

## BOARD OF SELECTMEN

### MINUTES

**March 25, 2015**

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

John J. McGinn, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from March 10, 2015.  
All in favor. Motion made and seconded to approve the minutes from March 19, 2015.  
All in favor. Motion made and seconded to approve the minutes from March 23, 2015.  
4 voted in favor, Mr. Nye voted present.

**MARBLEHEAD PUBLIC SCHOOLS. Statement of Interest. Elbridge Gerry School / L.H. Coffin School.** Maryann Perry, Superintendent of Schools, Ken Lord, Technology Supervisor and Kathy Leonardson, School Committee Chairman, appeared before the Selectmen seeking approval to allow the Superintendent to submit a Statement of Interest (SOI) form to the Massachusetts School Building Authority (MSBA) as it relates to the Elbridge Gerry School, 50 Elm Street and the L. H. Coffin School, 1 Turner Road. Submitting this SOI on the Elbridge Gerry and L. H. Coffin Scholl will keep its status up to date so that it may be considered for work at a later date. After discussion the following motions were made:

**Elbridge Gerry School**

Motion made and seconded, having convened in an open meeting on March 25, 2015, prior to the closing date, the Board of Selectmen of Marblehead, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated April 10, 2015 for the Elbridge Gerry School located at 50 Elm Street, Marblehead, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority 5 addresses the need for a new heating system, repairs or replacement of roof, windows and other systems to increase energy conservation and decrease energy related costs in a school facility; and Priority 7 addresses building obsolescence inherent in a school with a 19th century design; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment

from the Massachusetts School Building Authority, or commits the Marblehead Public School District to filing an application for funding with the Massachusetts School Building Authority. All in favor.

**L.H. Coffin School**

Motion made and seconded, having convened in an open meeting on March 25, 2015 prior to the closing date, the Board of Selectmen of Marblehead of Marblehead, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated April 10, 2015 for the L.H. Coffin School located at 1 Turner Road, Marblehead, Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority 5 addresses the need for a new heating system, repair or replacement of roofs, windows, and ventilation systems, to increase energy conservation and decrease energy related costs; and Priority 7 addresses building obsolescence and the need for larger supplemental educational spaces; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Marblehead Public School District to filing an application for funding with the Massachusetts School Building Authority. All in favor.

**LICENSING. Seasonal All Alcoholic Beverage Club License. Change of Manager. Dolphin Yacht Club.** Attorney Paul Lynch, Zero Spring Street, and Patrick J. Farley, 9 Knights Hill Road, appeared before the Board as it relates to the application submitted by the Dolphin Yacht Club to Change the Manager on the Seasonal All Alcoholic Beverage Club License. Motion made and seconded to approve the application to Change the Manager on the Seasonal All Alcoholic Beverage Club License at the Dolphin Yacht Club, 17 Allerton Place, to Patrick J. Farley Jr., 9 Knights Hill Road, subject to receipt of the required forms, fees and CORI and ABCC approval. 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. **Annual and Sunday Entertainment License. Change of Name.** Motion made and seconded to change the name on the Annual and Sunday Entertainment License at the Dolphin Yacht Club, 17 Allerton Place, to Patrick J. Farley Jr, 9 Knights Hill Road. All in favor.

**CHAMBER OF COMMERCE. Art Walk. Celebrate Marblehead.** Beth Ferris, Executive Director, Candace Bishop-Conlon, Vice-President and Cindy Latham, Past President, appeared before the Selectmen seeking permission for the Annual Art Walk and for Celebrate Marblehead. After discussion the following motions were made: **ART WALK.** Motion made and seconded to approve the request from Beth Ferris, Executive Director, Marblehead Chamber of Commerce, to hold the annual town-wide Art Walk on Saturday, May 16, 2015 and Sunday, May 17, 2015 subject to receipt of the required Certificate of Insurance. All in favor.

