



MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL
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MINUTES OF THE BOARD OF SELECTMEN

February 19, 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, Ms. Nathan, Interim Fire Chief Beardsley, Town Moderator, Mr. Wilson, DPW Director, Mr. Dam, DPW Manager Mr. Desrosiers and Grant Administrator, Ms. Riley

GUESTS: VHB Consultant, Ms. Domigan

PRESS: Mr. Cronin, *Gloucester Times*

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.

Ms. Beckmann extended the Boards best wishes for a speedy recovery to Paul Clark who took a difficult fall this week. Mr. Clark has been and will continue to be a great asset to the Community.

1. Central Pond, Dam & Culvert

Ms. Beckmann stated there has been a thorough review of the Central Pond, Dam & Culvert presented at the previous Board meeting and this evening the Board would vote to move the project forward.

Mr. Federspiel indicated the project has been under study for several years and through the work of Ms. Riley the Town has been awarded grants in the amount of \$400K and \$500K to support the project. This evening the Board would vote to approve one of the three proposed designs presented by Tighe & Bond at the February 4, 2019 meeting.

- 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

Mr. Federspiel and Mr. Dam agreed construction will likely begin in a year with a lengthy permitting process taking place over the upcoming year.

Ms. Riley stated she supported the natural option of Stream Restoration as did Ms. Lamothe who represented the Stream Team.

Ms. Driscoll recognized Ms. Riley for her dedication and work on the project and on behalf of the Town.

Mr. Steinert stated he was concerned for the number of people affected by the project and believes additional information, further education and detailed maps need to be made available to help property owners who are unaware of the scope of the project.

Ms. Beckmann stated of the 3 options she supported the Stream Restoration (natural option) and if further study is warranted after completion of the project the results will be evaluated and additional consideration given to the project. Ms. Jaques expressed concern for flooding up stream and thought it important to study additional culverts in the community – while recognizing the need to start with the Central Pond Dam and Culvert.

Ms. Driscoll moved to approve the Stream Restoration option presented at the last meeting, Mr. Boling seconded the motion. The motion passed unanimously.

2. DPW Updates: Complete Streets and Compost Facility

Complete Streets:

Mr. Federspiel stated the full report and historical summary of the Complete Streets effort is on the Town's web site. In 2017 the Town went through the process of identifying and prioritizing projects for consideration, the final plan listed 18 potential projects from which 8 projects were selected for construction funding consideration. 4 were awarded funding.

The intersections and projects are:

- 1) Beach Street at Union Street
- 2) Central Street at Union Street and School Street
- 3) Washington Street, Summer Street and Sea Street
- 4) Sidewalk from Masconomo Park to Singing Beach

Mr. Dam introduced Ms. Domigan from VHB Consulting who reviewed the scope of work for the 3 intersections and sidewalk from Masconomo Park to Singing Beach.

The objective of the proposed work is to improve pedestrian and vehicular safety at each intersection and to meet Federal and State safety standards. In the process of meeting these objectives at Beach and Union Streets there will be a loss of 3 parking spaces and at Central, Union and School Streets an additional 3 parking spaces will be lost.

All intersection will add ADA Ramps, Curb Extensions and Cross Walks with Stop Lines – White and 6-foot Reflectorized White Lines and Yellow Lines. Additionally, at Central, Union and School Streets and Washington, Summer and Sea Street additional Sign Posts and/or Flex-Posts will be added.

The Town has advanced the design work and developed more accurate cost estimates which have resulted in a near doubling in costs from the original rough estimates provided by a State consultant. The grant awarded is \$242K which is insufficient to complete all the proposed work.

Mr. Steinert asked if the Consulting Firm had developed an analysis of the economic impact of the loss of parking spaces. Ms. Domigan stated the Firm's objective was to work from an engineering perspective and to follow State and Federal regulations. They were guided by MUTCD and UVC standards as Civil Engineers. The loss of parking spaces followed Federal and State standards for safety and in order for the Town to receive State or Federal funding these standards needed to be met.

Mr. Boling provided some history of the Town's downtown vision and the goals of the Downtown Improvement Program. The first DIP project many years ago proposed removing quite a lot of parking, and provoked strong objections from the residents, so was modified. After the first project, the BOS tasked the DIP with looking at a few intersections, including Central/School and the Union St intersections, which have long had pedestrian and traffic issues. Six years ago, the direction to the DIP was that it was important not to remove parking. However, Mr. Boling is beginning to wonder if we should give up some parking now to get these improvements, given that we are undertaking a more global parking study of the town as a priority project. It is time to bite the bullet and take a hit for a safer Central and School Street intersection.

