

BOARD OF SELECTMEN

MINUTES

September 18, 2013

Board met in session at 7:30 p.m. in the Selectmen’s Meeting Room at Abbot Hall
Present (constituting a quorum):

Jackie Belf-Becker, Chair
Harry C. Christensen, Jr.
Judith R. Jacobi
Bret T. Murray
James E. Nye

Jeff Chelgren, Town Administrator

MINUTES. Motion made and seconded to approve the minutes of September 11, 2013.
All in favor.

PUBLIC HEARING. Taking for Temporary Construction Easements. Lisa L. Mead, Assistant Town Counsel, appeared before the Board as it relates to the taking for temporary construction easement. The Chair opened the public hearing for the taking for temporary construction easement all as authorized by Article 36 of the 2013 Annual Town Meeting for the following properties:

151 Green Street: Said notice having been provided on August 14, 2013 to the following interested parties:

| Owner | Mortgagee(s) |
|--|--------------|
| Green Street Realty Trust Susan Muldoon, Trustee 2 Walnut Street Marblehead, MA 01945 | None |

No one spoke in favor or opposed to the takings. The Chair closed the public hearing.

Motion made That the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 37 at the 2013 Town Meeting, for a property located at Assessors Map 160-39, and as recorded in Book 30341 Page 146 in the Essex South Registry of Deeds within the Town of Marblehead. The Temporary Easement in the amount of 52, 830 sq. ft. +/- and is for a term of two (2) years and is shown as “151 Green Street Temporary Easement Area” on a plan entitled “Town of Marblehead Landfill Closure and Transfer Station Project, Revised Proposed Temporary Taking and Construction Easement, 151 Green Street,” prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the aforesaid 151 Green Street Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 151 Green Street Temporary Easement Area (the "Landfill" and the "Project"), pursuant to an Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the "Order"), including but not limited to, the installation of erosion controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in connection with the Project, as determined in its sole and unfettered discretion.

Should the Town's use of 151 Green Street Temporary Easement Area for the aforesaid purposes result in damage thereto, the Town's sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 151 Green Street Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of one hundred and thirty-five thousand and 00/100 dollars (\$135,000.00) in accordance with the appraisal report dated February 1, 2013, and as amended September 5, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

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

EXECUTIVE SESSION. Release Minutes. Motion made and seconded on advice from the Town Counsell, after her review of our executive session minutes, the Board shall make public the following Board of Selectmen Executive Session minutes: **2012:** February 29, 2012. **2013:** February 27, 2013, March 27, 2013, April 24, 2013, May 15, 2013, August 28, 2013. All in favor.

CONTRACT. Old Town House. Amend. Motion made and seconded to amend the contract between the Town of Marblehead and T. Cooney and Co. of South Boston, MA for the Old Town House Accessibility Project by increasing the contract amount by one thousand one hundred and twenty five and 00/100 dollars (\$1,125.00) and authorize the chair to sign the change order on behalf of the Board. All in favor.

LICENSING. One Day Liquor License. Marblehead Yacht Club. Motion made and seconded to approve the request from Berit Solstad for a one day liquor license at the Marblehead Yacht Club on Saturday, October 5, 2013 from 3:30 pm. – 7:30 p.m. subject to the following conditions:

1) Delivery of and receipt by the Licensing Authority of the required fee (\$50.)

- 2) Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
- 3) 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.

Alcohol will be purchased from Kappy's of Everett. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, present.

PERMISSION. Staging. 121 Washington Street. Motion made and seconded to approve the request from Hugh Greville to erect staging on the sidewalk at 121 Washington Street from September 23 – 27, 2013 subject to approval from Chief Picariello, receipt of the required Certificate of Insurance and that no ladders or staging be on the street. All in favor.

PERMISSION TO USE. Fort Sewall. Cub Scouts. Motion made and seconded to approve the request from Douglas May to use Fort Sewall on Monday, October 28, 2013 from 4:00 – 10:00 p.m. for their annual Pack Meeting subject to receipt of the required Certificate of Insurance. All in favor.

MARBLEHEAD DISABILITIES COMMITTEE. Resignation. A letter of resignation was received from Patricia Charbonnier as it relates to her resigning from the Marblehead Disabilities Committee. Motion made and seconded to accept with regret and send a letter of appreciation. All in favor.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). Revised Flood Insurance Rate Maps. Notification was received from Rebecca Curran, Town Planner, that FEMA has issued a new set of preliminary copies of the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) for Essex County for the Town's Review. There is a link on the Town of Marblehead's website on the Hazard Mitigation page; <http://www.fema.gov/view--your-communitys-preliminary-food-hazard-data-0>. A FEMA informational Session for Changes to Essex County Flood Maps will be held on Monday, September 30, 2013, 3:00 p.m. – 8:00 p.m. at Lynn City Hall Auditorium, 3 City Hall Square.

CONGRATULATIONS. Marblehead Arrangers. Motion made and seconded to send a letter of congratulations to the Marblehead Arrangers on their 80th Anniversary. All in favor.

CULTURAL COUNCIL. Interview. Appointment. Jo Ann Augeri Silva appeared before the Board seeking appointment to the Marblehead Cultural Council. Motion made and seconded to appoint Jo Ann Augeri Silva to the Marblehead Cultural Council with a term to expire in May 2016. All in favor.

SELECTMEN'S MEETINGS. The Board of Selectmen will meet on October 9, 2013 and October 30, 2013. Interviews for the Finance Committee and the Harbors and Waters, Alternate Member, will be held on October 30, 2013.

JOINT MEETING. SCHOOL COMMITTEE. Interviews. Appointment. The following members of the School Committee met in joint session with the Board of Selectmen for the purpose of interviewing candidates to fill the vacancy on the School Committee: Kathy Leonardson, Chair, Tom Connolly, Meredith Tedford and Bill Ackerman. Chair Belf-Becker gave the opening remarks and introduced the two candidates: Jonathan Lederman and Michael Murphy. Chair Belf-Becker then explained the process that would follow. At this time Chair Belf-Becker asked Mr. Murphy to leave the room and Mr. Lederman to come to the table. Each candidate was interviewed by both Board members. Motion made and seconded to place both candidates name into nomination. All in favor.

A majority vote is required (5 Votes). On a polled vote the Board members voted as follows:

| | |
|-------------------|--------------|
| Mr. Connolly: | Mr. Lederman |
| Mr. Nohelty: | Mr. Murphy |
| Mrs. Tedford: | Mr. Murphy |
| Mrs. Leonardson: | Mr. Murphy |
| Mr. Murray: | Mr. Murphy |
| Mr. Christensen: | Mr. Murphy |
| Mrs. Jacobi: | Mr. Murphy |
| Mr. Nye: | Mr. Murphy |
| Mrs. Belf-Becker: | Mr. Murphy |

Michael Murphy appointment to the School Committee with a term to expire in May 2014.

Motion made and seconded to adjourn at 8:45 p.m. All in favor.

Kyle A. Wiley
Administrative Aide