**CELEBRATE MARBLEHEAD.** Motion made and seconded to approve the request from Beth Ferris, Chamber of Commerce, to hold “Celebrate Marblehead” April 15, 2015 through September 30, 2015 and to allow the businesses in Town the following considerations subject to receipt of the required Certificate of Insurance and compliance with all ADA, Fire, Zoning and Building Codes:

- Outside tables and/or displays
- Outdoor entertainment (limited to Small or solo performances) Thursday – Sundays 10am – 8pm
- Restaurant outdoor seating from 7:00 a.m. – 10:00 p.m., subject to individual licensee parameters(8 seats maximum)and Board of Health approval
- Small beautification projects (i.e. flower pots)
- Evening entertainment at State Street Landing Sundays 4:00 p.m. - 8:00 p.m. with no amplification, subject to Town Administrator and Harbormaster pre-approval

All in favor.

**CARNIVAL. Marblehead High School Class of 2015.** Alexandra Adee and Daniel Finestone, MHS Class of 2015, appeared before the Board as it relates to the annual Marblehead High School Senior Class Carnival. Motion made and seconded to approve the request from Marblehead High School Class of 2015 to hold the annual Senior Class Carnival at Devereux Beach April 30 – May 3, 2015 subject to the usual rules, regulations, fees, approval from Recreation and Parks, receipt of the required Certificate of Insurance and that there shall be no rain allowed! All in favor.

**PERMISSION. YMCA 5 Mile Road Race. Revised Route.** Motion made and seconded to approve the request from Jamie Block, Lynch/van Otterloo YMCA, to revise the previously approved route for the 35<sup>th</sup> annual Lynch/van Otterloo YMCA 5 Mile Certified Road Race on Sunday, April 26, 2015 subject to approval from Chief Picariello and Recreation and Parks. The race will now start at Devereux Beach, loop around the Neck, and end at Devereux Beach. All in favor.

**LICENSING. One Day Liquor License. Marblehead All-Sports Foundation.** Motion made and seconded to approve the request from Derek Norcross, Marblehead All-Sports Foundation, for a one day beer/wine license at Abbot Hall on Saturday, April 11, 2015 from 7:00 p.m. – 11:00 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.

Alcohol will be purchased from Kappy’s Importing. Alcohol is not allowed to be stored on the premises overnight. 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.

**REVISE DATE. Witch City Triathlon. B&S Fitness.** Motion made and seconded to approve the request from Ashley Steeves, B&S Fitness, to revise the previously approved date to hold the Witch City Triathlon to Saturday, August 8, 2015 instead of Sunday, August 9, 2015 subject to the usual rules, regulations and receipt of the required Certificate of Insurance. All in favor.

**PERMISSION. Wicked ½ Marathon. B&S Fitness.** Motion made and seconded to approve the request from Ashley Steeves, B&S Fitness, to hold the 9<sup>th</sup> annual Wicked ½ Marathon on Saturday, September 19, 2015, as well as the Black Cat 10 mile/ 20 mile run, cancelled in March due to weather, subject to approval from Chief Picariello, receipt of the required Certificate of Insurance and Police Details. The event will start in Salem at 7:00 a.m. with all the runners out of Marblehead by 10:30 a.m. The event will benefit the Marblehead All –Sports Foundation, Plummer Home for Boy’s, and the American Diabetes Association. All in favor.

**BOARD OF HEALTH. Revolving Funds.** Motion made and seconded to approve the request from Andrew Petty, Director of Public Health, to authorize a revolving fund dedicated to commercial waste disposal for Fiscal Year 2016. Expenditures from the fund by the Board of Health will be for the cost of solid waste disposal and receipts of the fund will include commercial disposal receipts. The cap of said revolving fund is not to exceed \$450,000. The said revolving fund is jointly supported by the Board of Health and Finance Committee in an effort to stabilize payment of disposal costs of the Town. All in favor.

