Federspiel informed the Board that the drought condition is status quo. The Town is still significantly behind in total rainfall. Gravelly Pond and the Lincoln Street wells continue to do okay and still above previous years' levels. He advised the residents to still be conservative.

3. Committee Reappointment – Eileen Buckley, Board of Registrars:

Ms. Harrison moved to reappoint Eileen Buckley to the Board of Registrars for a three-year term; Mr. Sollosy seconded. Motion approved unanimously by roll call vote.

9. Liaison Updates (Continue):

Ms Bilotta informed the Board on the last Regional Dispatch meeting in Middleton. The Regional team let us know that we have a very responsive team and all have been working very well together. The Town has reviewed a detailed contingency plan and the overall schedule. The schedule was very clear which tasks were Manchester's and Regional's responsibilities. Both Chiefs are on board with what they need to do. The Town will receive a monthly progress report. Regional is preparing a proposed communication plan for the Board to review once we are ready to receive efforts. This may happen by the beginning of the new year. The Regional Team is also conducting bi-weekly meetings.

Ms. Jaques asked if there was anything to put on the website. Mr. Federspiel stated the team has developed a detailed timeline but are working on a scaled down version that could be uploaded soon.

M. Bilotta asked what the Board would like to see from them? Mr. Sollosy stated that we should take it slow in distributing information. Mr. Round totally agrees to take it slow as this is a very long process. Ms. Harrison asked to see the detailed timeline. Ms. Jaques asked for a progress report and a synopsis of the bi-weekly meetings.

4. Committee Interview: Sue Henderson – Sustainability Committee:

Allison Anholt-White, Chair of the Sustainability Committee, stated that the two candidates volunteered after her plea for membership. The committee is down to only two members and she is glad these two individuals stepped up.

Ms. Henderson was present for the interview. She informed the Board that she is a Middle School Science and English language teacher in Swampscott. She feels she is qualified with her science background, has worked on many committees, and is very passionate of the environment and sustainability.

Ms. Bilotta asked what she would like to accomplish on the Committee. Ms. Henderson answered that she will take the lead from the Chair and will learn what the Town's goals are on waste management and sustainability. She would like to make more people aware of the issues and getting our public to understand what is going on and help mitigate any changes.

Louisa Mackintosh – Sustainability Committee: Ms. Mackintosh was present for the interview. She has no background in committee work but has lived in Manchester for 34 years and been actively recycling since the 1970s. She likes to reuse and repurpose. She has not done anything for the town but wanted to step up to help and clean up the environment.

Mr. Round and Mr. Sollosy both thanked her for stepping up to volunteer.

Ms. Bilotta asked what she would like to accomplish on the Committee, beside recycling. Ms. Mackintosh has interest in geothermal and solar panels as well.

Mr. Round moved to appoint Sue Henderson and Louisa Mackintosh to the Sustainability Committee for three year terms ending on June 30, 2025; Ms. Harrison seconded. Motion unanimously approved by roll call vote.

5. Open Meeting Law Complaint from Lorraine Iovanni, Dated and Received on August 29, 2022 – Acknowledge Receipt and Discuss Response:

Mr. Federspiel reviewed the draft response letter from Town Counsel and a few highlights. He noted that open law meeting complaints should be filed within 30 days of the alleged violation and this complaint was past that date. Town Counsel further reviewed the headings, the first

complaint listed was the June 16th special meeting that was held at the Regional Dispatch Center and the agenda item listed a tour and discussion of their services. Town Counsel feels that is what happen at that meeting and stated that there was no violation. The second meeting listed was the June 21st meeting and the agenda was listed as dispatch update. The Board gave an update and voted to join the Regional Dispatch at that meeting. Town Counsel noted that it is not required that potential votes be highlighted in agenda headings, therefore the vote was not in a violation in Town Counsel's opinion. The Board did reaffirm that vote at the August 1st meeting with the agenda item stating to reaffirm the vote to join and ratify the Memorandum of Agreement.

All board members thought the letter was very comprehensive.

Ms. Harrison moved to notify KP Law that their letter was satisfactory to the Board and to send it along to the Attorney General on their behalf; Ms. Bilotta seconded. Motion unanimously approved by roll call vote.

