



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

October 1, 2018

6:30 p.m.

Town Hall, Room 5

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

MEMBERS ABSENT:

STAFF PRESENT: Town Administrator Mr. Federspiel, BOS Clerk Ms. Hunter, Town Tree Warden, Tom Henderson, Town Moderator, Mr. Wilson, BOS Executive Assistant, Sonja Nathan

GUESTS:

PRESS:

At 6:30 p.m. BOS Chairperson, Ms. Beckmann called the BOS Business Meeting to order noting the meeting was being video/audio-taped by volunteers 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 for a moment of silence to remember 3 outstanding citizens of Manchester who passed recently:

Albert Creighton, Jr., former member of the Finance Committee and Conservation Commission

Richard (Archie) Southgate, former Town Moderator

John Gilmore, former Selectman and member of several Town Committees

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

1. Public Hearing: Pole Setting on Old Neck Road – Verizon

Ms. Driscoll moved the Board reopen the public hearing on a pole setting on Old Neck Road, Ms. Jaques seconded the motion. The motion passed unanimously.

The Public Hearing was reopened with Mr. Everette Bryon, Verizon Representative present to confirm Verizon will place a new pole on Old Neck Road replacing a guy wire currently through a tree that is to be removed. Mr. Bryon stated Mrs. Campbell, resident at 9 Old Neck Road had granted an easement for the new pole. The new pole will be in place prior to winter.

Ms. Jaques moved to close the public hearing, Ms. Driscoll seconded the motion. The motion passed unanimously.

Ms. Driscoll moved to approve the request for a new pole, Ms. Jaques seconded the motion. The motion passed unanimously.

2. 375th Anniversary Committee Formation

Ms. Beckmann indicated that the 375th Anniversary of the Town is 2 years away and the event will be marked. The celebration will not be as grand at the 350th Anniversary but will represent a significant milestone for the community. Mr. Dan Senecal who chaired the 350th Anniversary Committee is available to advise the new committee. Ms. Beckmann asked the Town Administrator and Executive Assistant to place notices through the usual channels to identify volunteers willing to serve on the 375th Anniversary Committee.

Ms. Driscoll stated the Historical Museum Curator or Chairman of the Board should be asked to serve on the 375th Anniversary Committee, Ms. Beckmann agreed.

3. Public Hearing – Requests for Public Tree Removals on 35 Vine Street, 41 Vine Street and Lincoln Ave/School St Intersection

Ms. Driscoll moved to open the public hearing on tree removal at 35 and 41 Vine Street, Ms. Jaques seconded the motion. The motion passed unanimously.

According to Mr. Henderson, Tree Warden, the 18-inch Norway Maple at 35 Vine Street is in 90% decline he does not expect the tree to bud out this coming spring. Additionally, he indicated the tree was a safety issue. He will recommend the Friends of Manchester Trees replace the tree.

Mr. Henderson went on to discuss the tree at 41 Vine Street which is one tree in a cluster of 5 that likely seeded themselves and were allowed to grow to full maturity. When this tree is removed there will be opportunity for additional growth to the 4 remaining trees, according to Mr. Henderson.

Mr. Kevin Rautio, 12 Lincoln Vine Street – Wanted to be sure trees would be planted to replace the trees coming down. He wants everything to be fair in the neighborhood.

Ms. Powers, Property Manager at 41 Vine Street indicated there had been damage from this tree to cars and property from falling limbs. Also, she was not sure the Conservation Commission would approve replanting of trees in the buffer zone. Ms. Beckmann indicated trees would be planted where it was most appropriate.

Ms. Driscoll moved to close the public hearing on tree removal, Ms. Jaques seconded the motion. The motion passed unanimously.

Ms. Driscoll moved to accept the Tree Warden's recommendation regarding the trees at 36 Vine Street and 41 Vine Street, Ms. Jaques seconded the motion. The motion passed unanimously.

Ms. Jaques moved to open a public hearing on tree removal at 92 School Street/1 Lincoln Ave., Ms. Driscoll seconded the motion. The motion passed unanimously.