**RECREATION AND PARKS DEPARTMENT. Revolving Funds.** Motion made and seconded to approve the request from Tim Short, Superintendent, Recreation and Parks Department, to reauthorize its Revolving Fund for \$300,000 for fiscal year 2015. All in favor.

**CONSERVATION. Revolving Funds.** Motion made and seconded to approve the request from William C. Lanphear, Engineering and Conservation Administrator, to reauthorize the Conservation Fines Revolving Fund in the amount of \$10,000 for fiscal year 2016 and the Storm Water Bylaw Revolving Fund in the amount of \$10,000 for fiscal year 2016. All in favor.

**PERAMBULATION.** Motion made and seconded to approve the request from Fred Madio, Trustee, Marblehead Conservancy, to hold the bi-annual perambulation of the Town’s public pathways that are scattered throughout Old Town and the Neck sections of Marblehead on Saturday, May 16, 2015 from 10 a.m. – 12 Noon and to set up a table outside Abbot Hall to facilitate registration. This event is free and open to the public. Registration begins at 9:30 a.m. All in favor.

**MARBLEHEAD HISTORICAL COMMISSION. Picture.** Motion made and seconded, on recommendation from the Marblehead Historical Commission, to hang the print of the ship donated by the Corinthian Yacht Club in the auditorium between the main doors closest to the elevator. All in favor.

**2015 ANNUAL TOWN MEETING. Warrant Articles.** The Board reviewed articles they have sponsored on the 2015 Annual Town Warrant and took the following votes:

**Article 7. Revolving Funds.** Motion made and seconded to support Article 7, Revolving Funds, as presented with a recommended appropriation level of \$1,665,500.00. All in favor.

**Article 9. Walls & Fences.** Motion made and seconded to support Article 9, Walls & Fences, with a recommended appropriation level of \$7,500.00. All in favor.

**Article 10. Ocean Avenue Sidewalk, Seawall and Rip Rap Repair.** Motion made and seconded to support Article 10, Ocean Avenue Sidewalk, Seawall and Rip Rap, with a recommended appropriation level of \$72,000.00. All in favor.

**Article 11. Ocean Avenue Easement Acquisition for Sidewalk, Seawall and Rip Rap Repair.** Motion made and seconded to support Article 11, Ocean Avenue Easement Acquisition for Sidewalk, Seawall and Rip Rap Repair. All in favor.

**Article 12. Fort Sewall Improvements.**

Rebecca Cutting, Chief Procurement Officer and Town Planner appeared before the Board to update them on Article 12, Fort Sewall Improvements, on the 2015 annual Town Meeting Warrant. The Fort Sewall Oversight Committee voted to recommend that the article be indefinitely postponed. Ms. Cutting advised the Board that the Town is waiting to hear on a Federal grant and are applying for a state Grant, in the meantime the Fort Sewall Oversight Committee plans to do an aggressive fundraising program. If the grants are successful the project will be split into a two phase project. At this time the Fort Sewall Committee recommends the Selectmen support indefinite postponement Article 12, Fort Sewall Improvements. The Committee will report back to Board on the project. Motion made and seconded to support indefinite postponement of Article 12, Fort Sewall Improvements. All in favor.

**Article 13. Purchase of Equipment of Several Departments.** Motion made and seconded to support Article 13, Purchase of Equipment of Several Departments, as presented with a recommended total appropriation of \$525,298.00. All in favor.

**Article 14. Capital Improvement for Public Buildings.** Motion made and seconded to support Article 14, Capital Improvement for Public Buildings, as presented with a recommended total appropriation of \$291,900.00. All in favor.

**LICENSING. 1 Day Entertainment. Caffé Italia.** Motion made and seconded to approve the request from Donna Oliviero, Caf  Italia, 10 School Street, for a 1 day Entertainment License for a saxophone player on March 30, 2015 from 6:00 p.m. – 9:00 p.m. for their 10<sup>th</sup> anniversary celebration. All in favor.