Mr. Federspiel informed Ms. Iovanni that she will receive a copy as well.

6. Planning Board Update – Zoning Amendments Outreach Efforts:

Sarah Creighton, Chair of Planning Board updated the Board on where the Planning Board is with the communications for zoning changes for Town Meeting. There are a number of zoning changes, and the current language is on the town website. She reminded the Board that the Planning Board has done a number of Cricket articles, created a website and held many Public Hearings, as well as 4 years of meetings that were very well attended. Going forward, the Planning Board is working on a work plan that will outline what is to be done up to Town Meeting. One of the items is an engagement/communication plan to make sure people understand the changes, which is to improve the clarity of the zoning bylaw, make policy changes, update administrative procedures and comply with case and state law. The Planning Board plans to do this by social media posts, four Cricket articles, a postcard mailing, hold an Open House, (either October 12th or 13th) and a Town Meeting handout. She asked that the Select Board support their changes.

Mr. Round asked if the Planning Board will be doing a presentation at Town Meeting? Ms. Creighton informed him that the Planning Board has not made a collective decision on that. She explained that the motions will have line numbers so it will be easier to navigate for the voters.

Ms. Bilotta mentioned the summary of changes table prepared by the subcommittee. Will this be brought to the Planning Board tomorrow? Ms. Creighton answered that it will not be finalized by tomorrow but it will go before the Planning Board before posting to the website.

Ms. Harrison stated it would be nice to have the articles before the October 17th meeting so the Select Board can review the articles prior to signing the warrant. Ms. Creighton explained that she feels it will be sooner than the 17th.

Mr. Sollosy asked if it would be possible to include a scenario for each change.

Ms. Bilotta suggested that Mr. Sollosy start by looking at the summary table once approved and then if a case use still be useful, the Planning Board might do some for the land use changes.

Ms. Creighton stated she thought Mr. Sollosy's suggestion was a good idea but it poses challenges. If the Select Board needs more time or one on one to understand them, she is happy to speak with any member. The Planning Board has been trying to make it easier and clear as possible.

7. Harbor Master Plan Discussion:

Mr. Federspiel explained that this item was put on the agenda at the request of an engineer retained by some homeowners to move forward with a Harbor Master Plan. The engineer was unable to attend tonight and asked to reschedule for October 3rd.

Ms. Bilotta stated she is unclear of the scope of a Harbor Master Plan.

Bion Pike, Harbormaster, explained that a Harbor Master Plan would include everything to do with the Manchester waterfront. It would include development, resources, types of moorings, seawall conditions, sea level rise and more. It is a massively comprehensive document and he suggested that the town hire a consultant firm to develop the plan and the role of the Harbor Department would be very small.

Mr. Round asked if the Select Board could be sent a few samples of the plans. Mr. Federspiel stated the Mr. Pike has sent him a few to him and he will pass them along.

Mr. Pike informed the Board that the document is all inclusive and it would give the town something to use as a guide in deciding how to move forward to maintain the harbor.

Mr. Sollosy explained with the expansion of the Reed Park docks the expectation is that the Town will be more welcoming to the transient boating community. It is important to manage the new docks and what the town has to offer.

Ms. Jaques stated that Manchester is not just about the transient boaters, it is also about fishing. The Harbor Master Plan brings in information that provides options. Mr. Pike should show the town what resources the town has and the document will provide these details.

Ms. Bilotta stated that the town would need to connect the Harbor Master Plan to the Town wide Master Plan. The first step would be to see what we have and then we engage the town and where do you want to be in the future.

Ms. Jaques asked what is the next step to have a Harbor Master Study done. Mr. Pike will send the Board two examples of Harbor Plans and four consultant groups that could provide further details and costs.

8. Select Board Office Hours:

Ms. Jaques explained that the Board decided to hold office hours on the 2nd and 4th Thursday of each month from 5 to 6:30pm at Seaside 1. These would be additional to the Conversation Corner that would happen as a pop-up item. She asked if the Board would like to have department heads/committee chairs at the office hours.

Mr. Round asked why we are not holding these at Town Hall? Ms. Jaques answered that if someone comes in and not wanting to discuss a topic in the middle of Town Hall. Mr. Round feels we should be where the people are and is in favor of Town Hall.

