



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

March 4, 2019

6:30 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, Ms. Nathan, Town Moderator, Mr. Wilson, Town Tree Warden, Mr. Henderson

GUESTS: VHB Consultant, Ms. Domigan

PRESS: Mr. Cronin, *Gloucester Times*

At 6:30 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 thank the members of the Planning Board for approving the Master Plan. She went on to state it was very exciting to be moving forward with the Master Plan because many committed members of the community had put in an extensive amount of work over a 4-year period to develop the comprehensive Master Plan.

Ms. Beckmann also announced the Police Chief will be leaving to become Police Chief in Gloucester. Chief Conley was a wonderful addition to the Community, he will be missed. Interim plans will be developed, and residents will be informed.

Ms. Beckmann stated there were two students from the High School's Green Team here this evening. Will Kenny and Joe Fletcher are members of the Green Team who will be working to remove Phragmites from Lobster Cove. Will stated Phragmites are an invasive plant causing damage to biodiversity, wetlands and beaches. This non native plant has no natural predators and takes over natural plant life. The plants are removed with an ax like device called a grub hose and the area will be treated with a natural citrus based herbicide which will be applied to the roots.

The project is a multi-year process sponsored by the Green Team and staffed with student volunteers. The Green Team Project was approved by the Conservation Commission.

Mr. Harris, 26 Tappan Street – Stated he was happy to see the members of the Green Team involved in the community and it was a credit to the two Towns that the Manchester Essex High School is as successful in its mission as it is. There are communities where the regional program does not work as successfully.

1. Manchester Bath & Tennis Club – Change in Manager

Mr. Federspiel stated paper work is in order for the change in manager to Ms. Hollandra Berube.

Ms. Driscoll moved to approve Ms. Hollandra Berube as the Manager of the Manchester Bath and Tennis Club; Mr. Boling seconded the motion. The motion passed Ms. Jaques recused herself.

2. Annual Town Meeting – Approval of FY 20 Budget and Warrant

Mr. Federspiel stated the Board would be reviewing a new draft of the Warrant and decisions would be needed:

Article 1: Standard

Article 2: Standard

Article 3: Funding for North Shore Agricultural Technical High School – funding request has increased significantly due to the number of students now attending the High School. Mr. Delaney will be at Town Meeting to discuss the program and highlight the increase number of students from 4 to 9 in attendance for the school year 2018 – 2019.

Article 4: General Operating Budget

Article 5: Capital Budget change in line 11 which now includes the HVAC system for Town Hall. Initially the budget called for repurposing funds allocated to Street Light conversion which was paid for through grant funding. Town counsel thought it best for those funds to flow to the fund balance: the funds are now allocated to road resurfacing, message boards and renovations to the library.

Line 28 includes the more aggressive water pipe replacement for the Eastern part of Town.

Article 6: At the suggestion of the Finance Committee capital exclusions for the new ambulance and Central Street culvert are now 2 separate articles. Article 6 is the capital exclusion for the ambulance requesting \$255K.

Article 7: Funds the Central Street Culvert at \$295K

Article 8: MERSD Budget

Article 9: CPC Proposed Projects

Article 10: Request for \$10K to fund the 375th Anniversary Celebration

Article 11: Funding for OPEB – Retiree Health Insurance

Article 12: Approve Revolving Fund for Park & Recreation

Article 13: Amend General By-law to state electronic voting is permissible.

Article 14: Amend General By-law to require all Board Minutes to be filed in the Town Clerk's office.

Article 15: Amend late dog registration fees to include late fee for untimely licensing of dogs.

Article 16: This is a new Article asking the Town to approve acceptance of a gift of land in Manchester-by-the-Sea from the Seven Gables Museum in Salem, MA. The Conservation Commission has approved the request. The Town does not currently receive any tax dollars on the land; the land is owned by a not-for-profit. The land has a stream running through and wetlands on most of the remaining property. It is not suitable for building.

Article 17: To see if the Town will vote to adopt the following Food Ware and Polystyrene By-law. Mr. Gilbert is proposing the article and is amending his original article following recommendations from Mr. Wilson, Town Moderator and Town Counsel. His amendments include identifying the Building Inspector as the administrator and enforcement arm of the new by-law. Additionally, there are minor changes to language (and/or to or) and voluntarily comply 3 months after passage and allowing for an appeal process. Mr. Gilbert working with Mr. Federspiel will implement the recommendations and provide hand outs at Town Meeting enumerating the amendment changes.

The Board asked specifically if Crosby's was fully aware of the By-law change and Mr. Gilbert indicated he was working with Crosby's and Richdale's.

The Board of Selectmen will vote to recommend Article 17 on Town Meeting Floor.

Article 18: To ask the Town the following question: Do you want industrial sodium fluoride added to the public water supply?

Ms. Jaques stated she thought the Article addresses comments and references that do not pan out. The information presented is "cherry picked" out of articles referenced. Specifically, she cited the information from the Surgeon General's report addressing amounts of fluoride put in drinking water. It is a minimum amount in addition to the fluoride already in the water supply. The petition grossly misrepresents some aspects of the Surgeon General's report.

Mr. Boling stated he agrees with much of what Ms. Jaques stated. He stated the verbiage selected is chosen to strike fear. He is reluctant to support and further stated taking no position may imply the Board is neutral.

Ms. Driscoll suggested the Board not approve and rely on the recommendation of the Board of Health. She further stated she agrees with Mr. Boling and Ms. Jaques.

Article 19: Hopefully following successful use of proposed electronic voting devices at Town Meeting, the residents will vote to purchase the devices. The Board will recommend on Town Meeting Floor.

Article 20: Standard Article to add funding if additional spending is approved during Town Meeting.

Mr. Boling moved to approve Articles 1-16, Articles 17, 18 and 19 will be addressed on Town Meeting Floor, Mr. Boling seconded the motion. The motion passed unanimously.

A previous motion to not recommend Article 18 made by Ms. Jaques and seconded by Ms. Driscoll was withdrawn by Ms. Jaques and Ms. Driscoll.

3. Public Hearing – Request for Public Tree Removal at Intersection of Bell Court and School Street

Ms. Jaques moved to open the public hearing on tree removal at the intersection of Bell Court and School Street, Ms. Driscoll seconded the motion. The motion passed unanimously.

Mr. Federspiel stated the tree is a large maple tree with roots that caused problems with the sewer lines which required replacing of the line. DPW is recommending the tree be removed because of concern to the sewer lines in the future.

The tree according to Mr. Henderson is a large healthy red swamp maple which has an aggressive root system. Mr. Henderson stated there is not much that can be done to stop the roots from invading the sewer lines; indicating root pruning does not work. He regrettably recommends removing the tree and replacing with a smaller perhaps flowering tree.

Ms. Beckmann asked if neighbors were in attendance, none were. Ms. Nathan stated they had been informed of the meeting and were aware of the recommendation. Ms. Driscoll agreed with Mr. Henderson reluctantly approving the tree removal with replacement as recommended. Mr. Boling also agreed.

Ms. Jaques asked if there was a possibility of replacing the pipes with a newer type of pipe that would not be impacted by the aggressive root system? Mr. Federspiel replied the pipe had just been replaced and would last for up to 75 years. Ms. Jaques also reluctantly agreed with the removal of the tree.

Mr. Harris, 26 Tappan Street stated the trees we're talking about are invasive and trying to keep them is throwing money away.

Ms. Driscoll moved to close the public hearing on tree removal at the intersection of Bell Court and School Street, Ms. Jaques seconded the motion. The motion passed unanimously.

Ms. Driscoll moved to remove the tree with a replacement, Mr. Boling seconded the motion. The motion passed unanimously and reluctantly.

Ms. Gates, 2 Desmond Ave. – Addressed the Board with her concern about trees in the Town close to Power and Gas lines. She mentioned a tree the Gas Company recommended removing on her property because the roots were getting too close to the lines and in the event of a strong storm the line could explode. She expressed concern for specific trees on School and Pine Streets.

Ms. Beckmann thanked Ms. Gates for her concern and suggested she be in contact with Mr. Federspiel about the specific trees she was referencing, and Mr. Federspiel would follow up with DPW.

4. Intersection Improvement Options (Complete Streets) – Public Discussion

Mr. Federspiel stated this evening's presentation would provide additional options for the four projects approved by MassDOT. This is an additional listening session to hear comments with no decisions being made this evening. The Board will make their decision sometime in April following recommendations made by DIP, DPW and the provision of final design quotes.

The projects under consideration are: 1) Central, Union and School Streets, 2) Beach and Union Streets, 3) Washington, Summer and Sea Streets and 4) the Shared Path from Masconomo Park to Singing Beach.