**OLD TOWN HOUSE. Permission to Use. Marblehead Museum.** Motion made and seconded to approve the request from Pam Peterson, Director, to use the Old Town House on Wednesday, April 15, 2015 6:00 p.m. – 9:00 p.m. for their annual meeting subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. The Rental fee for this event is waived. All in favor.

**FORT SEWALL. Permission to Use. Glover's Regiment.** Motion made and seconded to approve the request from Seamus Daly, Captain, to use Fort Sewall Friday, July 10 through Sunday, July 12, 2015 for the Regiment's annual summer encampment subject to receipt of the required Certificate of Insurance. All in favor.

**ABBOT HALL. Revised Date. Marblehead Festival of Arts.** Motion made and seconded to approve the request from Lynn DeVoe, Marblehead Festival of Arts, to revise the previously approved ArtsFusion drop off date at Abbot Hall from Thursday, April 16, 2015 to Thursday, April 9, 2015 5:30 p.m. – 8:30 p.m. All in favor.

**SPIRIT OF '76. Permission to Use. New Hampshire Public Television.** Motion made and seconded to approve the request from Carla Gordon Russell, New Hampshire Public Television, to use and image of the Spirit of '76 during a video piece on William Diamond, the drummer boy to be used on air, DVD and the Web and to credit the Town of Marblehead for the material. All in favor.

**CONTRACT. Lighting Replacement Project. Amend.** Motion made and seconded to amend the contract between American Energy Efficiency Co. Inc. of Boston, MA and the Town for the Lighting Replacement Project by increasing the contract amount by nine hundred fifty three dollars (\$953.00) and authorize the Chair to sign the change order on behalf of the Board.

**CONSERVATION COMMISSION. Letters of Interest.** Letters of interest to serve on the Conservation Commission were received from Michael Smith and Barbara Collins Rosenberg. Deadline to submit letters of interest to serve on the Conservation Commission is Friday, April 3, 2015 at 12:00 noon. Applicants will be interviewed at the Selectmen's meeting On Wednesday, April 8, 2015 at 7:30 p.m. Submit letters of interest to the Board of Selectmen, Abbot Hall, 188 Washington Street.

**TEDESCO COUNTRY CLUB.** A letter was received from Kevin Hannaway, Club President, on behalf of the Tedesco Country Club, expressing their great appreciation for the exemplary work demonstrated by the Marblehead Firefighters who responded to the ruptured sprinkler alarm on February 17, 2015.

**MASSDOT. Winter Recovery Assistance Program (WRAP).** A letter was received from MassDOT advising the Town that Governor Baker and Lt. Governor Polito have announced the Winter Recovery Assistance Program, a statewide program designed to provide direct aid to all 351 cities and towns across the Commonwealth to assist municipalities in implementing much needed repairs. The Town of Marblehead will be issued a one-time contract which allows the Town to be reimbursed up to \$67,104.00 for roadway repairs resulting from this year's harsh winter weather. Eligible projects include (1) patching potholes, cracking and other surface defects, including paving projects, (b) repair and replacement of signage, guardrail, storm grates, or road striping or painting, and (c) projects identified through written agreement between the MassDOT Highway Division District Office and the Town.

**MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.** Motion made and seconded to prepare a letter to deliver to the MBTA meeting in May expressing the Town's strong desire to maintain the current level of service to the Town and that service should not be curtailed to Marblehead at all. All in favor.

**ABBOT HALL TOWER OVERSIGHT COMMITTEE. Appreciation.** Motion made and seconded to send a letter of thanks to the members of the Abbot Hall Tower Oversight Committee. All in favor.

**EXECUTIVE SESSION.** Motion made and seconded to go into Executive Session under M.G.L. c. 30A, Sec. 21 for the purpose of discussing contract negotiations relating to the Finance Director where the public discussion on the same may have a detrimental effect on the negotiating position of the public body, 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.

Motion made and seconded to adjourn at 8:20 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide