



MANCHESTER-BY-THE-SEA

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

April 17, 2018

6:30 p.m.

Town Hall, Room 5

MEMBERS PRESENT: Chairman Boling, Mr. Kehoe, Ms. Driscoll, Mr. Steinert and Ms. Beckmann

MEMBERS ABSENT:

STAFF PRESENT: Mr. Federspiel, Town Administrator, Mr. Wilson, Town Moderator and Ms. Hunter, Secretary

GUESTS: Adele Ervin

PRESS:

At 6:30 p.m., Chairman Boling called the meeting to order. Chairman Boling indicated Ms. Hunter was recording the meeting.

1. Public Hearing – Pole Settings on Highland Ave. – Verizon

Mr. Kehoe moved to open the Verizon public hearing, Ms. Driscoll seconded the motion. The motion passed unanimously.

Mr. Bryan from Verizon stated Verizon is requesting permission for one new sole owned pole (Pole #10/6.5) about 6 Highland Avenue and one relocated sole owned pole (Pole # 10/6) about 7 and 9 Highland Ave.

Ms. Driscoll asked if all neighbors would be notified when the work was to begin and when the work will be completed. Mr. Bryan indicated Verizon would notify neighbors. Mr. Kehoe asked if the traffic flow would be interrupted? Mr. Bryan indicated he believed the road was wide enough to accommodate traffic and the work crews from Verizon.

Discussion was open to the public.

Mr. Houghton, Ox Pasture Road stated pole 6.5 was on his property line and if the pole is placed where it is currently proposed he will lose the use of his property. The proposed change by DPW, 6 feet off the pavement is still on his property – he believes this is not a public right-of-way. He proposed 2 options for solving the problem: 1) run the line underground with the electrical lines or 2) run the new line straight from Highland Ave.

Chairman Boling indicated he understood Mr. Houghton's position. Ideally the pole would remain in its current position. Mr. O'Brien whose family owns the property at 6

Highland Ave. stated the pole had been there for 40 years without a problem and it seemed like a lot of work suggesting the guide wire be replaced with new tree guides.

Mr. Bryan stated Mr. Steinert is concerned that the damaged tree between the property lines will be lost if the pole is not relocated. Verizon's engineer reviewed the problem and believes the proposed solution is sound.

Mr. Steinert stated the guide wire is new and is cutting into the tree which provides needed shade on his property. He employed an arborist who confirmed damage to the tree is the result of the guide wire. Mr. Steinert believes the new pole is in the right-of-way.

Chairman Boling stated he would have DPW verify the property lines and pole placement – suggesting the pole placement be moved if it is, in fact, on Mr. Houghton's property. Mr. Kehoe stated if it is off your property there is nothing to say – he regretted having to state that, but it is true.

Mr. Kehoe moved the pole discussion to the meeting scheduled on May 7, 2018 at 7:30 p.m., Ms. Driscoll seconded the motion. The motion passed unanimously.

2. Hazard Mitigation Plan Adoption

The Hazard Mitigation Plan has been through the review process. FEMA had questions, the questions were responded to and the plan has been accepted.

Ms. Driscoll moved to accept the approved plan, Mr. Kehoe seconded the motion. The plan adoption passed unanimously.

3. ZBA Candidate Interview

Ms. Kathryn Howe, 3 Woodholm Lane, has applied for the position on Zoning Board of Appeals being vacated by Mr. Sullivan. Ms. Howe is an attorney, property owner in OH and Boston, MA – stated she can read and understand laws as they apply to zoning and will familiarize herself with the specific laws of the Town.

Chairman Boling stated he believes she is familiar with the requirements of the position and is an excellent candidate. Mr. Kehoe asked if Ms. Howe had been to any ZBA meetings she stated she has been to 2 meetings and would feel comfortable serving on the Board. Ms. Driscoll indicated she has a strong background and is an excellent candidate.

Ms. Driscoll moved to appoint Ms. Howe to the Zoning Board of Appeals through 2019, completing the term of Mr. Sullivan, Mr. Kehoe seconded the motion. The motion passed unanimously.

4. Water Bill Abatement Request – Vermilye

Chairman Boling summarized the abatement request from Ms. Vermilye on 157 School Street. There was an accidental break in the line of their irrigation system which resulted in 88,500 cu/ft of water and a water bill of \$6,743.13. No one is aware of how

the water was turned on – it is believed the line froze and water was leaked from the system. DPW reviewed the situation and decreased the bill to \$3,194.13.

Chairman Boling believes DPW used the old process and not the updated resolution process from last year. Chairman Boling went on to say we are not in the business of punishing people for mistakes. He has asked Mr. Federspiel to return the bill to Ms. Taylor and to apply the new resolution process to the bill – i.e. bill for the cost the Town incurred producing and delivering the water.

Mr. Federspiel will follow up on the directive and if the resident is not happy they may request an abatement to the 3rd invoice.

5. DIP: Discussion on Trial “Round About” at Bridge/Pine/Central

Mr. Rossi and Mr. Harris from DIP were in to discuss the proposed trial roundabout for the intersection of Pine/Central/Bridge/Bennett Streets. Their request is the BOS approve a trial layout with cones and signs for the month of May. A preliminary test was conducted this past weekend and it was established that the roundabout would fit in the location. Mr. Rossi indicated the Town may need to reclaim some of the land appropriated by the gas station.

Mr. Rossi and Mr. Harris propose the trial to start on April 30 and run through May 28. They are planning to place an article in the *Cricket* informing the community of the trial roundabout and have scheduled 2 information sessions for April 23rd.