Ms. Domigan from VHB presented several additional options for improving the proposed intersections and Shared Path including:

- Wheelchair ramps
- Improved visibility for oncoming traffic
- Parking spaces removed and additional parking spaces proposed
- Compliance with Federal Safety Standards
- Crosswalks with improved sight distance
- Improving turning radius for larger vehicles onto School Street
- Widening of the shared path from Masconomo Park to Singing Beach
- Ms. Domigan's presentation also cited pedestrian and vehicular accidents in each of the intersections since 2014.

Ms. Driscoll asked about proposed parking spaces in front of the library. Ms. Domigan stated the sidewalk could be cut out to allow for parking. Ms. Driscoll also asked about the turning radius for the ladder truck onto School Street. The larger vehicles like the ladder truck would be able to turn onto School Street using both lanes according to Ms. Domigan.

Ms. Jaques asked about the drainage pipe being crushed at the intersection of School and Central Streets. Ms. Domigan stated the pipes would be replaced as part of the improvement project and large trucks will be redirected by the proposed redesign of the intersection. Ms. Jaques asked about the Shared Path and widening of the sidewalk, specifically asking if fences were on Town land? Ms. Domigan indicated there were places along the Path that fences were within the Town right-of-way.

Ms. Beckmann stated this evening's meeting was part of the ongoing process which includes taking in information, analyzing the impact on the community, listening to residents, reviewing design options and gathering feedback from DPW related to costs and grant funding. The Board's goal is to have feedback from as many constituencies as possible to listen and to take care for the considerations of all involved. The Board will decide after listening and weighing the options.

Ms. Jody Morse, 11 Jersey Lane – Ms. Morse asked what the cost differential was between the grant and the current estimates. Ms. Beckmann stated that is the information we are waiting to receive from DPW after bids are received.

Mr. James Black, 19 Washington Street – Mr. Black stated the parking spaces on Washington Street were valuable spaces for commuters and it would be important to take the commuters in to consideration if deleting parking spaces on Washington Street.

Mr. Gar Morse, 11 Jersey Lane – Mr. Morse stated he is a member of DIP and he felt the process was out of sync with the community. He would like to see bump outs deemphasized. He believes the Town is in danger of looking like every shopping mall in the country and the current plans are not sensitive to the Town's unique character. He also thought it was not pedestrian friendly to be removing crosswalks. Mr. Morse stated that compliance with federal highway standards are not necessary and the Town can apply for a waiver especially given the speed limit is 20 mph not 30 mph.

Mr. Al Centner, 72 School Street – Mr. Centner is the Chair of the Bike and Pedestrian Committee and stated the Complete Streets project has been on the table for 18 months. He stated centralized parking brings more business into a downtown area. He also stated eliminating unsafe crosswalks was a help to pedestrians and it was essential for the Town to improve sight lines to improve safety.

Mr. Gary Gilbert, 11 Magnolia Ave. – Mr. Gilbert thought some statements made about the civil engineering consultants were unfair. There are no one size fits all crosswalks and DIP had articulated six points to create safer crosswalks in the Town. Mr. Gilbert also stated bump outs have some validity. The DIP had also recommended better signage, road painting and different materials to improve crosswalk safety.

Mr. Jim Brown, 11 Beach Street – Mr. Brown manages the property occupied by 27 commercial business and stated parking in the downtown area was a significant concern for the businesses he managed.

Ms. Katerina Gates, 2 Desmond Ave. – Ms. Gates stated everything changes over time and it is impossible to maintain perfection.

Mr. Gary Gilbert, 11 Magnolia Ave. – Mr. Gilbert suggested more working meetings with DIP and DPW.

Ms. Mary Foley, 1 Pulaski Drive – Ms. Foley recommended the Town fix the existing sidewalks. She also stated the Town may not fit into the state and federal standards, indicating it is important to maintain the character of the Town.

Mr. Andy Harris, 26 Tappan Street – Mr. Harris stated he has been in Manchester every year of his life with the exception of one year, he was proud of Manchester, but it is important to bring information and new skills in to the Town and not to expect easy answers to complex questions.

Mr. Ben Rossi, 89 Bridge Street – Mr. Rossi reminded those present there had been a serious pedestrian accident in front of the Post Office prior to the installation of the bump out. There have been no accidents since.

Mr. Brown suggested additionally ticketing of cars illegally parked in the downtown area.

Mr. Centner spoke to the reason for the 20-mph speed limit and the importance of keeping to the speed limit for the safety of pedestrians.

