



# MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN • TOWN HALL  
Manchester-by-the-Sea, Massachusetts 01944-1399  
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## MINUTES OF THE BOARD OF SELECTMEN

May 7, 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 and Ms. Hunter, Secretary

**GUESTS:** Adele Ervin

**PRESS:**

At 6:30 p.m. Chairman Boling called the 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, Chairman Boling asked those present to please turn off or silence their cell phones.

Chairman Boling asked for a moment of silence of three notable community members who passed away recently: Nina Adams, Geraldine Costello and Gordon Bell.

### 1. Discussion: Request to Stop Fluoridation of Town Water

Chairman Boling initiated the discussion by stating today's meeting would define the process to resolve the request to stop fluoridation in Town water.

He stated there was an established State process for adding fluoride to water, however, there was no State process for stopping fluoridation. The Town could file a Home Rule Petition at the beginning of the 2019 Legislative Session to clearly define an approved Legislative process.

Both the Board of Selectmen (BOS) and the Board of Health (BOH) have significant technical material to review before moving forward. Although it might be possible for the BOS to make the decision regarding water fluoridation Chairman Boling feels it is a community decision, especially since the voters approved fluoridation in the first place.

Mr. Kehoe stated since fluoridation was voted by the Annual Town Meeting (ATM) in 1982 he does not think the BOS should unilaterally decide to override the addition of fluoridation to Town water. He further stated that working with the BOH to educate the community on the issue through open forums will result in an informed decision by the community.

Ms. Beckmann stated she would like to see the BOS define a timeline and develop a plan for moving forward on the issue as to whether or not to stop fluoridation.

Chairman Boling indicated the BOS and BOH will work together to develop a plan and possibly bring the issue to ATM in spring of 2019.

Mr. Kehoe believes since we are about to enter the summer months of June, July and August when citizens are less likely to participate in community forums it would be best to target the middle of fall for informational forums. He also stated it takes a significant amount of time to digest the information presented.

Dr. Bradley, a member of the BOH, indicated the BOH was just beginning its discussion on the fluoridation issue when Ms. McGovern and her supporters walked into the meeting and informed the BOH it was not up to the BOH to make the decision, it was up to the BOS. Dr. Bradley stated after Ms. McGovern left the BOH meeting the Board members thought the issue should go to ATM.

Chairman Boling and Ms. Beckmann will work with the BOH to define a timeline and develop a plan. The BOH is meeting next on May 31st at 8:30 a.m.

Chairman Boling indicated he would allow one person from the stop fluoridation group to speak on the group's behalf.

Ms. Keefe, 8 Victoria Rd. spoke on behalf of the stop fluoridation group. She stated she was a registered nurse and taught at Endicott College School of Nursing. Since becoming aware of the fluoridation issue she has focused on: 1. Do No Harm expressing concern for children, the elderly and those who cannot afford bottled water and 2. Informed Consent regarding fluoride in the entire water supply – it is a toxic chemical from China, that destroys the good bacteria in our guts and according to 50 studies decreases IQ's. She stated she thought it was important for fluoride to be a choice for community members.

## **2. Public Hearing – Requests for Tree Removals on Vine Street, Lincoln Street and School Street**

*Mr. Kehoe moved to open the public hearing on tree removals, Ms. Beckmann seconded the motion. The motion passed unanimously.*

Chairman Boling indicated there were 4 trees on one request and 1 tree on the second request at 89 School Street. It was decided to address the tree on School Street first.

Mr. Henderson, Town Tree Warden, discussed the status of the large linden tree at 89 School Street. The tree is 75 years old, entire crown of the tree is dying, and the tree has a pathogenic fungus which stops nutrition from getting to the top of the tree. From the trunk to middle the tree looks healthy, however, that is a false perception. Mr. Henderson believes the tree is a safety hazard. Mr. Kehoe looked at the tree earlier today and stated the tree did not look healthy and he had been informed many branches had fallen from the tree during the March storms. Mr. Turner, 89 School Street, expressed concern for the power and cable lines in the area if the tree were to come down on its own. He supports the findings of the Tree Warden.

Discussion moved to the 4 trees at 41 Lincoln Street and 36 Vine Street.

