

## BOARD OF SELECTMEN

### MINUTES

**March 16, 2016**

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

**EXECUTIVE SESSION.** Motion made and seconded to adjourn to Executive Session under M.G.L. c. 30A, Sec. 21 to discuss strategy with respect to litigation, namely Green Street Realty Trust v. Town of Marblehead, Essex Superior Court Docket Nos. ESCV2013-02029 and ESCV2013-02030, where an open meeting may have a detrimental effect on the litigating position of the Town. Votes may be taken, and if they are votes will be released at a time deemed appropriate by counsel. The Board will reconvene in open session. 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.

The Board reconvened in open session at 7:40 p.m.

**CARNIVAL. Marblehead High School Class of 2016.** Alyssa Nye and Renee Pavlovitch, MHS Class of 2016, 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 2016 to hold the annual Senior Class Carnival at Devereux Beach May 5 - 8, 2016 subject to the usual rules, regulations, fees, approval from Recreation and Parks, receipt of the required Certificate of Insurance and all necessary permits secured. All in favor.

**LICENSING. Common Victualler. FLS Corporation, d/b/a Orange Leaf Yogurt. 12 Atlantic Avenue.** Michael Hennessy, 77 Howard Street, Reading, appeared before the Board seeking a common victualler license for Orange FLS Corporation. Motion to approve the application for a Common Victualler License for Orange FLS Corporation, d/b/a Orange Leaf Frozen Yogurt, 12A Atlantic Avenue, Manager Michael Hennessy, hours of operation Monday through Sunday 11:00 a.m. – 11:00 p.m., seating capacity =18, subject to receipt of all applicable inspection sign offs and all fees paid. All in favor.

**MINUTES.** Motion made and seconded to approve the minutes of February 24, 2016. All in favor. Motion made and seconded to approve the minutes of February 25, 2016. All in favor.

**2016 ANNUAL TOWN MEETING. Warrant Articles.** The Board reviewed articles they have sponsored on the 2016 Annual Town Warrant and took the following votes:

**Article 7 Revolving Funds.** Motion made and seconded to support Article 7 Revolving Funds for a total amount of \$2,053,000. All in favor.

**Article 8 Purchase of Equipment.** Motion made and seconded to support Article 8 Purchase of Equipment in the amount of \$434,615. All in favor.

**Article 9 Capital Improvements – Public Buildings.** Motion made and seconded to support Article 9 Capital Improvements – Public Buildings in the amount of \$260,000. All in favor.

**Article 10 Walls & Fences.** Motion made and seconded to support Article 10 Walls & Fences in the amount of \$7,500. All in favor.

**Article 11 Ocean Avenue Sidewalk, Sewall, & Rip Rap Repair.** Motion made and seconded to support Article 11 Ocean Avenue Sidewalk, Sewall, & Rip Rap Repair in the amount of \$96,500. All in favor.

**Article 12 Reduce Quorum at Town Meeting.** Motion made and seconded to support Article 12 Reduce Quorum at Town Meeting and to recommend to Town Meeting a quorum of 150. 4 voted in favor. Mrs. Jacobi, opposed.

**Article 20 Proposed Pay Schedule Administrative.** Motion made and seconded to support Article 20, Proposed Pay Schedule Administrative in the amount of 2.5% increase. All in favor.

**Article 21 Proposed Pay Schedule Traffic Supervisors.** Motion made and seconded to support Article 21, Proposed Pay Schedule Traffic Supervisors in the amount of 2.5% increase. All in favor.

**Article 22 Proposed Pay Schedule Seasonal & Temporary.** Motion made and seconded to support Article 22, Proposed Pay Schedule Seasonal & Temporary in the amount of 2.5% increase. 4 voted in favor, Mr. Murray voted present.

**Article 23 Compensation of Town Clerk.** Motion made and seconded to support Article 23 Compensation of Town Clerk in the amount of 2.5% increase. All in favor.

**Article 24 Essex North Shore Agricultural & Technical.** Motion made and seconded to support Article 24 Essex North Shore Agricultural & Technical in the amount of \$276,467. All in favor.

**Article 30 Amend Historic Districts Commission Special Act.** Motion made and seconded to support Article 30 Amend Historic Districts Commission Special Act. All in favor.

**Article 31 Abandon Portion of Public Way.** Motion made and seconded to support Article 31 Abandon Portion of Public Way. 4 voted in favor. Mr. Christensen, opposed.

**Article 32 Sell Town Property.** Motion made and seconded to support Article 32 Sell Town Property. 4 voted in favor. Mr. Christensen, opposed.