Mr. Henderson stated this is a large mature tree with decay to the center of the tree. There is concern about tree limbs coming down on the home owner's property. Mr. Henderson is recommending removal of the tree and replacing it with 2 small trees.

Brian Miller, 92 School St. – Stated that during a minor hurricane, limbs from this tree closed down School Street for 16 hours. He will be sad to see the tree go but it has been pruned on numerous occasions and is no longer viable.

Ms. Driscoll moved to close the public hearing on tree removal at 92 School Street, Ms. Jaques seconded the motion. The motion passed unanimously.

Ms. Driscoll moved to accept the Tree Warden's recommendation to remove the tree at 92 School Street, Ms. Jaques seconded the motion. The motion passed unanimously.

4. Interview James Mitchell, Zoning Board of Appeals

Ms. Beckmann asked Mr. Mitchell to tell the Board about himself and his interest in serving on the Zoning Board of Appeals (ZBA). Mr. Mitchell stated he is a Vice President at J Barrett & Company Realty and he is interested in the position to give back to the community. He believes his background as a contractor for both residential and commercial properties provides him with a broad perspective of building and architectural aspects which will be applied as a member of ZBA.

Ms. Driscoll asked if Mr. Mitchell would be able to meet the time requirements of the position. He stated he was self employed and would be able to participate fully as a member of the ZBA.

Mr. Boling asked Mr. Mitchell about possible conflicts of interest with properties he had sold in MBTS. Mr. Mitchell indicated the majority of the property he sold is outside of MBTS, however, if there was ever a conflict while serving on ZBA he would recuse himself.

Ms. Jaques asked if he was familiar with the Town By-laws and if he would be able to negotiate contentious situations. Mr. Mitchell stated he would need time to develop a full understanding of Town By-laws and he felt he was a skilled negotiator, the result of years in the real estate business and would be able to deal with contentious situations.

Ms. Steinert asked about possible conflicts of interest with commercial developers and the Town's interest in further developing commercial projects. Mr. Mitchell stated the only commercial project he had worked on was with his church and reiterated he would recuse himself if he had any conflicts.

Ms. Beckmann thanked Mr. Mitchell for his interest in the ZBA position.

Ms. Driscoll moved to appoint Mr. Mitchell to the ZBA as an alternate for a three-year term ending in 2021, Ms. Jaques seconded the motion. The motion passed unanimously.

5. Harbormaster – Update

Mr. Pike presented his report on the 2018 boating season.

- Deputy Harbormaster position was filled by Paul Stone who started patrolling in mid-July. Additionally, several police officers have completed safe boating certification and spent hours on the public safety boat. Mr. Pike indicated these additions have made a difference in overall safety in the harbor, however, challenges remain.
- Visiting Boaters to Long and Black Beaches increased dramatically this past summer. Mr. Pike is recommending the placement of transient day moorings in the area off Long Beach and eliminating anchoring.
- Mass DEP has expressed interest in the recreational use of the area and effects to the eel grass bed. This interest may be an indication of coming regulatory changes for the protection of eel grass which could have a profound effect on use of the area.
- Traffic at Reed Park, Town Hall and Masconomo Town floats was brisk this year. The reintroduction of public safety floats was beneficial.
- Mr. Pike indicated an office for the Harbor Department at Reed Park with public restrooms would be an operational base for safety on the harbor and comfort for those visiting MBTS.
- Incidents – Over the summer Manchester Bay was the scene of several groundings, one with serious injuries. These incidents were the result of boat wake and much of the traffic causing the dangerous wake is either coming to or departing Long Beach.
- Harbormasters from Salem and Beverly have requested a meeting to discuss the serious and growing safety issue in our region.
- Projects: Seawall repairs at Masconomo Park and planned expansion of the Reed Park floats will proceed during off season. The bow and stern mooring conversion project was successful and positive feedback has been received. Mr. Pike is recommending expanding bow and stern mooring to additional areas of the harbor. CLE has completed the hydrographic survey of the harbor bottom for the next round of dredging. Engineering has begun on the non-compliant Tusk's Point floats. Kayak racks are in place and every person receiving a space will be required to take and complete a safe boating certification course.