Ms. Jaques agreed that safety is paramount especially with bigger cars moving faster.

Ms. Crosby, owner of the building on the corner of Central, Union and School would like the pedestrian issue to be addressed without a bump out. She also expressed concern for the loss of additional parking spaces. Mr. Butler, resident of the building, cited safety issues and concern for large trucks navigating the corner. He recommended banning trucks from turning up School Street.

Ms. Lamothe, 21 Walker Street and avid walker stated she thought the bump out in front of the Post Office improved pedestrian safety significantly and thought more bump outs would help in Town.

Ms. Beckmann thanked residents and presenters. She indicated she agreed with Mr. Boling about the intersection at Central, Union and School Streets. Ms. Beckmann will schedule a Public Forum for the March 4, 2019 meeting of the Board.

Mr. Dam will proceed with developing complete estimates for all proposed projects. Mr. Harrison, School Street resident and member of the Pike and Pedestrian Committee stated he was surprised by this meeting. There have already been several Board and Committee meetings, as well as public meetings at the Community Center. He recommended moving ahead and meeting the deadline for grant funding.

Mr. Boling requested Mr. Dam estimate both options for the Washington, Summer and Sea Street intersection with an understanding he would defer to Public Safety and DPW recommendations for the intersection.

Compost:

Mr. Dam stated the initial grant awarded for the Regional Facility will not cover the project costs and further study needs to be completed to define cost savings and overall feasibility of the project. Additionally, the Town may need to request an extension of the awarded grant while additional options are reviewed.

3. Fire Operations Fine-Tuning

Interim Chief Beardsley indicated progress is being made on the recommendations that resulted from the After-Action Report on the University Lane fire.

- Simultaneous dispatch of DPW sanders with Fire Trucks – Completed
- ID by Dispatch of primary and secondary hydrants – In Progress
- DPW ID water mains and flows – Completed to be shared with Fire and Dispatch
- Utilize District 5 Dispatch in large events – Completed share with Dispatch
- Review storm response considerations for each area of Town – Underway
- Trim roadsides for fire truck clearance needs – Still to Do (may need funds to hire tree company for larger trees and branches)
- Continue additional storm staffing – Completed
- Tankers – new agreement with Essex to send tanker truck in place of ladder truck upon first sign of structural fire
- Prioritization of pipe projects with DPW – Will present more aggressive Capital Plan for consideration at ATM.
- New Training – Chief is working with staff on new training re: use of tankers and portable “ponds” to shuttle additional water to a fire scene.

Mr. Steinert thanked the Chief for his work on behalf of the Town and asked for data specific to how many residents are impacted by low water flow. The Chief deferred the question to Mr. Dam who indicated he would have to follow up on the question.

Ms. Beckmann stated she thought excellent progress had been made and would look forward to the final report and the road map to future safety.

Mr. Boling asked the Chief by what factor does a tanker truck make up for the shortfall in water flow of 500 GPM? Chief Beardsley replied that a 3,000 sq. ft. home fire would require 9,000 gallons of water. Additional factors would also need to be taken into consideration – but the tanker truck would make a significant difference.

4. Petition Articles

Ms. McGovern, 115 Beach Street – read her presentation on **Citizens Petition to remove fluoride from public drinking water** in MBTS. 803 residents voted no in 1982 while 1,180 residents voted to add fluoride.

In 2019 there is more information about the harmful effects of fluoridated water. A group of residents asked the Board of Selectmen to end fluoridation in January 2018 and the Board deferred their decision to the Board of Health. The Board of Health suggested bringing the issue to Town Meeting.

The Citizens Petition to remove fluoride is requesting the Board of Selectmen to reconsider their position and Petition the State for a Home Rule Exemption to Chapter 111, Section BC to remove the fluoride from the Town water.

Gary Gilbert, Magnolia Ave., presented his petition for a new town bylaw, Section 43: **Food Ware and Polystyrene Reduction by-Law** – Polystyrene food containers and plastic utensils form a significant portion of the solid waste going into landfills, they are not biodegradable and will remain in our landfills for centuries and that portion of them that makes their way into the oceans will break down into dangerous microplastics which harm and kill marine life and may affect human health.

The purpose of the by-law is to reduce the usage of polystyrene and plastic products by all food-related establishments in the Town of MBTS.