The Developer, Mr. McNiff, indicated there were 4 trees on the proposed building site that needed to come down. The tree at 41 Lincoln Street was at the end of the driveway in the center of the proposed curb cut. The other 3 trees are located at 36 Vine Street; 2 of the trees are extremely close to the proposed new house and the 3<sup>rd</sup> tree is also located in the center of a proposed new curb cut.

Chairman Boling initiated the discussion on the 4 trees located at 36 Vine Street and 41 Lincoln Street by stating the 4 trees were good sized trees, all healthy and provide significant canopy for the neighborhood. Chairman Boling indicated that he had had a discussion with the Chairman of the Planning Board and the trees had not been discussed with the Planning Board. The Planning Board had not done a formal site visit prior to approving the Developer's Plans and the trees were not considered in the Board's approval.

Chairman Boling read a statement from Planning Board member, Christine Delisio. She wrote "the trees being discussed tonight were not discussed or contemplated during our meeting. The trees were not to the best of my recollection on the site plans."

Mr. Kehoe stated all the trees were healthy and he was concerned about losing 4 trees on the lot. He indicated, according to the plans he was provided, the curb cut at 41 Lincoln Street was 21 ft. wide and questioned if it was necessary to take down all 4 trees. If it was determined to be necessary, he would like the Town to receive something in return from the Developer and suggested a significant contribution to purchase trees for the Town. Mr. Kehoe also indicated the School Building Committee had worked to keep the area around the School green and this proposal was taking the neighborhood in the opposite direction.

Ms. Beckmann asked if the curb cuts could be changed to salvage trees. She indicated it would be good for the Planning Board to look at the plans considering the number of trees being removed.

Chairman Boling opened the discussion to members of the community.

Ms. Vago, 33 Lincoln Street indicated there were many trees marked with X's and the trees coming down would open the neighborhood to additional noise from the school. She suggested planting trees in front of the school to help with noise.

Property Manager for 41 Vine Street, the Dentist Office, as an abutter to the new building site, said she was not notified about the new curb cuts and was concerned about the impact these new curb cuts would have on patients entering and leaving the offices. She was also concerned about the loss of 4 healthy trees and the impact this would have on the already high-water table in the area. She mentioned specific concern for the beavers and their dam.

Mr. Kirk, 34 Vine Street is opposed to the removal of the trees because the tree removal will impact the beauty of the neighborhood and replacement trees will take years to grow and provide the shade of the current trees. He was also concerned the Planning Board did not have a site visit. Additionally, he was concerned for the safety of the

children in the neighborhood when the new house is under construction. He stated there are already trucks blocking sidewalks. Parking is always a challenge in the neighborhood when there is an event at Memorial School, adding a new house will add to that challenge.

Mr. Masterson, 21 Vine Street moved to Manchester 5 years ago partly for the beautiful leafy trees in the neighborhood. He has noticed a huge change in the past 5 years especially in areas where there are no trees. He stated, where there are no trees there is significant degradation to sidewalks, areas are baked dry and the sidewalks are turning into ditches because of the lack of foliage. He believes it is important to preserve the nature of the community and if a Developer takes down trees there is an obligation to put in new trees and care for them to maturity.

Ms. Ervin, 113 Ocean Street stated the trees were there long before we were, and the trees have a right to stay where they are. The Developer should go around the trees – trees are an integral part of Manchester.

Chairman Boling asked if there were additional questions from the community, there were none.

Mr. Kehoe asked Mr. Pietrini, the property owner, if he was willing to take the plans back to the Planning Board to change the curb cuts and save a couple of trees. Mr. Pietrini replied no.

Mr. McNiff stated he appreciated the comments on the curb cuts, however, Mr. Kehoe was misstating the width of the curb cuts as they were 12 and 14 feet. (Mr. Kehoe had an earlier site plan that showed 21 feet.)

He also stated as the Developer he went through every Board in the community. The trees are on the owner's land and he was not aware he needed permission from the Board of Selectmen to cut down trees on land owned by an individual.

Mr. Kehoe stated, you may have followed the rule, but the BOS gives permission to take out trees and can rightfully require trees be replaced.

Ms. Beckmann feels the Planning Board and BOS need to have a conversation and discuss the tree removal and suggested continuing the discussion to the next BOS meeting.

Chairman Boling asked for the owner and developer to work with the BOS and Planning Board and stated we can say no. Chairman Boling further stated the BOS is conservative about this request because it is worth it to the Town to do this right – it takes a long time for trees to grow.

*Mr. Kehoe moved to close the public hearing for the tree at 89 School Street, Ms. Driscoll seconded the motion. The motion passed unanimously.*

*Mr. Kehoe moved the BOS approve the removal of the linden tree at 89 School Street, Ms. Driscoll seconded the motion. The motion passed unanimously.*

*Mr. Kehoe moved to continue the public hearing on trees located at 36 Vine Street and 41 Lincoln Street to the next BOS meeting on May 21, 2018 at 6:30 p.m. Ms. Beckmann seconded the motion.*

### **3. OPEB Trust Policy – 1<sup>st</sup> Reading was continued to May 21, 2018**

#### **4. Chair Presentation and Tribute to Mr. Kehoe**

Chairman Boling stated this would be Mr. Kehoe's last meeting sitting on the Board of Selectmen. He thanked Mr. Kehoe for his thoughtful, informative, civil and engaging conversations. Chairman Boling said he will miss Mr. Kehoe's presence and it has been a pleasure serving with Mr. Kehoe.

Ms. Beckmann stated she has learned more from Mr. Kehoe than she recalls. She noted Mr. Kehoe has done so much for the community and it has been an honor and pleasure to serve on the Board with him.

Ms. Driscoll read a letter from Ms. Hardwick who noted among other things that Mr. Kehoe is the most organized and prepared person she served with on the BOS and it had been an honor to serve with him. Ms. Driscoll agreed with all of Ms. Hardwick's comments and noted it was too difficult to begin a tribute to Mr. Kehoe when Ms. Hardwick had stated her feelings so well.

Mr. Steinert stated he grew up 3 doors down from Mr. Kehoe, he has known him all his life. Mr. Kehoe represents what it means to give back to the community and it is his example that is the reason Mr. Steinert is sitting on the Board tonight.

Mr. Wilson noted Mr. Kehoe's 12 years as a Selectman (4 years as Chairman), 40 years as a Volunteer Fire Fighter, years of service to the Boy Scouts, Planning Board and Parks and Recreation Committee. Mr. Wilson appreciated the depth of preparation Mr. Kehoe put into any issue he needed to address. He further stated no one cares more than Mr. Kehoe about the Town of Manchester. Mr. Wilson said it had been an honor to work with Mr. Kehoe in Town government.

Representative Brad Hill presented Mr. Kehoe with the Governor's Citation and the House of Representatives Resolution. He stated Mr. Kehoe was an inspirational public servant.

Senator Tarr presented Mr. Kehoe with the State Senate Citation signed by the President of the Senate, Harriet Chandler. He noted that Mr. Kehoe was a glowing example for all of us; he is a statesman, citizen of the Town and friend.

Mr. Kehoe expressed his heartfelt thanks to all assembled and noted it had been his honor to serve on the Board.

#### **5. Public Hearing – Pole Settings on Highland Ave. – Verizon**

*Chairman Boling moved to continue the Public Hearing on Pole Settings on Highland Ave., Mr. Kehoe seconded the motion. The motion passed unanimously.*

Verizon representative stated he had met with abutters and had a good discussion. All parties agreed on a new placement for pole 10/6.15.

Mr. Houghton, Ox Pasteur Road, complimented Mr. Dam, the new DPW Director, stating he had done a great job in helping to resolve the pole setting issue.

*Mr. Kehoe moved to close the Public Hearing, Ms. Beckmann seconded the motion. The motion passed unanimously.*

*Mr. Kehoe moved to reinstall the pole on Highland Ave. pole 10/6/15 in the agreed upon location, Ms. Driscoll seconded the motion. The motion passed unanimously.*

## **6. DIP: Discussion of Trial “Round About” at Bridge/Pine/Central**

Mr. Federspiel outlined the proposed “Round About” trial which is scheduled to begin on Monday, May 14<sup>th</sup> running through June 8<sup>th</sup> with lay out in the morning after rush hour.

Installation will consists of rubber strips to form the circle, 3 warning signs and tapped cross walks. The DIP Committee hopes to set up cameras to video movement through the “round about”. Mr. Federspiel also stated neighbors and the community will be surveyed following the trial to measure satisfaction/dissatisfaction with the “Round About” Trial.

Mr. Steinert expressed concern with the methodology of recording information on the trial. He indicated there were no bench marks defined prior to the trial and it was not clear what exactly was being measured during the trial. He fears without a clear definition of the current problems we will not be able to assess the impact of the round-about very well.

## **7. Consent Agenda**

- BOS minutes – March 27, 2018 and April 17, 2018
- Special One Day Liquor License – Manchester Masonic Building Association May 12, 6-10PM
- Amended Approval of Fish Trap License for Davis Jermain, Lic. # 291R
- Temporary Water Plant O&M Contract Extension with Woodard and Curran through December, 2018
- Eagle Scout Proclamation – Benjamin Quade
- Elder Abuse Awareness Day June 19, 10:00-11:30 by the COA on the Common
- Memorial Bench Approvals in Masconomo Park for Douglas Strating and Connie Sklivas
- Special Events: Coast to the Cure (Sept 8) and the North Shore Showcase (May 20)
- Revised Field Permit Request Form crafted by the Park and Recreation Committee
- Surplus Property: Fire Dept and Library Trustees
- Revised Plumbing Permit Fees - \$50 base plus \$20/fixture

- ZBA Membership – Mike Sullivan as an alternate through June, 2018

All items except for Special One Day Liquor License and Special Events: The North Shore Showcase remained in the Consent Agenda motion.

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

Discussion for Special One Day Liquor License focused on the lack of TIP Certified Servers on the application. Mr. Kehoe recommended approving the license with the provision that the names of the TIP Certified Servers be provided by Wednesday afternoon. Mr. Kehoe also stated it was important for the Town to be clear about this requirement in the future and a statement to that fact should be included with the license request form.

*Mr. Kehoe moved to approve the Special One Day Liquor License for Manchester Masonic Building Association, Ms. Beckmann seconded the motion. The motion passed unanimously.*

Special Events: The North Shore Showcase was referred to the MERSD for Approval.

#### **8. Correspondence – there was no comment on correspondence.**

#### **9. Town Administrator’s Report**

- Route 127 Paving – mill and overlay is likely to take place in early June, from just east of Hickory Hill extending eastward into Gloucester.
- Presidential Disaster Declaration, the Governor has submitted the paperwork – the State is waiting for sign off by the President. FEMA will administer the funds and the Town is eligible for 75% of the cost of repairs.
- Tuck’s Point: Repair work is wrapping up on both the Chowder House and the Rotunda.
- Shared Facility Project Manager with MERSD. The person would be responsible for facility maintenance, long range capital planning and project management. The goal is to have someone fill this position in July.
- Marijuana Retailer: approached by one potential start-up company that maybe interested in opening a retail shop in the LCD. However, there is no easily developed parcel/building they may end up in Gloucester or Salem.
- Capital Planning Summit with the School District and Essex: May 16<sup>th</sup> at the High School: focus on new Memorial School, Essex Elementary School renovations and possibility of community center addition to the new building.
- Cub Scout Camp-Out: The annual beach camp out is being moved to Tuck’s Point because of the sand situation at Singing Beach. May 19<sup>th</sup> is the requested day/night. Mr. Kehoe suggested confirmation that the toilet facilities would be open for the event.

- Goal Setting for FY 19 is scheduled for May 29<sup>th</sup> at 6:30 p.m.

*Mr. Kehoe moved to approve the use of Tuck's Point for Cub Scout Camp-Out, Ms. Driscoll seconded the motion. The motion passed unanimously.*

**10. Other Matters, as may not have been reasonably anticipated by the Chair (discussion only). NONE**

**11. Executive Session – Discuss Litigation Strategy Costa vs. Town; Bennett vs. ZBA**

*Motion to **move into executive session** for the purpose of discussing strategy for pending litigation before the Town with the Chairman declaring that public disclosure of possible strategies would be detrimental to the Town was made by Chairman Boling and seconded by Mr. Kehoe. The motion passed unanimously by roll call vote.*

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

Submitted by: Gail Hunter

Approved : June 4, 2018