The Board recognized Mr. Pike's excellent work over the summer and expressed concern about staffing and safety. Mr. Steinert asked about the need for additional staffing given the breadth of the harbor and the Town's liability for keeping the harbor and boaters safe.

Mr. Pike feels some stress reduction with 2 boats on the harbor, however, it is not nearly enough to cover 300 boats at Long Beach and 100 plus boats at Black Beach.

Ms. Jaques asked about boat wake and safety. Mr. Pike indicated it would require additional patrolling and Harbormasters in Salem and Beverly are interested in addressing the wake and safety issue.

Ms. Beckmann asked for additional recommendations from Mr. Pike in the areas of management, personnel and equipment. She suggested he and Mr. Federspiel develop a phased in process for improving safety in the harbor. She would like to reconnect in mid-November. Mr. Steinert asked if there was enough time to get public input prior to November. Ms. Beckmann is interested in getting the Town's liabilities addressed, engaging the community and start implementing a plan before summer of 2019.

Mr. Pike thanked the Board for their support.

6. Review of Special Town Meeting Articles

Ms. Beckmann asked if the Board needed to sign the Articles.

Article 1 – Mr. Boling will move the Article and Ms. Driscoll will second.

Article 2 – Ms. Jaques will move the Article and Mr. Steinert will second.

Article 3 – Ms. Beckmann will move the Article and Mr. Boling will second.

Ms. Beckmann is willing to speak to the Article but invites other Board members to speak and provide input. She wants the Board statement to reflect all the members thoughts.

Support the school understand the need, understand the proposal and we are reviewing the process on funding the school. Residents will have an opportunity to weigh in on how we pay for the school.

Ms. Driscoll asked what was the position of the Finance Committee? Mr. Federspiel indicated that the Finance Committee is recommending 100% debt exclusion and will explore the possibility and flexibility to utilize reserves and receipts as a means of funding.

Ms. Beckmann clarified the position – we are asking for 100% debt exclusion for the project. However, at this time we are not prepared to make other decisions. We are in the process of framing up and reviewing the use of reserves and new receipts. Asking the Town to approve 100% with the understanding that it may change. Ms. Beckmann and Mr. Federspiel will develop a draft and pass it on to the Board members for comment.

7. Discussion of Fiscal Policies

The Finance Committee made a few modifications to the policies. Mr. Boling asked why the Committee had reduced the annual debt from 12% to 10% and requested a summary statement from the Finance Committee regarding changes they were recommending to the four key fiscal principals.

Ms. Beckmann proposed calling the policies principals until they are fully developed in to Town Policy. She believes the policies are directionally good, however, she would like for the Finance Committee and Board to meet to discuss and develop the policies for presentation at Annual Town Meeting in April 2019.

8. Fire Department – Update

Chief Kramlinger has submitted his resignation and his last day will be Friday, October 5, 2018. The staff is aware, and an interim Chief will be named and willing be available at the end of October. Mr. Federspiel would like to discuss the search for a new Chief. Mr. Steinert asked if there would be an exit interview there will be. Ms. Beckmann expressed her thanks for Chief Kramlinger and recognized his hard work and support of the Town.

9. Consent Agenda

- BOS Minutes – September 17, 2018, Joint Meeting Minutes with Finance Committee July 11, 2018 and September 5, 2018
- Recognize October 7-14 as Cape Ann Plein Air Week
- Sign State and Special Town Election Warrants
- Appoint FY 19 Election Officers
- Approval of Special Events Permit: Touch A Truck (October 20, 2018)

Ms. Driscoll moved to approve the Consent Agenda, with one edit to the Minutes of 9/17/2018, Ms. Jaques seconded the motion. The motion passed unanimously.

10. Correspondence

- Resident Letter, 9/14.18 – Interest in Shellfish Warden Position
- Building Inspector Letter dated 9/13/18 – Request for a Certification of Occupancy
- Resident Letter dated 9/17/18 – Chowder House Costs
- MMA – Legislative Breakfast Invitation

Building Inspector letter compromise was reached with Zoning Board. Mr. Boling indicated the Town is being too patient about the number of vehicles on the lot. The Town needs to sort out the details and resolve the situation. Ms. Beckmann agreed and asked that the situation be resolved. Mr. Federspiel will work with the Building Inspector to make that happen.

The Board focused discussion on Ms. Furlong's letter regarding Tuck's Point Chowder House and its related costs. Ms. Beckmann thanked Ms. Furlong for the work she put in reviewing the costs and indicated she had had a discussion with Ms. Furlong who was not available to be at this evening's meeting.

Ms. Driscoll indicated that the Chowder House project pre-dates current changes and hiring a Project Manager in the DPW. Mr. Boling stated that the Town has adjusted oversight with the hiring of a Clerk of the Works.

Mr. Steinert stated he is not sure if everything on the Chowder House project was handled correctly. He expressed concern for large projects that come along and the Town's not being fully prepared. Mr. Steinert would like to see the Town complete a further investigation in to accounting and costs from a financial management

perspective. He sees this as a healthy exercise and follow up to Ms. Furlong's work in order for the Town to do a better job in the future.

Ms. Beckmann summarized the process moving forward for larger projects:

- Verify and understand all costs. If there are questions the questions are answered and final costs confirmed.
- What is the process with the new DPW Director and Project Manager identify and define steps.
- Financial oversight – by the Town Administrator and possibly the Finance Committee for larger projects.

11. Town Administrator's Report

- Town Administrator's annual review will be developed and shared in open session.
- Communications and working with the PR firm will be part of the Town Clerk's responsibilities. Ms. St. Pierre will work with the various Town departments and forward information to the PR firm. While the new social media venues should grow in effectiveness the Board may want to consider an occasional direct mail campaign to all households.
- Board Trainings – early January with Planning and Zoning Boards training in late October early November.
- Construction Updates – the new drainage work along Burnham and School Streets will begin on October 8th. And the replacement of a watermain on Ocean Street along Black Beach will begin soon as well.
- Mill Street Speed Bumps – while many residents feel the speed bumps have been effective in slowing traffic a resident is complaining that the school bus for her special needs' child is late because of the speed bumps. The Town is following up with the bus company to see if there is a way to keep the speed bumps and assure the buses timely arrival.

12. Other Matters, not reasonably anticipated by the Chair (discussion only).

There were no additional matters brought before the Board.

13. Executive Session –

Ms. Jaques moved the Committee to Executive Session for the purpose of discussing strategy with respect to litigation with regard to Chebacco Woods' Trails.

Ms. Beckmann, Mr. Steinert, Mr. Boling, Ms. Driscoll, Ms. Jaques each voted yes at 8:35 p.m. The Board of Selectmen will not be returning to public session following the discussion of litigation regarding Chebacco Woods' Trails.

Meeting Documents:

- Petition for Pole and Wire Location

- DPW Request for Tree Removal
- Harbormaster's Report on 2018 Boating Season
- Town Meeting Warrant
- BOS Minutes September 17, 2018 and Joint Minutes with Finance Committee July 11, 2018 and September 5, 2018
- Request to Recognize Cape Ann Plein Air
- Appointment of FY 19 Election Officers
- Special Event Application for Touch a Truck
- Resident Letter, 9/14.18 – Interest in Shellfish Warden Position
- Building Inspector Letter dated 9/13/18 – Request for a Certification of Occupancy
- Resident Letter dated 9/17/18 – Chowder House Costs
- Town Administrator's Report

Upcoming BOS Meeting:

- Pre-Town Meeting October 13, 2018, 9:00 a.m.
- Special Town Meeting, October 15, 2018
- October 18,2018, Public Meeting with Pond Abutters
- Board of Selectmen Meetings, October 22, 2018 and November 5, 2018