

SELECT BOARD

MINUTES

May 24, 2023

Board met in HYBRID session at 7:00 p.m. at Abbot Hall and via ZOOM Conferencing
The following members were present constituting a quorum:

M. C. Moses Grader, Chair
Jackie Belf-Becker
Erin M. Noonan
James E. Nye
Alexa J. Singer

Thatcher W. Kezer III, Town Administrator

VETERANS AGENT. Memorial Day. David Rodgers, Veterans' Agent, appeared before the Board to announce the following Memorial Day events:

Friday, May 26, 2023. 9:00 a.m. Veterans Breakfast at the Council on Aging sponsored by the Masons.

Saturday, May 27, 2023. 9:00 a.m. from the Bell Tower at Waterside Cemetery. Veteran's Grave Flagging. All are welcome to participate in honoring Marblehead's Veterans. Anyone needing a flag for a Veteran's Grave may call the Veterans Office at 781-631-0990.

Sunday, May 28, 2023. 1:00 p.m. Veterans Service at Star of the Sea Cemetery. Public is welcome.

Monday, May 29, 2023. Memorial Day Parade. 8:00 a.m. Muster at Old Town House. 9:00 a.m. main parade begins; march to Memorial Park and then proceed to Waterside. Trolley service will be available from the VFW at 7:30 a.m. for all Veterans who may need assistance to participate in the activities. Breakfast will be served at the VFW after the ceremonies. The public is invited and encouraged to attend all ceremonies.

PUBLIC HEARING. Licensing. New Wine/Malt Beverage License. The Board placed a legal ad March 22, 2023 seeking interested applicants for the (1) available *Wine/Malt Beverage License* with a deadline to apply before April 13, 2023. Two applications were filed. The Chair opened the first public hearing which was legally advertised in the Marblehead Current on May 10, 2023.

Marblehead Hotel, 264 Pleasant Street

Julius Sokol and Paul Lynch, Counsel, appeared before the Board to present their application. No one spoke opposed or in favor of the application. The Chair closed the public hearing.

The Chair opened the second public hearing, which was legally advertised in the Marblehead Current on May 10, 2023.

Hopthecary Ales, 31 Atlantic Avenue

Steven Gabardi and /John Connell, Counsel, appeared before the Board to present their application. Lynn Shanofsky spoke against the application and Wendy Webber spoke in favor of the application. The Chair closed the public hearing. The Board reviewed the applications. Motion made and seconded to approve the application, as presented, from Marblehead Hotel, 264 Pleasant Street, for a Wine/malt Beverage License, Manager, Deborah McMullen, hours of operation Monday through Sunday 10:00 a.m. – 12:00 midnight. Seating Capacity = 11, subject to approval from the ABCC, receipt of all applicable sign offs, all fees paid and CORI approval. Moved by Mrs. Belf-Becker, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mrs Singer, opposed; Mrs. Noonan, opposed; Mr. Nye, in favor; Mrs. Belf-Becker, in favor; Mr. Grader, in favor. Motion passed.

BELL RINGING. July 4th. Motion made and seconded to request that church bells throughout the Town be rung on Tuesday, July 4, 2023 at the usual holiday hours: 7:30 a.m. to 8:00 a.m. / 12:00 noon to 12:30 p.m. / 6:00 p.m. to 6:30 p.m. All in favor.

PRESERVATION RESTRICTION. 16 Franklin Street. Motion made and seconded to approve the Preservation Restriction for the Devereux House, 16 Franklin Street, in accordance with M. G.L. c. 184, Section 32, and authorize the Chair to sign on behalf of the Board. All in favor.

HOME RULE PETITION. 2023 Annual Town Meeting. Article 44, Select Board Terms. Motion made and seconded that the Board submit Article 44 of the May 1, 2023 Annual Town Meeting, Select Board Terms, to the General Court. All in favor.

FESTIVAL OF ARTS. Requests. Motion made and seconded to approve the request from Festival of Arts for the following events subject to approval from Recreation and Parks, Conservation Commission, Water and Sewer, MMLD, DPW, Police and receipt of the required Certificate of Liability:

23 Ceramic Orbs to be hidden throughout the walking trails from June 1 – July 31, 2023
Chalk This Way – July 1st 6:00 a.m. – 9:00 a.m.: inaugural chalk art festival highlighting 23 open spots for amateur and professional chalk artists to transform the sidewalks of Atlantic/Pleasant/Washington Street and Crocker Park Sidewalks into an art experience. All in favor.

LICENSING. Temporary Outdoor Table Service. Motion made and seconded, pursuant to Chapter 42 of the Acts of 2022 and notwithstanding the provisions of Chapter 40A of the General Laws, or any special permit, variance or other approvals thereunder, or any general or special law to the contrary, the Select Board for the Town of Marblehead shall reinstate approval for outdoor *table* seating for *food service*. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, Town Administrator or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Restaurants must remain compliant with all ADA, fire, building and zoning codes and all tables and chairs shall allow for the required 36 inches of sidewalk space for handicapped accessibility requirements. Further, this approval shall automatically be rescinded on November 30,

2023 and is subject to final approval by the Town Administrator, Police and Fire. Restaurants seeking to offer outdoor dining should submit a completed application to the office of the Select Board, Abbot Hall, 188 Washington Street or email wileyk@marblehead.org. Moved by Mr. Nye, seconded by Mrs. Belf-Becker. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor; Mrs. Singer, in favor; Mr. Grader, in favor.

Motion made and seconded, pursuant to Chapter 42 of the Acts of 2022 and notwithstanding the provisions of Chapter 138 of the General Laws, or any or any general or special law or local bylaw, rule, regulation to the contrary, and the Town's Carry-In Beverage Policy the Select Board, as the Local Licensing Authority pursuant to G.L. c. 138 for the Town of Marblehead shall reinstate outdoor table seating for food service. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, Town Administrator or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Restaurants must remain compliant with all ADA, fire, building and zoning codes and all tables and chairs shall allow for the required 36 inches of sidewalk space for handicapped accessibility requirements. Further, this approval shall automatically be rescinded on November 30, 2023 and is subject to final approval by the Town Administrator, Police and Fire. Restaurants seeking to offer outdoor dining should submit a completed application to the office of the Select Board, Abbot Hall, 188 Washington Street or email wileyk@marblehead.org. Moved by Mr. Nye, seconded by Mrs. Belf-Becker. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Belf-Becker, in favor; Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor.

MINUTES. Motion made and seconded to approve the minutes of May 10, 2023. All in favor.

LICENSING. Common Victualler. Amend. Plus Café. 34A Atlantic Avenue. Motion made and seconded to amend the hours of the Common Victualler License for Plus Café, 34A Atlantic Avenue, as follows: Monday through Friday 6:00 a.m. – 10:00 p.m., Saturday and Sunday, 7:00 a.m. – 10:00 p.m. All in favor.

PARKING REGULATIONS. Village/Vine Street. Motion made and seconded to approve the following parking regulation: **Vine Street:** One hour parking in the indented area approximately 30' in length on the northern side of Vine Street which is located parallel to Village Street and in the indented area approximately 24' in length located on the eastern side of Vine Street (3 spaces) as shown on the MassDOT plant entitled: Parking location and boundary Description, Marblehead, Pleasant Street/Village Street/Vine Street (Map attached). All in favor.

LETTER OF SUPPORT. Municipal Shipyard Resiliency Improvements Project. Motion made and seconded to send a letter in support of the Municipal Shipyard Resiliency Improvements Project and authorize the Chair to sign on behalf of the Board. All in favor.

CONTRACT. MS4 General Permit Support. Motion made and seconded to award a 6 Month contract to provide professional Engineering Support Services for MS4 General Permit Support to Woodard and Curran, 40 Shattuck Road Suite 110 Andover, MA 01810, in the amount not to exceed \$22,500.00 and authorize the Chair to sign the contract of behalf of the Board. All in favor.

LICENSING. One Day Liquor. Festival of Arts. Abbot Hall. Motion made and seconded to approve the request from Cynda Rohmer, Festival of Arts, for a (1) Day Liquor License, beer and wine only, at Abbot Hall on Friday, June 2, 2023 from 5:00 p.m. – 7:00 p.m. subject to the following:

- Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
- Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
- Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.
- Liquor Liability Insurance
- Alcohol is not allowed to remain on the premises overnight
- Alcohol will be purchased from Carolina Wine and Spirits

On a polled vote the Board voted as follows: Moved by Mr. Nye, seconded by Mrs. Belf-Becker. On a polled vote the Board voted as follows: Mrs. Belf-Becker, in favor; Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Nye, in favor; Mr. Grader, in favor.

PUBLIC COMMENT. None.

TOWN ADMINISTRATOR UPDATE. The Town Administrator updated the Board on the following:

- Town received Tree City USA honors
- Tree Department currently performing tree pruning/stump grinding and developing a 5-year plan moving forward
- Water & Sewer Department, Community Service Award
- End of Year Transfers on June 14, 2023 agenda
- Financial Policies Draft on June 14, 2023 agenda
- Internet Access group has convened related to internet access/strategies/implementation
- FAQ's for override to be finalized and put on website

SELECT BOARD ANNOUNCEMENTS. MHS Art Show currently being held in the Abbot Hall Auditorium through June 1, 2023.

EXECUTIVE SESSION. Motion made and seconded to go into Executive Session under M.G. Law c.30A, § 21 (7) to review executive session minutes. Votes may be taken, and if they are votes will be released at a time deemed appropriate by counsel. The Board will NOT reconvene in open session. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor; Mr. Grader, in favor.

The Board adjourned at 8:20 p.m. to Executive Session.

Kyle A. Wiley
Administrative Aide

List of documents used:

Veteran's Day events outline

Applications: Marblehead Hotel/ Hypothocary Ales

Preservation Restriction, 16 Franklin St.

Festival of Arts request

Plus Café request / amend hours of operation

Parking Regulations. Village/Vine Street

Draft letter of support for Shipyard Resilience project

MS4 Contract

Festival of Arts. 1 day liquor