Ms. Beckmann stated DPW will come before the Board with a recommendation and working sessions will continue with DIP for all interested parties.

5. Interview Sustainability Committee Candidates

Nadia Wetzler is an attorney who works as in-house counsel at Applied Materials, Inc. Among her responsibilities for the company include advising on sustainability matters. Ms. Wetzler stated this is an area she feels very passionate about. She and her family moved to Manchester 2 ½ years ago from Germany and she realizes there is so much more we could be doing in this area, especially compared to what she experienced in Germany.

Ms. Jaques asked if Ms. Wetzler thought her work travel would impact her availability to attend meetings? Ms. Wetzler replied she travels for work approximately 4 or 5 times a year and feels she can manage her travel schedule. Mr. Boling had no questions.

Ms. Driscoll moved to appoint Ms. Wetzler to the Sustainability Committee, Mr. Boling seconded the motion. The motion passed unanimously.

6. Consent Agenda

- BOS Minutes – February 19, 2019
- Age and Dementia Friendly Initiative – Letter of Support
- Festival-by-the-Sea One Day Liquor License Approval
- Accept Anonymous Donation for the 375th Anniversary
- Approve Reserve Fund Transfer

Ms. Jaques requested 2 edits to the minutes: 1) Mr. Beckmann to Ms. Beckmann and 2) edit a compound sentence into 2 sentences, one sentence is a question.

Mr. Federspiel was asked for clarification regarding Reserve Fund Transfers: there were 2 transfers 1) \$45K for street lights and 2) \$15K for purchase of additional Town trash bags.

Ms. Driscoll moved to approve the Consent Agenda with edits to the minutes of 2/19/19, Ms. Jaques seconded the motion. The motion passed unanimously.

7. Correspondence

- Assessor Letters Re: Agreements Involving Housing Authority Properties
- Xfinity – Update on Channels
- HDC Letter Re: Nominating Rosedale Cemetery and Crowel Chapel to the MA Historic Registry
- MMA Legislative Breakfast
- FEMA Re: Flood Map Revisions (Delete Reference to Coastal Barrier Resources)
- Sabella Letter Re: Flooding and Police Staffing

8. Town Administrator’s Report – Mr. Federspiel went through his report quickly:

- 1) Police Chief’s resignation addressed at beginning of the meeting.
- 2) Police Union Grievance on the calculation of Over Time pay is being clarified and the Town is working with Labor Counsel to address any outstanding questions.
- 3) Senior Center – the Town is still waiting to hear from the owner of the Cricket Building. It has been 3 weeks since he was to get back in touch.
- 4) HAC is meeting on March 27, 2019 to address safety concerns off Long Beach. This is an open meeting; however, no public comment will be taken. Conservation Commission will be addressing eel grass issues.
- 5) Resiliency and how best to orchestrate moving forward on resiliency issues and who in Town Hall will own the plans. Ms. Riley and Ms. Brown are both engaged in the process but responsibility for who owns the planning needs to be resolved.

9. Other matters, as may not have been reasonably anticipated by the Chair (discussion only.)

10. Adjourn

Mr. Boling moved to adjourn the Board of Selectmen meeting; Ms. Jaques seconded the motion. The motion passed unanimously.

Meeting Documents:

- Minutes, February 19, 2019
- Town Administrator’s Briefing Memo
- Age and Dementia Friendly Initiative – Letter of Support
- Festival-by-the-Sea One Day Liquor License Request

- Anonymous Donation for the 375th Anniversary
- Reserve Fund Transfer Documents
- Assessor Letters Re: Agreements Involving Housing Authority Properties
- Xfinity – Update on Channels
- HDC Letter Re: Nominating Rosedale Cemetery and Crowel Chapel to the MA Historic Registry
- MMA Legislative Breakfast
- FEMA Re: Flood Map Revisions (Delete Reference to Coastal Barrier Resources)
- Sabella Letter Re: Flooding and Police Staffing
- Applications for Sustainability Committee
- Tree Removal Documentation
- Annual Town Meeting Budget and Warrant Articles
- Updated Recommendations for Intersections under considering in Complete Streets Grant
- Additional documents submitted: email from Christine Delisio, letters from Laura Tenney and Robert Coyne

Upcoming BOS Meeting:

- Thursday, March 21, 2019 – Selectmen’s Meeting
- Saturday, March 30, 2019 – Pre-Town Meeting
- Monday, April 1, 2019 – Annual Town Meeting