Chairman Boling indicated he thought the logistic sounded good and knew some people support the concept and some do not. He is concerned about the April start date. A concern also expressed by Mr. Kehoe.

Ms. Driscoll expressed the concern stated to her by boat yard owners and asked if someone would speak with them directly to address their concerns regarding moving large boats through the roundabout. Mr. Rossi indicated he would speak to the boat yard owners himself.

Mr. Steinert was concerned about justifying the change for community members and asked how DIP planned to collect data on the roundabout. Mr. Rossi stated the work and study on 4-way intersections has been done and is conclusive. A 4-way intersection creates 32 opportunities for vehicles to meet each other and 28 opportunities for pedestrians to meet a vehicle. A roundabout limit the possible contacts to 8 for vehicles and pedestrians. Roundabouts are proven to be a safe means of avoiding accidents.

Chairman Boling suggested the DIP conduct the trial and collect data by polling residents following the trial. Mr. Kehoe asked whose responsibility it would be to write up the results.

The Board’s most significant concern regarding the trial is timing. Ms. Beckmann indicated she supported the trial and the plan for the roundabout was well thought out but the community piece and communication with boatyards and neighbors was lacking. She wants the trial to be a success and believes additional time is needed to communicate.

The BOS and DIP agreed on a new schedule for the trial. May 14, 2018 to June 8, 2018 including Memorial Day Weekend. The trial will be announced in the *Cricket*, on the Town website, in the BOS May Newsletter and information sessions will be scheduled.

6. Consent Agenda

- BOS Minutes – 2/26/18, 3/5/18, 3/19/18, 4/2/18 and 4/9/18
- Fish Trap License – Doug Jermain
- Common Victualler License Renewal – Laughing Gull
- Selectmen’s Citizenship Award
- Arbor Day Proclamation
- Eagle Scout Proclamation – Thomas Surette
- M/E Little League – Request for Sponsor Banners at Sweeney Park
- Request to Approve Tour-De-Cure Fundraising Event Scheduled for May 20, 2018
- Request from Carol Bender, Head of Youth Services at Public Library for Approval of Touch-a-Truck Event Scheduled for Tuesday, June 26, 2018 or July 17, 2018
- Declare K-9 Unit Surplus

Minutes for 3/5/18 and Declare K-9 Unit Surplus was also pulled out. Chairman Boling asked which of the Board members would like to present the Eagle Scout Proclamation, Mr. Kehoe would very much like to attend depending on his availability – if Mr. Kehoe is not available Chairman Boling will present. Citizenship Award will be present on May 24, 2018 at 7:00 p.m. it was undecided who would be present to present the award.

Mr. Kehoe moved to approve the Consent Agenda, Ms. Driscoll seconded the motion. The motion passed unanimously.

Ms. Driscoll moved to approve the Minutes of March 5, 2018 with the edit on page 2 (would to word), Chairman Boling seconded the motion. The motion passed 3 in favor and 1 abstaining.

Mr. Kehoe and Chairman Boling were under the impression that it was important to the Town to have a Canine on the force because there were no dogs available to the Town. Mr. Kehoe expressed concern that if someone is lost the Town will not be able to respond. It was also understood that the Gloucester Canine was not available to MBTS.

Ms. Driscoll indicated the Gloucester Canine did come to Town for a recent search and the Town also has immediate access to the State Police Canine Unit and the Sheriff’s Canine unit out of Middleton which has 8 dogs.

It was stated that the BOS was led to believe the Town needed a Canine. Chief Conley is comfortable not having a Canine on the force and relying on outside resources. The Canine cruiser was also discussed – it was concluded this will be left to Chief Conley to resolve.

Ms. Driscoll moved to declare the K-9 Unit Surplus, Mr. Steinert seconded the motion. The motion passed unanimously.

7. Correspondence

- A letter from the U.S. Fish and Wildlife Service Regarding Proposed Boundaries for the Coastal Barrier Resources System
- Two Letters from Xfinity Listing Updates on Xfinity TV Options
- A letter from MASSDOT Regarding Pavement Preservation and Related Work on Route 128
- A letter from Organization of Nurse Leasers Regarding a Proposed November Ballot Questions

Chairman Boling indicated the letter from the U.S. Fish and Wildlife Service should be forwarded to the Harbor Master. He also stated he did not see it was necessary for the BOS to support the ballot question addressed in the letter from the Organization of Nurses and the Board agreed.

8. Town Administrator's Report

The Board moved quickly through the Town Administrator's report. Mr. Federspiel indicated the new DPW Director had started and the new Executive Administrator's Assistant will be starting on May 11, 2018. Additionally, the Police Department has hired 2 new employees who will be starting at the Police Academy on June 4, 2018.

The Chowder House work will be completed by the end of the month and the Rotunda crew will be starting within the next 2 weeks.

Assessor's Appeal Victory on Coolidge Point was an important victory for the Town.

The Town has received a grant to complete a new inventory of Town Trees. DPW Director Dam recommends that the Town use a standard of tress within 5 feet of the edge of a sidewalk or absent a sidewalk, from the edge of road pavement as the limit of our reach. A verified right-of-way that goes beyond this limit would be the exception to this general rule.

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

10. Executive Session – Discuss Litigation Strategy Costa vs. Town

*Motion to **move into executive session** was made by Chairman Boling and seconded by Mr. Steinert. The motion passed unanimously.*

Meeting Documents: As noted above – there were no additional documents referred to in this meeting.

Submitted by: Gail Hunter

Approved: May 7, 2018