The Board is interested in assuring that all businesses utilizing banned products have sufficient notice to convert to compliant containers, straws and utensils. Mr. Gilbert has spoken to most businesses using “take-out” containers in Town and he is sure that some are already in compliance and have limited inventory of non-compliant “take-out” items. He will be in contact with businesses he has not yet spoken to. Mr. Gilbert has requested the by-law be implemented within a 3-month time frame instead of 6 as originally proposed.

Ms. Jaques expressed concern about the possible increase costs to local businesses and would like to know who may be most significantly impacted by the change. Mr. Gilbert has a comprehensive spreadsheet of cost comparisons and compliant company products from other communities and he can provide the information to businesses and the Board.

Mr. Boling had 2 points on the Article on the administration side. Section 43 B exemptions are provided by the BOH and the Police Department is the enforcement arm of the by-law. He asked if the BOH and the Police Department have been informed and what the process was for a business requesting an exemption? Mr. Gilbert will follow up with Mr. Federspiel and the Town Departments who may be involved.

Mr. Gilbert stated that DPW may be more able to address the engineering aspects of exemptions. Ms. Beckmann indicated there may be questions at Town Meeting and she would like for the Board to be prepared. Mr. Wilson mentioned to Mr. Gilbert that the Article printed in the Town Warrant should be as clear as possible and if Mr. Gilbert would like to meet to discuss the final Article, he is available.

Mr. Federspiel asked the Board about the possibility of an additional Article for the Warrant. New legislation allows the Town to impose a local room tax on transient home rentals. This local option allows the Board to impose up to a 6% local room tax as well as a 3% transient guest impact fee. The Board elected not to pursue this for the Spring town meeting, but will consider putting it in front of voters at Fall Town Meeting.

5. Board Training Update

The two training sessions held were well received. Following feedback provided, sessions and materials will be updated with trainings scheduled annually in September.

The Planning Board will hold a public hearing on the Draft Master Plan on 2/25. Most of the concerns raised by members have been addressed through some minor revisions to the Draft. On March 11, 2019 Mr. Federspiel will attend the Planning Board meeting to review roles and expectations for how the Town Planner interacts with the Planning Board.

6. FY 2020 Budget Update/Discussion

- Health Insurance costs have decreased for the Town by 3.9% which results in a \$50K savings.
- The Town had an increase of 4 students to North Essex Regional Agricultural & Technical School for an increase of approximately \$50K.
- Mr. Federspiel outlined the 3 primary areas of Budget change: 1) Capital Budget increase to address water flow 2) Staffing re: community engagement and 3) estimated receipts and the option of keeping the tax rate at 1 ½ vs. 2 ½ %.
- Mr. Federspiel would like to finalize the Budget at the March 4, 2019 meeting with a vote and recommendation.
- The Board decided to schedule a meeting to review the Budget on Tuesday, February 26, 2019.

Proposed Capital Budget Change:

Proposal for upgrading water pipes from Magnolia Avenue eastward in response to the fire on University Lane. Hydrants in this area of Town produce no more than 500 GPM. Additional capital funds to accomplish more of this in the coming year could come from the general fund reserve and enterprise reserves.

The originally proposed capital plan for FY 20 had \$100K for water pipe upgrades and \$280K from the general fund for sewer plant and pipe upgrades. It is proposed the Town use the sewer fund balance in the amount of \$280K and redirect \$280K general fund money to water pipes. In addition, the Town could add \$350K from the water fund balance and take \$500K from the general fund balance.

The water pipe replacement project would increase to \$1.23M to improve flows in the eastern portion of Town. This proposal would correct about half of the low flow areas. With a similar effort in FY 21 the Town should be able to correct the remaining eastern portion of Town.

The Board asked how this proposal played into the Town's overall plan? Mr. Federspiel responded it is consistent with the plan – it is speeding the plan up. The Board also asked how Mr. Federspiel determined this was the appropriate amount of work to do? He replied it was determined in conjunction with the DPW Director. While an aggressive plan, the sense is it can be handled in light of the need.

Ms. Beckmann stated this is a significant amount of work. And asked was work proposed being shifted away from a different project to address this need? Mr. Federspiel replied no, this work was planned for but in a more phased way.

Full Budget Update Discussion was rescheduled for February 26, 2019.

7. Consent Agenda

- BOS Minutes – February 4, 2019
- Approval of Special Events Permit: Half Marathon By-the-Sea (9.22.19), Cape Ann Kids Ride (9.28.19) and Halloween Fright Raiser (10.25.19)

Ms. Jaques moved to approve the Consent Agenda with 2 edits (exasperate to exacerbate and Mr. to Ms. and “he to she”), Ms. Driscoll seconded the motion. The motion passed unanimously.

8. Correspondence

- Letter – France Caudill, Re: Central Pond Restoration
- Correspondence from MMA Re: Statewide Essay Contest for 8th Graders
- Letter – Lori MacCausland, Re: Managing Land under the Ocean

There was no additional comment about correspondence.

9. Town Administrator's Report

- 1) Resiliency Work:** As mentioned last week, MAPC and the Barr Foundation declined to consider a different study area but MAPC is willing to consider using another funding source to help us advance our resiliency planning. Mr. Federspiel will explore how the Town might advance a community discussion and feasibility analysis of a storm barrier at the mouth of the harbor. (He is open to other ideas as well, but this project would solve a number of issues the Town is facing.)
- 2) Valve and Hydrant Work:** The Town's contractor, Grenese, will return to the intersection of Central and School Streets on Tuesday to replace water valves in the area. The work will run through the rest of the week.
- 3) Long Beach/Sand Dollar Cove:** The meeting last Wednesday was well attended, primarily by folks who do not want to see any changes – residents argue that there are only a handful of days with large crowds, no accidents have happened and, at most, beef up patrol on high volume days. Ms. MacCausland and her position on protecting eelgrass became a major focus of the evening to the point of drowning out safety concerns. People expressed opposition to Senator Bruce Tarr's proposed new legislation (Senator Tarr came in at the end of the meeting.) At Ms. MacCausland's request, Senator Tarr had filed

legislation calling for DEP to develop model bylaws localities could use (at their option) to protect eelgrass beds. There was a strong negative response to Senator Tarr from those in attendance. Mr. Federspiel expects Senator Tarr to modify the legislation to focus on instructing DEP to disseminate eelgrass information to localities rather than develop model bylaws. The HAC will be meeting in March to develop any recommendations for the Board to consider. Mr. Federspiel recommends the Town pursue fixed moorings as an option to dropping private anchors as an initial step in better managing the crowds and to mark out the eel grass beds to discourage anchoring there

- 4) **Regional IT grant:** Middleton, working closely with Danvers, is pursuing a regional efficiency grant to review the possibility of Danvers becoming a regional service center for various IT needs. Mr. Federspiel has signed on as one of the seven North Shore towns interested in participating in the study.
- 5) **Parking Study:** Another grant being developed is a request from MAPC for assistance in conducting a parking study of the Village core. Parking complaints repeatedly came up during Master Plan public forums and workshops. If the funding comes through, the Town will receive an analysis of existing conditions and a series of suggested improvements to review.
- 6) **Shared Services Study:** The consultant working on this joint project with Essex spent the past two weeks interviewing department leaders in both communities. He was pleased with the detailed information he was able to collect and staff engagement.

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

11. Chebacco Woods Trail Suit (Possible Executive Session)

Ms. Jaques moved the meeting into Executive Session, Mr. Boling seconded the motion. The motion passed with Ms. Beckmann, Mr. Steinert, Ms. Driscoll, Ms. Jaques and Mr. Boling all voting yes.

Meeting Documents:

- Minutes, February 4, 2019
- Town Administrator's Briefing Memo
- Central Pond Restoration Activities and Evaluation
- Central Pond Restoration Summary of Community Outreach
- VHB – Construction Cost Estimate Comparison – Complete Streets
- Fire Department After Event Recommendations
- Annual Town Meeting Petition Articles Documentation – Food Ware and Polystyrene Reduction By-law and Addition of Industrial Sodium Fluoride to the Public Water Supply
- Community Preservation Committee Recommendations for FY 2020
- MBTS – Special Events Permit Applications for Half Marathon By-the-Sea (9.22.19), Cape Ann Kids Ride (9.28.19) and Halloween Fright Raiser (10.25.19)
- Letter – France Caudill, Re: Central Pond Restoration

- Correspondence from MMA Re: Statewide Essay Contest for 8th Graders
- Letter – Lori MacCausland, Re: Managing Land under the Ocean
- Board and Committee Training Follow Up Plan (Draft)

Upcoming BOS Meeting:

- Tuesday, February 26, 2019
- Monday, March 4, 2019
- Monday, March 18, 2019