

BOARD OF SELECTMEN

MINUTES

August 12, 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 July 22, 2015. All in favor. Motion made and seconded to approve the minutes from July 28, 2015. All in favor.

POLICE DEPARTMENT. Civil Service Requisition. Chief Picariello appeared before the Board as it relates to Civil Service requisition. Motion made and seconded to authorize Chief Picariello to seek a list from Human Resources in order to fill a patrolman's position. All in favor.

RIGHT OF ENTRY. Motion made and seconded that the Chair, on behalf of the Board, be authorized to enter into that certain Right of Entry for that property located at 46C Peach Highlands, Marblehead and which is owned by Richard M. and Linda K. Hamill, 46C Peach Highland, Marblehead Massachusetts, 01945. All in favor.

ABBOT HALL. Permission to Use. Marblehead School of Music. Motion made and seconded to approve the request from Jennifer Spungin, Owner, Marblehead School of Music, to use Abbot Hall on Sunday, November 22, 2015 from 11:00 am – 5:00 pm for their annual Winter Music Showcase and to serve light refreshments subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor.

PERMISSION. Sidewalk Sales. Chamber of Commerce. Motion made and seconded to approve the request from Beth Ferris, Executive Director, Marblehead Chamber of Commerce, to hold a town-wide sidewalk sale on Saturday, September 12, 2015 subject to receipt of the required Certificate of Insurance and compliance with all ADA, Fire, Zoning and Building Codes. All in favor.

PERMISSION. Full Hearts 5K. Motion made and seconded to approve the request from Jennie Sheridan, Seaside Run Club, to hold the 2nd annual Full Hearts 5K, to raise

funds for the Fit Girls program, on Sunday, November 15, 2015 from 8:00 a.m. – 11:00 a.m. subject to approval from Chief Picariello, School Department and receipt of the required Certificate of Insurance. All in favor.

PUBLIC HEARING. ERUV. Petition to Install. Jesse Hefter, Chestnut Hill Avenue, Boston, appeared before the Board of behalf of Chabad Lubavitch and the Greater Boston Eruv Corporation requesting an Order for Grant of Location for Wires. Mr. Hefter explained to the Board that an Eruv is a symbolic enclosure which allows travel from private domain to public domain during the Sabbath. Eruv enclosures are currently in place in Salem, Swampscott and many other communities. Erecting an Eruv in Marblehead would provide a continuous flow with our neighboring towns. In order to delineate the boundaries of a modern day Eruv, pre-existing and natural barriers such as utility poles are used to demarcate where the public-private domain begins and ends. Attaching lechis (plastic strips) to the pole represents a symbolic doorway. No one spoke in favor or opposed to the applicant. Motion made and seconded to approve the request, as presented and on file, from Chabad Lubavitch and the Greater Boston Eruv Corporation, to construct upon, along, under or across the public way(s) of the Town of Marblehead, the following: An eruv, being a symbolic enclosure involving the attachment of plastic strips and in some areas the running of nonconductive wire. Approval is granted to complete the construction described above, all in accordance with the following conditions: **PETITIONER** shall locate and complete all work as shown by plan(s) dated July 23, 2015, and as may have been amended by the Town; **PETITIONER** shall comply with the requirements of the existing bylaws and such as may hereafter be adopted governing the construction; **PETITIONER** shall perform all work to the requirements and satisfaction of the Department of Public Works and the Marblehead Municipal Light Department or other such officer(s) as may be hereafter appointed by the Town. All in favor.

PROCLAMATION. Eruv District. Motion made and seconded to proclaim Marblehead an Eruv District for symbolic purposes and to sign such proclamation as prepared. All in favor.

ROBINSON FARM. Marblehead Village School. Mary LeBlanc, Marblehead Village School, appeared before the Board seeking permission to use Robinson Farm, as an extension of her classroom, for place-based service learning, “a pedagogical model and curricular approach that connects participant-led community engagement and meaningful service with outcome-focused academic work.” Motion made and seconded to approve the request from Mary LeBlanc, Marblehead Village School, to allow the students from Village School to access Robinson Farm to fulfill a service component piece to their curriculum subject to review by the Town Administrator and in conjunction with the Marblehead Conservancy. All in favor.

SPUR. Jocelyn Cook, 39 Jersey Street, appeared before the Board to present an overview of Spur, “a 100% volunteer led charitable organization established to inspire good deeds, mobilize volunteers, connect the community and provide opportunities for youth to learn with a mission to SPUR youth and adults on toward good deeds that build

stronger communities through hands-on community service and enrichment programs.” The Massachusetts Commission on the Status of Women recently honored Ms. Cook as a member of the 2015 Class of Unsung Heroines at a State House Ceremony.