Mr. Sollosy suggested that we move the office hours out of Town Hall, maybe to area restaurants to sit at a table to have more of a personal touch.

Mr. Bilotta suggested to maybe tag along with any fall events, other than early voting. Ms. Jaques stated that there is a Memorial School Fall Fest, the Cardboard Boat Race and Christmas-by-the-Sea in December. We need to go where the residents are.

Ms. Jaques and Mr. Sollosy will hold an office hour on October 13th at a TBD location.

9. Liaison Updates (Continue):

Mr. Round informed the Board the work on School Street is progressing well. He would like to schedule a tour of the Water Treatment Plant during the week. He will get few dates from the DPW and pass them along to the Board.

Ms. Jaques stated the Board of Health was discussing the bylaws regarding farm animals before she arrived for this meeting.

11. Town Administrator's Report:

- a. **Tree Policy Outreach:** The Board spoke on the policy a few weeks ago to make people more aware of it. The DPW has been reaching out to the area companies and maybe we can send along a postcard and possibly a handout at Town Meeting.
- b. **Goal Setting:** The Board agreed that the current Town Master Plan is a foundational document that should guide boards/committee as well as departments in their work. At your last workshop you agreed to 5 primary strategic goals:
 - a. Advancing confidence in and credibility of Town governance
 - b. Preserving small-town character while addressing housing, economic and conservation needs
 - c. Adapting to the challenges climate change is bringing
 - d. Maintaining fiscal policies and spending discipline despite inflationary pressures and many pressing needs
 - e. Maintaining municipal infrastructure and planning for the long-term facility needs of the Town

The Board will continue to develop specific action steps for each of these primary goals. Once these are more fully developed the Board can discuss them in greater detail at a future public meeting.

Ms. Jaques informed the Board that the next special meeting would be October 20th at 4:00 pm and to have the Board send along any ideas for goal setting to Mr. Federspiel by October 13th.

- c. **Special Town Meeting – November 14, 2022:** In addition to the zoning articles, we have one citizen petition regarding a possible new recall provision for elected officials. A few possible articles for the Board to consider is the Fire Chief would like to get voter approval to use the Fire Department Vehicle fund to order a new ambulance given there is now a two-year lead time on delivery. Other possibilities to discuss soon are revisiting relocating a portion of Chebacco Road. Hamilton is willing to reconsider the alternative location if the Town will approve and contribute financially to it and the possibility of getting voter approval to negotiate Tax Incremental Financing agreements (TIFs) whereby a large new development would ramp up to full valuation/taxation over a certain number of years. It is a two-step process where as the voters would need to authorize the Board to enter into TIF negotiations and the Board would provide it on a case-by-case bases. Cell Signaling Technologies' new campus would be a likely first beneficiary of such an option. .

Ms. Jaques stated that further discussion of TIFs will take place at their next meeting.

Ms. Harrison stated that this upcoming Town Meeting has a lot of complicated Planning Board issues, some relate to development, this might be a little too much to discuss. Mr. Federspiel explained that it can be done at the Annual Town Meeting. There is a lot of planning to get through.

- d. **40B Update:** As expected, SLV has filed an appeal with the Housing Advisory Commission seeking to overturn the Zoning Board of Appeal's denial of the project. This will set into motion the appeal process which will unfold over the course of the next year. The Town and the applicant are parties to the appeal. Other parties may petition the Housing Appeals Committee to be either full parties to the appeal allowing them to present evidence, or interested parties which means they can file a brief commenting on evidence once all evidence has been filed. The Town will be preparing it filings, including testimony from hired experts. The Town will need a supplemental budget appropriation to cover what will be fairly substantial costs here.

Mr. Sollosy updated the Board that the way Town Counsel drafted the denial, evidence can be introduced and it opened the door for the points to be taken up again.

Carley Cook, 1 Masconomo Street asked if the applicant would back down due to the cost associated with the appeal or go through the hearing process. Mr. Federspiel stated he feels the applicant will go through with it, this was factored in if the application was denied.

8:47 *Ms. Harrison moved to adjourn; Mr. Sollosy seconded. Motion unanimously approved by roll call vote.*