MINUTES OF THE BOARD OF SELECTMEN

February 4, 2019 6:00 p.m. Town Hall, Room 5

MEMBERS PRESENT: Chairperson, Ms. Beckmann, Mr. Boling, Ms. Jaques, Ms. Driscoll and Mr. Steinert

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator, Mr. Federspiel, BOS Clerk, Ms. Hunter, BOS/TA Executive Assistant, Sonja Nathan, Town Planner, Ms. Brown, Interim Fire Chief Beardsley, Police Chief Conley, Town Moderator, Mr. Wilson, Town Clerk, Ms. St. Pierre, DPW Director, Mr. Dam and Chairperson of School Committee, Ms. Erdmann

GUESTS: David Loring, PE, Env, SP, LEED AP, Members of Planning Board and Residents

PRESS: Mr. Cronin, Gloucester Times and Ms. Brown, Cricket

At 6:00 p.m. Ms. Beckmann called the BOS Business Meeting to order noting the meeting was being video/audio-taped by a volunteer from Cape Ann TV (1623 Studios) and audio-taped by Ms. Hunter and asked if anyone in the audience was taping the meeting, to please inform the Board of Selectmen. Additionally, Ms. Beckmann asked those present to please turn off or silence their cell phones.

Ms. Beckmann asked if there were any comments or statements for the Board not on the agenda. There were none.

1. Fire Fighter and Police Officer Swearing in Ceremony:


Ms. St. Pierre also swore in new Fire Fighters: William Keaton, Michael Porcaro and Erik Junker (Fire Fighter Junker is the department’s new “Floater” Fire Fighter).

The Officers and Fire Fighters were thanked by the Board of Selectmen and recognized for their service to the residents of Manchester-by-the-Sea.

2. Review After-Action Report 1/20/19 Structure Fire:

Interim Fire Chief Beardsley and DPW Director, Mr. Dam presented the After-Action Report.
Chief Beardsley stated he hoped the Town in reviewing the event of January 20, 2019 would understand what happened and learn from the event. Chief Beardsley stated ice, snow, wind (all weather elements) location and hydrant water supplies contributed to the loss of the home.

The Department had 2 additional firefighters in place due to the weather when the call came in allowing 3 firefighters to staff the engine and 2 firefighters to staff the ladder truck. When the firefighters arrived on the scene FF Cavender immediately called in the 2nd Alarm and held the ladder truck at the end of the road due to road conditions – the road was packed down with snow and ice following 6 hours of freezing rain.

FF Cavender directed the ladder truck to approach the event from a different direction. Within 32 minutes the Department had water on the fire and as additional apparatus arrived water was directed on the large house 40 feet away from the primary event. Gloucester and Beverly had hose lines between the 2 houses on University Lane.

A 3rd Alarm was sounded specifically because additional firefighters were needed to haul hoses to protect the houses next door and in jeopardy. When Chief Beardsley arrived, he estimated the Department would need 1,500 gallons of water per minute to suppress the fire, the Department only had 500 gallons of water per minute.

Chief Beardsley stated the homeowner and 2 dogs safely evacuated the home and with 30 firefighters from various locations on site at the height of the event there were no injuries. The single greatest deficiency at the event was lack of water.

As a result of this event a Task Force has been established to review the event and identify steps to take if an event like this occurs in the future. Under consideration:

- Tanker trucks with the capacity to haul 2,300 gallons of water to an event. There are tanker trucks in Essex, Middleton and Boxford.
- Identify and target hazard locations in Town.
- DPW is checking all hydrants in Town.
- Dispatch support should be immediately requested from Beverly.
- Schedule drills to address an event like this and practice the drill.

Mr. Dam stated DPW crews had been out starting at 3:00 p.m. the day before the event and worked through the night. In the future and under similar weather conditions DPW will be immediately called in to salt and sand roads needed for Fire Department access. Mr. Dam stated the MBTS water system is not unique; there are many Towns with the same issues. DPW is committed to working on Capital Improvements but it will take years to be fully modernized.

Mr. Boling had a question on Dispatch – he understands the Town maintains a second console for an event like this to be stationed by a reserve officer. Chief Beardsley indicated all police officers were at the scene.

