



# MANCHESTER-BY-THE-SEA

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

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July 8, 2019

6:30 p.m.

Town Hall, 5

**MEMBERS PRESENT:** Chairperson, Mr. Boling, Ms. Driscoll, Ms. Jaques, Mr. Steinert and Mr. Bodmer-Turner.

**MEMBERS ABSENT:**

**STAFF PRESENT:** Town Administrator, Mr. Federspiel, BOS/TA Executive Assistant, Ms. Nathan, Town Planner, Sue Brown

**GUESTS:** Mr. Toby Wolf,

**PRESS:**

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Mr. Boling called the BOS meeting to order at 6:34 p.m. Stated the meeting was being recorded by Studio 1623 (Cape Ann TV) for later broadcast and by Ms. Nathan for accuracy in minutes. He asked if anyone was recording the meeting to let him know and requested attendees to silence their cell phones.

Mr. Boling requested a moment of silence for the passing of Andy Harris, longtime volunteer and advocate of culture/wellbeing, who cared for the town and its residents very much.

Mr. Boling asked if there was public comment on items not on the agenda? Tom Kehoe, 20 Lincoln Street, and Sue Thorne, 94 Bridge Street, 375<sup>th</sup> Celebration Committee Co-Chairs, informed the Board they will be passing out Richie's Slush along with a preliminary calendar of events at the Parks & Rec concert on July 9.

### 1) Board of Health Appointment – Peter Colarusso

Mr. Colarusso, 4 Rockwood Heights Road, spoke about his interest in the Board of Health position and his relevant experience. He moved to town in December 2018 to be closer to his son and son's family. Mr. Colarusso is a Tufts graduate with a dual degree in chemistry and biology and an MBA in Strategic Planning from M.I.T.'s Sloan School of Business. He is retired and available 24/7.

*Ms. Driscoll moved to appoint Mr. Colarusso to the Board of Health. Ms. Jaques seconded the motion. The motion passed unanimously.*

### 2) Public Hearing – Liquor License Hearing: Dynamic Restaurant Group LLC d/b/a The Mooring, 25 Union Street

**This issue was taken out of order.**

*Mr. Bodmer-Turner moved to open the public hearing on the Liquor License Hearing for Dynamic Restaurant Group LLC d/b/a The Mooring, 25 Union Street; Ms. Jaques seconded the motion. The motion passed unanimously.*

Mr. Ryan Gazda, Attorney from the Law Offices of William G. Ferullo, spoke on behalf of his client, Michael Rossa, majority owner and Manager of Record for the Mooring. The Mooring will be a full serve restaurant with 45-47 seats. The rebranding of the existing space previously occupied by Superfine will include a light remodel and slight expansion of the bar from 8 to 15 seats. Rossa has been employed as a bartender and manager in the restaurant industry for over 10 years including Cala's in Manchester-by-the-Sea. The Mooring is targeted to open early to mid-August.

There were no questions from the public.

Mr. Boling indicated that he wanted to get information from 1-2 other Town Offices relative to this Liquor License request and requested a short continuation of the Public Hearing until Monday, July 22.

*Ms. Jaques moved to continue the Mooring's Liquor License hearing until July 22. Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.*

### **3) Consent Agenda**

- **BOS Minutes – June 10, 2019 and June 24, 2019**
- **Donation – Atwater Kent Foundation**
- **Common Victualler's License –Helen's Bottle Shop LLC**
- **Board Reappointments: M.A.P.C. Representative, Christine DeLisio; North Shore Task Force Representative, Christine DeLisio**
- **Extend No Parking Zone at #46 Brook Street**

*Ms. Jaques moved to approve the Consent Agenda with the exclusion of the June 10 minutes which Mr. Boling needs to edit and the Extend No Parking Zone at #46 Brook Street as Mr. Boling requested the issue be further discussed at a Public Hearing to be held on July 22. Ms. Driscoll seconded. The motion passed with Ms. Driscoll, Ms. Jacques, Mr. Bodmer-Turner and Mr. Steinert voting in favor.*

### **4) Correspondence**

- **Letter Re: Elizabeth Dukes-Martin's MAA designation**
- **Notice of Decision from the Planning Board Re: MERSD Special Permit**
- **Letter Re: FY19 Senior Tax Work Off Program**
- **Letter Re: DecTam Environmental Services Asbestos Abatement Project at Landmark School**
- **Letter Re: Xfinity On Demand App No Longer Available**

- **Letter Re: SeniorCare Annual Service Report**

Ms. Driscoll gave kudos to Elizabeth Dukes-Martin on her MAA designation and expressed appreciation to Dukes-Martin on her willingness to expand her skill set.

**5) Town Administrator's Report**

A Disclosure Form from the Health Insurance Trust needs to be approved by the Board. The form is acknowledging that while there is a potential conflict of interest between the interest of the town and Mr. Federspiel's role as a Health Insurance Trust board member, the conflict is manageable and the Board is aware of it. The benefits outweigh any potential conflicts.

*Ms. Driscoll moved for the Board of Selectmen to sign off on the Health Insurance Trust's Disclosure Form. Ms. Jacques seconded. The motion passed unanimously.*

The Board of Selectmen will be holding a workshop on Friday, July 12 at Seaside One to go over priorities and to review/fine tune how meetings are conducted. Potential topics for discussion: advancing a new communications strategy and staffing plan, public safety leadership and dispatching options, facility plans (Senior Center, DPW, etc.) and other capital planning, union negotiations for the contracts expiring in June and the master plan implementation.

Mr. Federspiel provided a post-holiday update to the Board. Some residents couldn't park at White Beach as the parking area was full. On the Police department's list is to check parked cars for resident stickers.

A car drove on the sidewalk near Singing Beach triggering public safety concern during times of peak crowds.

Ms. Driscoll expressed appreciation to the Parks & Rec volunteers for positioning themselves along the 4<sup>th</sup> of July parade route.

Mr. Federspiel discussed the construction of a Harbor Master Office with public restrooms. The design effort will get underway in the fall with voter approved funds. The Harbormaster's idea of this is geared towards transient boaters. He has applied to the Seacoast Economic Council for construction funds with the concept that this building will serve as a maritime center and mini-visitor center..

Interim Police Chief Fitzgerald has advanced a proposal with the MERHS and Essex for a new School Resource Officer. Mr. Federspiel suggested this topic appear on the July 22 agenda with Interim Police Chief Fitzgerald presenting the proposal along with providing a general update on police activities at the same time. Town Administrator Federspiel will invite the Fin Com and School District to attend.

**6) Continuation of Public Hearing for Tree Removal from June 24**

Mr. Boling provided a refresher on the background of the Veteran's Memorial project combined with a general upgrade of the Town Common including modification of the Town Common to replace asphalt and make the walk from the Police Station to Town

Hall more accessible plus replace identified trees on the Town Common. Mr. Boling also stressed that relocating the Veteran's Memorial to another location was not a subject up for debate.

Mr. Wolf, Wolf Landscape Architect, and the Town's consultant for the design of the new lay-out, provided an overview of the Town Common improvements including the addition of 13 new trees. He detailed the improvements that will take place including putting green space in the middle of the Common with the Oval in the center while the fountain remains in the same location. Mr. Wolf advocated for planting canopy/shade trees principally native to North America. He showed the trees to be removed-2 Norway Maples and 3 Magnolias as they are doing poorly, the Elm and Linden due to location of their roots and safety due to the rebuilding of the path. The Elm could be kept in place if the grading was not elevated as currently planned. To replace the Linden he proposed a Persian Ironwood and for the Elm a Willow Oak as they are both attractive. The replacement trees would be 15-20' tall at the time of planting. The goal would be to have a consistent grade around the trees.

Mr. Boling opened up the hearing for public comments.

Hilda Daley, 53 Forest Street, expressed concern about removing potential Memorial Trees.

Su Mittermaier, 38 Sea Street, President of the Friends of Trees, stated there was no record of what trees if any were memorial trees.

Jennifer Falconer, 4A Church Street, inquired why a small path couldn't be relocated to save a beautiful Linden tree? She urged the trees with huge canopies be saved as it will take 20-40 years to get the proposed trees to the size of the trees slated to be taken down. Ms. Falconer encouraged every effort should be made to save these trees. She asked what a Tree Warden does. Isn't it his job to give the Town advice on the trees around town? She questioned how the residents can assume the new trees will be cared for any better than the ones slated for removal and suggested that public trees and walkways need to be better maintained as they are part of the infrastructure just like pipes.

Robert Reed, 12 Forster Road, stressed that taxpayers money should be used more judiciously and that he would love to see as many full canopied trees saved as possible. Ideally he'd like to see everything done to see the trees proposed to be removed are saved.

George Smith, 8 Masconomo Street, Save the old trees. He spoke in favor of keeping most of those trees except for the 2 hybrid Elms and proposed replacing them with American Elms. He urged people to think of the future.

Tom Kehoe, 11 Lincoln Street, Board should consider Tree Warden taking trees down that aren't healthy and that there should be a maintenance contract to protect the others.

Sandra Rogers, 82 Old Essex Road, Retaining older trees is important to creating an environment that people enjoy. Greenery attracts people.

Richard Rogers, 82 Old Essex Road, There is a strong emotional attachment to Elm trees. If there is a mature Elm we should do everything we can to protect them.

Peter Minasian, 5 Woodholm Road, Manchester Friends of Trees, Asked for reassurance from Mr. Wolf that the trees not native to New England can survive in this climate. Mr. Wolf responded that 2 of the trees not native to New England but are native to the Northeast would be hearty enough: Bald Cypruss, Chestnut Oak and Persian Ironwood. Mr. Wolf added that he would inspect trees at nurseries and onsite. If a tree doesn't look ideal for the Town's purposes it wouldn't make the cut. The growth rate for a 15-20' tree with a 8-10' diameter canopy, will see minimal growth for a year or two but then bounce back to 12-18" of new height annually when it hits its stride. Trees will be selected for their strength and quick growth. Construction of memorial will affect Norway Maple closest to Central Street.

Ms. Driscoll said she liked to see as much as possible done to save the Linden and Elm trees. She is aware that the Magnolias and the Norway Maples are in declining health according to the Tree Warden.

Ms. Jaques agreed and suggested we look at the trees that will thrive in this climate.

Mr. Bodmer-Turner was also in agreement with what had been previously stated. He urged the Town to make a strong commitment to tree maintenance and pruning the trees as often as possible.

Mr. Steinert would hate to lose substantial trees without considering the context of the uses of the Town Hall in the future. He suggested no change be made beyond removal of the Magnolias and asked why the Town would get rid of a known asset.

Mr. Boling disagreed, feeling that, regardless of the future uses of Town Hall, the Town Common will remain and need to be a well landscaped space. He noted there are no specific plans in the next 10-20 years for new uses of the current Town Hall.

Mr. Steinert expressed that the Town Hall is the most critical space in Manchester-by-the-Sea and therefore it's critical that the building be preserved.

Mr. Boling is supportive of saving as many trees as we can. He shares the opinion that the Elm & Linden can be saved, that the struggle with the Norway Maples will rely on the Tree Warden's advice about them and the Magnolias should be replaced as quickly as possible.

*Ms. Jaques moved to close the Continuation of the evidentiary portion of the Public Hearing for Tree Removal. Mr. Bodmer-Turner seconded the motion. The motion passed unanimously.*

*Ms. Driscoll moved to list the following trees for removal:*

*Behind benches 6", 8" and 10" Magnolia*

*Next to War Memorial 26" Norway Maple*

*Along Town Hall Driveway 18" Norway Maple*

*Ms. Jaques seconded and asked if it was possible to remove the trees in stages, with the Norway Maple removed after summer is over as construction won't begin until the fall.*

*Ms. Driscoll amended the original motion to list the following trees for removal:  
Behind benches                      6",8" and 10" Magnolia*

*The following trees would **not** be removed by default of not mentioning:*

*26" Elm (behind benches)  
26" Linden (along Town Hall Driveway)  
The motion passed unanimously.*

It was decided that the 26' Norway Maple is not healthy and is physically on the path where the Memorial will be located. The 18' Norway Maple is located too close to the retaining wall where the stairs will be built. Construction would disturb the smaller Norway Maples' roots and could cause it to topple over during a heavy storm. It was suggested to replace the Norway Maple closest to Central Street with a 15-20' Swamp White Oak.

*Ms. Jaques moved to approve the following trees for removal:  
Next to War Memorial              26" Norway Maple  
Along Town Hall Driveway      18" Norway Maple  
Mr. Boling seconded the motion. The motion passed unanimously.*

Mr. Steinert was concerned that the Board didn't have access to a 3D diagram of the trees proposed for removal and felt the process of how the Board came to their decision is flawed as they didn't look at things holistically but rather in a piecemeal manner.

Ms. Jaques stated that the Board isn't looking at things holistically but hasn't failed either as they are still listening to public comment and tried to do the best they could.

Ms. Bodmer-Turner suggested that the biggest failure that could come out of this is to not recognize the importance of a maintenance plan to keep these new trees healthy.

## **7) Board/Committee Handbook**

Overall the Board felt the the draft was a ;very good start. They want to makae sure the handbook stresses the importance of board and committee members always keep in mind that they serve for the benefit of the general public and not to advance their own personal agenda. Other additions suggested include annual goal setting with ties back to the master plan, coordinating work with other boards and committees and a section on staff/board relations. The Selectmen asked the Town Administrator to bring back a revised version.

### **Adjourn:**

*Ms. Driscoll moved to adjourn, Ms. Jaques seconded the motion. The motion passed unanimously.*

## **Meeting Documents:**

- Town Administrator's Report
- Consent Agenda Items as Listed
- Correspondence Items as Listed
- Board/Committee Handbook Draft
- Comprehensive Listing of FY 2020 Elected and Appointed Officials
- Liquor License Application for Dynamic Restaurant Group LLC d/b/a The Mooring
- Town Hall Landscape Design Plans – Perspective drawing and site plan

### **Upcoming BOS Meeting**

- August 5, 2019
- August 19, 2019
- September 3, 2019
- September 16, 2019