PUBLIC HEARING. OLD AND HISTORIC DISTRICTS COMMISSION. Appeal. 10 Mugford Street. Pursuant to Section 10 of Chapter 101 of the Acts of 1965, Karyn and Gary Lang, 10 Mugford Street, appeared before the Board to appeal a determination of the Old and Historic Districts Commission regarding copper gutters at 10 Mugford Street. The Lang’s presented their case for appeal. Lisa L. Mead, Assistant Town Counsel, appeared before the Board on behalf of the Old and Historic Districts Commission along with Charles Hibbard, Chair. Counsel presented the Commission’s case to deny the appeal. The following people spoke in favor of the appeal: Gene Arnould, 33 Mechanic Street; Bette Hunt, 38 Orne Street, Tony Sasso, 34 Orne Street and Rob Gaunt, 6 Mugford Street. The Board asked questions of the applicant and Counsel and after discussion motion made and seconded to affirm the appeal and overturn the Old and Historic Districts Commission. 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.

CONTRACT. Motion made and seconded to award a contract for the preliminary design intersection improvements at Village, Vine and Pleasant Streets to Fay Spofford & Thorndike of Burlington, MA in the amount eighty thousand and seventy four dollars (\$80,074.00) dollars and authorize the Chair to sign the contract on behalf of the Board. All in favor.

CONTRACT. Motion made and seconded to award a contract for the coastal zone historic properties survey project to Larson Fisher Associates Inc. in the amount of twenty four thousand dollars (\$24,000.00) and authorize the Chair to sign the contract on behalf of the Board. All in favor.

PERMISSION. Block Party. Marion Road. Motion made and seconded to approve the request from Karen Byron, 206 Humphrey Street, to block Marion Road, from Humphrey Street to #18 Marion Road, on Saturday, August 22, 2015 from 3:00 p.m. 10:30 p.m. for a block party. All in favor.

PERMISSION. Block Party. Motion made and seconded to approve the request from Doug O’Leary, 48 Commercial Street, to block Walnut Street, between Central and Chestnut Street, on Saturday, September 12, 2015 from 4:00 p.m. – 7:00 p.m. for a block party. All in favor.

PERMISSION. 5K Run for Rescue. Motion made and seconded to approve the request from Amy Renz-Havens, Goodness Gracious, to hold the 3rd annual 5K run for Rescue charity road race on Saturday, November 7, 2015 at 12:00 noon subject to approval from Chief Picariello, Recreation and Parks, receipt of the required Certificate of Insurance and police details. The event will start and end at Chandler Hovey Park. All in favor.

REGISTRAR OF VOTERS. Resignation. A letter was received from Michael Canniffe notifying the Board of his resignation as Registrar of Voters. Motion made and seconded to accept with regret and to send a letter of appreciation. All in favor.

MARBLEHEAD HOUSING AUTHORITY. Vacancy. Letters of Interest. Notification was received from the Marblehead Housing Authority requesting a joint meeting with the Board of Selectmen in order to fill a vacancy created by the resignation of Virginia Healy-Kenney. The Board will now receive letters of interest to serve on the Marblehead Housing Authority. Letters of interest should be sent to the Board of Selectmen, Abbot Hall, 188 Washington Street AND the Marblehead Housing Authority, 26 Rowland Street. Deadline to submit letters of interest is Friday, August 28, 2015 at 12:00 noon. Applicants will be interviewed in joint session with the Board of Selectmen and the Marblehead Housing Authority on Wednesday, September 2, 2015, 7:30 p.m., at Abbot Hall.

APPRECIATION. Gerry 5. 4th of July Horrible's Parade. Motion made and seconded to send a letter of appreciation and congratulations to Joan Champlin and the Gerry 5 for 50 years of running the 4th of July Horrible's parade. All in favor.

EXECUTIVE SESSION. Motion made and seconded, pursuant to G.L. c. 30A sec 21(a)(6) the Board move into executive session to consider the purchase and value of real property, the public discussion of which may have a detrimental effect on the negotiating position of the Board and to discuss the strategy related to the pending MGL c. 31 hearings and related litigation regarding Police Officer Lori Knowles. 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. On a polled vote the Board voted as follow: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

The Board adjourned to Executive Session at 8:57 p.m.

Kyle A. Wiley
Administrative Aide