Ms. Beckmann stated she would like to review this event and define long term goals for the Town. She added the neighborhood of University Lane has been traumatized by the events of January 20th and it is important for the Town to develop inter-departmental teams to address the issues. She asked DPW to review the possibility of a cistern for the
neighborhood. Ms. Beckmann directed that the University Lane event and proposed measures for improvement be added to the agenda for the February 19, 2019, Board of Selectmen meeting.

Mr. Steinert would like to see a remediation plan developed to assess the level of risk throughout the Town. Chief Beardsley stated the water supply is what it is and requesting back up Tankers to provide an additional 5,000 gallons of water will likely be the recommendation of the Task Force. Mr. Steinert asked for more concrete next steps for the sake of the Town.

Ms. Beckmann asked for the Board to forward any questions they may have to Mr. Federspiel and Chief Beardsley for the meeting on February 19, 2019. She also proposed a meeting on March 31, 2019 to review short term actions steps for Departments.

3. Town Meeting

a. Electronic Voting Device Discussion:

Mr. Wilson had a few introductory comments – he stated he believes the Town should stick with electronic voting. He has had only positive feedback about electronic voting and was surprised the response to electronic voting was as positive as it was. Mr. Wilson complimented Ms. St. Pierre on her comprehensive job contacting vendors and surrounding communities regarding moving to new technologies.

Ms. St. Pierre stated she was a firm believer in yay and nay votes at Town Meetings until the marijuana issue surfaced and shifted her belief to electronic voting which allows residents to vote more comfortably and privately.

Ms. St. Pierre has reviewed leasing and purchasing options of electronic voting systems, as well as studied application-based polling technology. Her recommendation is to purchase a system that runs off of radio frequency without the need to rely on the internet. Radio frequency technology has been in existence for decades and is still widely used. Ms. St. Pierre’s preferred vendor is Turning Technologies. Turning Technologies is willing to provide a complimentary demonstration of their equipment and technology at the Annual Town Meeting on April 1, 2019.

Shared Services are being pursued with neighboring communities. Topsfield, Newbury and Essex may be interested in partnering with MBTS. There are challenges with partnering: conflicting meeting dates, equipment maintenance and other unforeseen issues. However, in the spirit of shared services and the resulting savings to the Town identifying likely partners will continue.

Mr. Steinert asked about security of the Town’s data. Ms. St. Pierre stated all the data from Town meeting is stored on a USB Drive and not accessible from the internet. Mr. Wilson stated the company under consideration also has polling software which would have been useful when the Town was polling for the Master Plan.
Ms. Jaques was interested in the warranty offered on the equipment. Ms. St. Pierre stated she has not read the fine print on the contract but believes there is a warranty.

Mr. Boling was interested in knowing more about the polling possibilities and would like to have a presentation from the company around that opportunity. Ms. St. Pierre indicated she could set up a conference call or a presentation around the time of Town Meeting when Turning Technologies is in Town.

Adding the cost of clickers and laptops for Power Point presentations will be included in the Capital Budget and added as a separate Article for approval at Town Meeting.

The Board of Selectmen agreed to the complimentary demonstration of Turning Technologies to go forward at the Annual Town Meeting on April 1, 2019.

b. Petition Articles, Other Articles:

Mr. Wilson would like the Board to place an article on the warrant updating the Town’s by-law language about voting to include electronic voting. The moderator has the authority to determine the method of voting but for clarity Mr. Wilson is requesting the Town amend the by-law to include electronic voting.

Additionally, there are two citizen petition articles. One is a non-binding vote on whether to continue to add fluoride to the Town’s water supply.

The second petition article seeks to limit the use of polystyrene and other plastics in food related businesses.

Ms. St. Pierre is reviewing the possibility of adding the following articles: all boards filing minutes in a timely manner with the Town Clerk, increasing late licensing for fees for dogs and special legislation to increase parking fees to $35.

Mr. Gilbert, 11 Magnolia Ave – many residents are in support of the petition to ban plastic straws, cutlery and to go containers. Mr. Gilbert stated the biggest issue to discuss is alternative products to use for businesses. This by-law would put MBTS in the forefront of communities in the State supporting this type of legislation. Ms. Beckmann is interested in further discussion on this issue at the Board’s next meeting on Tuesday, February 19, 2019.

4. Presentation Discussion on Central St. Dam/Culvert Project & Mill Pond:

Mr. Federspiel introduced the presentation by stating the project has progressed through state supported grants totaling over $400K. The grants helped to define the scope of the project. A construction grant of $500K has also been received with additional funds for the construction costs approved at Town Meeting.

Following years of study, the Town is ready to make decisions on the reconstruction of the Central Street Culvert/Dam and the future of Central or Mill Pond. Mr. Loring from the Town’s consulting firm Tighe and Bond presented designs for the reconstructed culvert and dam as well as three options for the future of the pond. Designs presented:
1) Low Level water impoundment – maintain permanent low-level water impoundment with a cross-channel berm upstream of Central Street bridge where channel expands
2) Stream with pools and riffles – stream restoration connecting low level pools impounded by low level riffle structures
3) Stream Restoration – unrestricted free flow water provides continuous low-level stream

All alternatives provide full passage tidal exchange.

In order to reduce flooding along Sawmill Brook as it winds its way through the village and empties into the inner harbor, the Town needs to widen the culverts and restore the free flow of water (remove the tide gate.) Construction will start with the last culvert which is also the culvert in the worst condition. The Town is on borrowed time before the old dam and stone arch culvert collapse.

The tide gate was installed in the 1930’s to create the pond for aesthetic purposes and as a public skating place. Despite some opinions to the contrary, it does not serve as protection to storm surge from the ocean. High tides regularly come over the top of the tide gate. Its elevation is 4.6 feet while the higher high tide of the day average 4.8 feet with storm surges well above this elevation. The road itself is at an elevation of 10.6 feet.

There are a few property owners abutting the pond who want more protection against storm surge and who also want to keep a pond for aesthetic reasons. Greater storm surge protection from the harbor would require raising Central Street or otherwise installing a new sea wall along Central Street from roughly the library to Pine Street – not a very practical or cost-effective solution. Ultimately our solution may involve a storm barrier at the mouth of the harbor.

The current tide gate needs to be removed in order to complete the reconstruction of the culvert and to satisfy hydraulic capacity requirements the State has for the new culvert. To maintain the pond as it has been over the last 80+ years would require a new dam/tide gate upstream of Central Street. Getting permits for such a structure that really only has an aesthetic purpose and diminishes flood protection would be difficult at best. It also has costly long-term maintenance needs. The consulting engineers do not recommend this project.

The preferred option is to reestablish Sawmill Brook as a free-flowing stream with sea grasses where the pond is today that will flood with the tide cycles. Thus, around high tides it will look like a pond and at low tides will look like a salt marsh with a stream.

As explained by the engineers, there is a “middle” option that creates smaller pooled areas within the footprint of the existing pond area. Again, the entire area would be a pond around high tides. At low tide, there would be small impoundments within the stream. This option has added costs and maintenance issues but to a lesser extent than the full pond option.
Mr. Steinert asked if 6 foot 4 inches was a minimum requirement for the road surface as noted on the slide. Mr. Loring stated it was not a minimum requirement however given buried underground utilities and ADA compliance issues for the grade of sidewalks and road – plus bedrock underneath, 6 foot 4 inches was the recommended height of the new culvert.

Mr. Boling asked about guardrails and compliance with Mass DOT regulations around the bridge and existing railings not being crash worthy. Mr. Boling thought the Historic Commission was funded with a CPC grant to recommend wrap around railings for the area. Mr. Federspiel indicated that funding was put on hold.

Mr. Boling’s second question related to maintenance options and if permitting agencies were involved with on-going maintenance options. Mr. Loring indicated the natural stream option would likely require the least amount of maintenance given the stream would be naturally restored. He went on to state the ripple and pond options would likely require additional interactions with state and permitting agencies and possibly long-term state oversight.

Ms. Jaques asked about periodic cleanup of the stream. Mr. Loring stated it would be a natural process and following an inland storm the stream would be flushed.

Mr. Steinert requested information on funding the project. Mr. Loring replied to date all the work done had been funded through grants, Mr. Federspiel stated additional funds had been approved at Town Meeting. Mr. Steinert was also concerned about residents and how flooding impacted their property. Mr. Loring stated unfortunately the do-nothing option will only exacerbate the flooding problem.

Mr. Boling asked if upstream flooding and the culvert under School Street was limited in size and if there was a capacity to increase the size of the culvert. The answer is yes, the crossings at School and Norwood Street would gain modest improvement if the culvert were enlarged. Mr. Federspiel indicated this was a different project and part of the water shed study.

Mr. Mastrogiacomo, 9 Masconomo Street asked about road closure and how the new concrete structures would be installed. The road will likely be closed to one lane and the precast structure comes in a series of segments and the pieces are assembled on site.

Ms. Coleman, 9 Friend Street would like to have seen more seasonal depictions of how pond restoration would look – all the images appear to be in the summer. She is also interested in returning the Pond to its historic use as a winter gathering place (skating) for Town residents.

Mr. Ben Colburn, Peele House Square asked how the opposite side of the culvert would be impacted by the proposed changes. He was concerned the larger opening would increase the velocity in the tidal flow. Mr. Loring indicated the flow will likely be unchanged or decreased likely helping the velocity of flow on both the Town owned side and privately-owned side.
Ms. Beckmann asked that additional questions be held for the Board’s meeting on February 19, 2019 when the Board will make summary recommendations on the Central Pond Restoration Alternatives.

5. Master Plan Implementation Discussion with Planning Board:

Members of the Planning Board convened their meeting. Loren Coons, Christine Delisio, Andrea Fish, Mary Foley, Ron Mastrogiacomo were present.

Ms. Beckmann introduced the discussion by stating the purpose of the meeting was to address where we are with the Master Plan relative to its adoption and implementation. She stated in March 2015 there was an initial charge from the Board of Selectmen with the Planning Board to advance a Master Plan project to review the Town’s vision focusing on Land Use, Housing, Economic Development, Transportation, Public Facilities and Services, Open Space and Recreation and Natural and Cultural Resources.

The Master Planning Committee came together and did that work over a period of 4 years. There is a Draft Master Plan in place today. The Master Planning Committee has disbanded, and the Planning Board will formally take over the plan and implementation of the Plan. Ms. Beckmann would like to discuss the process.

Ms. Delisio stated the Planning Board had concerns about their role in implementing the Master Plan. She indicated her concerns came out of an Open House Meeting where discussions took place and the Planning Board was not informed about the content of the discussions; subsequently the Board was made aware of concerns expressed at the Open House.

Ms. Sullivan agreed with Ms. Delisio and thought there needed to be further discussions about checks and balances and oversight and implementation and the definition of roles for the Planning Board and the Town Planner.

Ms. Fish indicated the Board was still working through their questions on the Master Plan.

Mr. Federspiel stated he would provide information regarding the role of the Town Planner and the interface with the Planning Board. Additionally, Mr. Federspiel indicated the purview of the Planning Board was defined in State statutes and he would provide Planning Board members with a copy of the statute relative to Planning Boards.

Ms. Beckmann stated the Town Planner fulfills the Administrative connection with the Planning Board as the Town Administrator fulfills that role with the Board of Selectmen. Ms. Beckmann agreed Board members needed to be informed through weekly updates that summarize meetings and discussions relating to the work of the Planning Board.

Mr. Boling wanted to clarify one point – the Master Plan did not alter the structure of Town Government. The Master Plan set down priorities and guidelines to further the goals of the Town.
Ms. Delisio moved to set a date to be determined to hold a Public Hearing. Ms. Sullivan seconded the motion. The motion passed unanimously.

Following the Public Hearing the Planning Board will schedule a vote to approve and adopt the Master Plan.

The Planning Board meeting adjourned.

6. White Beach Study Grant Award Discussion:

Mr. Federspiel started the discussion by stating tonight’s agenda is instructive with regards to the concerns over the proposed study of White Beach and Ocean. This evening we had a presentation on a major construction project, town meeting articles, implementation of the Master Plan – all significant and complex issues. We are busier than most people imagine and there is simply more to do than time in a day to do it all with the resources we have.

We have attempted to identify key vulnerable areas like Town Hall, Sewer Treatment Plant and Saw Mill Brook and have pursued grants to fund these projects. That is not to say we are not open to guidance and a course correction if that is necessary.

The objective for grant applications is to have plans in place in the event something happens. The damage to the Rotunda from last year’s March storm is a good case in point. Residents asked what the long-term solution was for repairing the Rotunda and questioned spending money on a short-term fix and yet a fix was needed before the summer season began. With no plan at the ready we had to repair it in place.

Ocean Street and White Beach plans have yet to be advanced – the Town applied for a grant from MAPC to focus on a living shore line and likely statements made in the application were overzealous and the Title of the grant application Understandably raised concerns.

We could have done better, and the good news is we can still correct any mistakes. MAPC will allow us to clarify the scope to include other options; residents can serve on the steering committee that oversees the study; and ultimately any decision impacting a town road needs town meeting approval.

Ms. Beckmann opened the meeting to public comment.

Ms. LaMothe, 21 Walker Road – stated planning for coastal resiliency is forward thinking and planning for climate change is essential. She hopes the BOS will go forward with the grant stating knowledge is power and why not ask the questions.

Mr. Kelly, 355 Summer Street – is a property owner facing White Beach. He stated the Town is good at what it does and cited planning for the MSHS and MES as examples of the Town developing plans and the plans being implemented. He is not in favor of the Town accepting the grant and conducting the study. He believes it is the wrong focus.

Ernst Von Metzsch, Crow Island – cited errors and misrepresentations in the grant submission and suggested the BOS should supervise the process for the well being of the citizens. He recommended shelving the project.
Ms. Furlong, 19 Ocean Street – Ms. Furlong suggested Gray Beach in Magnolia for the study; the proposal made misrepresentations to MAPC and the BOS were not providing oversight to Town Committees.

Mr. Shipman, 15 Overledge Rd. – asked who initiated the grant application, Mr. Federspiel accepted responsibility for the application. He went on to ask why this application was submitted without the resident’s knowledge?

Mr. Meahl, 114 Beach Street – stated the application was irresponsible and asked what are all the Selectmen doing?

Mr. Carvalho, 2 Jersey Lane – believes he has a unique perspective on how other communities learn and study and believes this is the appropriate approach for the Town. There are lots of questions to address and problems to solve. Grant money to study an issue provides information and allows for informed decisions.

Ms. Lamothe, 21 Walker Road – stated she commended Greg for his actions.

Ms. Beckmann informed the residents that moving forward Grants being applied for would be posted on the web site and local abutters will be informed.

Ms. Driscoll stated she was interested in redirecting the grant funds. It is important for the community to study issues and request the help of experts to identify and solve potential problems.

Mr. Steinert thought the MAPC grant failed by not engaging the community in the process. Additionally, he believes Town Risk Management has more critical areas to focus on including: Town Hall, Sewer Treatment Plant and Summer and Bridge Streets.

Mr. Boling agrees with the Town Administrator’s initial comments and the grant proposal should be rewritten. The grant was discussed at the Board level and the Board has discusses the Ocean Street seawall and repairs and the long-term impact of not doing something at Ocean Street. The Town is good at getting grants and the Town’s infrastructure is better for the grants. Mr. Boling is in the camp that the more data the Town has the better off the Town is. He recommends the Town Administrator reshape the grant under its original intent. The data collected will help the Town to make informed decisions.

Ms. Jaques stated it was nice to see everyone at the meeting and she took exception to anyone being vilified – it is inappropriate. She is in favor of going forward with a redirected grant proposal.

Ms. Jaques moved to renegotiate the focus of study to a different area of town, Ms. Driscoll seconded the motion. The motion passed 4 in favor and 1 opposed.
7. FY2020 Budget Update/Discussion:

Mr. Federspiel indicated the Board would go into more detail on February 19, 2019 regarding staffing changes which will be managed through the savings in pension and other areas.

At the School Committee budget hearing Essex unexpectedly asked for concessions because of an anticipated shortfall in their budget. The School Committee will vote tomorrow on the use of reserve funds to help.

Ms. Beckmann expressed concern about setting a precedent and what happens in the out years. Ms. Jaques agreed and expressed concern about MERSD using funds from reserves to support their operating budget.

Ms. Erdmann clarified the School Committee’s position – the Committee would likely vote to take $100K out of their reserves move it into operating with the understanding the reserves would be replaced with interest earned on the Bonds for the new school. Ms. Erdmann understands the interest income legally moves to the general fund of the District.

8. Consent Agenda

- BOS Minutes – January 7, 2019
- 375th Committee – Approve Additional Appointments & Establishment of Donation Account
- Review and Approve Letter to FCC

Ms. Driscoll moved to approve the Consent Agenda with the Minutes of January 7, 2019 excluded, Ms. Jaques seconded the motion. The motion passed unanimously.

Ms. Jaques moved to approve the Minutes of January 7, 2019 as edited, Mr. Boling seconded the motion. The motion passed unanimously.

9. Correspondence

- Invitation to Essex Bi-Centennial Ice Cream Social
- Xfinity Letter Re: Municipal Emergency Reporting Procedure Reminder
- Correspondence from Lori MacCausland Re: Proposed Legislation Protecting Eelgrass
- Comcast Letter Re: Form 500, Complaint Data
- Xfinity Letter Re: International Package Update
- Correspondence from Lori MacCausland Re: Dumpster Regulations
- Letter from Troop 3 BSA Re: Eagle Scout Recipients Brandon Good and Philip Cicala

Ms. MacCausland’s letter regarding eelgrass has been forwarded to the Conservation Commission for their review and recommendation. Additionally, it is acknowledged that part of the Harbormaster’s authority includes determining where boats can anchor and there is concern regarding public safety given the increasing number of boats
anchoring in the area. The Harbor Advisory Committee will be meeting to discuss and provide a recommendation.

The Eagle Scout ceremony will be attended by either Mr. Steinert or Mr. Boling.

10. Town Administrator’s Report

- **Town Common landscape design:** a meeting is scheduled with the Landscape Architect on Tuesday, February 5, 2019 at 1:00 p.m. to review proposed redesign of the Town Common. The plan includes design to complement the new War Memorial.
- **School and Central Street Intersection:** Grenese is replacing water valves in the intersection. This is part of a Town-wide effort to replace faulty valves in order to enable the Town to better isolate breaks when they occur and be more effective in directional flushing that will keep pipes cleaner. Property owners have been notified and digital signs deployed to alert people.
- **Shared Services kick-off Meeting:** the meeting was held in Essex on January 31, 2019 and was well attended – by staff from both Towns and a few Essex residents. Mr. Halpin, the lead consultant, provided an overview of the work he will be undertaking. A couple of suggestions from the participants included the possibility of a joint affordable housing project and joining forces in developing strategies to mitigate sea level rise. The Town will be putting a link on its website to provide examples of shared services done in various parts of the State. The consultants will begin interviewing Department Heads next week to gather baseline data on current operations and to hear their ideas for shared services. It is anticipated there will be 1 or 2 recommendations to present at Annual Town Meeting with the final report due in June 2019. In March 2019 there will be a working session with both communities.

Ms. Beckmann added, the Board was planning an update on Board Training for the meeting on February 19, 2019.

11. Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only).

*Ms. Jaques moved to adjourn the meeting, Mr. Steinert seconded the motion. The motion passed unanimously.*

Meeting Documents:

- Minutes, January 7, 2019
- Town Administrator’s Briefing Memo
- Invitation to Essex Bi-Centennial Ice Cream Social
- Xfinity Letter Re: Municipal Emergency Reporting Procedure Reminder
- Correspondence from Lori MacCausland Re: Proposed Legislation Protecting Eelgrass
- Comcast Letter Re: Form 500, Complaint Data
- Xfinity Letter Re: International Package Update
- Correspondence from Lori MacCausland Re: Dumpster Regulations
- Letter from Troop 3 BSA Re: Eagle Scout Recipients Brandon Good and Philip Cicala
- After-Action Report MBTS Fire Department
- Sawmill Brook Restoration Project – Review of Technical Feasibility of Tide Gate Removal
- Electronic Voting Proposal
- Town Warrant Articles
- Ocean Street Study at White Beach (in support of a Hazard Mitigation Plan recommendation.)
- 375th Anniversary Committee Addendum

Upcoming BOS Meeting:

- Tuesday, February 19, 2019