**Article 33 Purchase of Pumper Truck for Fire Department.** Motion made and seconded to support Article 33 Purchase of Pumper Truck for Fire Department in the amount of \$ 620,000. All in favor.

**ABBOT HALL/OLD TOWN HOUSE. Permission to Use. MVMS.** Motion made and seconded to approve the request from Matthew Fox, MVMS Principal, to use Abbot Hall and the Old Town House on Wednesday, June 15, 2016 for the annual 8<sup>th</sup> Grade Headers in History event and to erect a tent on the lower grounds of Abbot Hall to be used in case of inclement weather subject to the receipt of the required Certificate of Insurance and proper permits for the tents. All in favor.

**CONTRACT. Community Center Renovation.** Motion made and seconded to award the contract for the community center renovation project to MJS Construction of Wakefield, MA in the amount of seventy nine thousand dollars (\$79,000.00) and authorize the Chair to sign the contract on behalf of the Board. All in favor.

**FIRE DEPARTMENT. Hiring/Appointing Authority.** The Board discussed a letter received from Chief Jason Gilliland disclosing a potential conflict of interest due to the fact his son may appear on the current civil service firefighter eligibility list for Marblehead. Motion made and seconded to accept Chief Gilliland's disclosure with respect to his son on the eligibility list. Mr. Murray read a disclosure, on file with the Town Clerk's office, which allows him to participate in the following discussion. Mr. Christensen made a verbal disclosure as well stating he was allowed to participate in the discussion. All in favor.

Motion made and seconded to appoint John McGinn, Town Administrator, to conduct the hiring process of 3 firefighter/EMT positions and then submit names to the Board of Selectmen for appointment. Mr. Murray and Mr. Christensen voted in favor, Mrs. Jacobi, Mr. Nye and Mrs. Belf-Becker opposed. Motion failed.

Motion made and seconded to appoint John McGinn, Town Administrator, to conduct the hiring process and appoint three firefighter/EMT positions. Mrs. Jacobi, Mr. Nye and Mrs. Belf-Becker voted in favor. Mr. Murray and Mr. Christensen opposed. Motion carries.

The Board will consider further action associated with Section 19 of the Conflict of Interest Law at a future meeting should the Chief's son be appointed.

**PERMISSION. Staging. Washington Street.** Motion made and seconded to approve the request from Chad McDougall to erect pump jack staging at 284 Washington Street from March 17 – April 13, 2016 subject to the following conditions:

1. A full safety net on the staging to include end rails and if they use a work bench staging plank it should have some added protection to eliminate the possibility of debris accidentally falling into the street.
  2. The staging should have lighting on the underside to illuminate the sidewalk during afterhours.
  3. Safety cones should be used at the corner of Washington and Prospect Street during working hours to alert drivers and pedestrians.
  4. Receipt of the required Certificate of Insurance.
- All in favor.

**LICENSING. One Day Liquor. Friends of Marblehead Public Schools.** Motion made and seconded to approve the request from Tracy Orloff, Friends of the Marblehead Public Schools, for a One Day Liquor License on Saturday, June 18, 2016, 2016 from 5:30 p.m. – 9:00 p.m. at 4 Broadmere Way for their annual Summer Soiree subject to the following:

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

**SNOW REMOVAL.** Motion made and seconded that the Board of Selectmen consistent with Chapter 44, Section 31D approve expenditures for snow and ice removal in excess of the available appropriation from Town Meeting for snow and ice in the amount of \$20,000. All in favor.

**ABBOT HALL. Permission to Use. Representative Ehrlich.** Motion made and seconded to approve the request from Representative Lori Ehrlich to use Abbot Hall Auditorium on Tuesday, April 5, 2016 from 11:00 am – 2:30 pm for a Joint Committee on Health Care Financing informational session entitled "A Prescription for Insight: Understanding the Costs and Value of Pharmaceutical Drugs" subject to the usual rules and regulations. This event is free and open to the public. All in favor.

**PERMISSION. 5K Road Race. YMCA.** Motion made and seconded to approve the request from Barbara Berry, Lynch/van Otterloo YMCA to run the Annual Ring Around the Neck 5K Road Race on Sunday, April 24, 2016 subject to approval from the Marblehead Police, Fire, Recreation and Parks Department and receipt of the required Certificate of Insurance. The race will start at 12:30 p.m. at Devereux Beach; go around the Locust Street/Goldthwait Road area then over the causeway, loop around the Neck, and finish at Devereux Beach. No permanent markings are allowed on the streets and any temporary markings must be removed at the end of the event. All in favor.

**RESERVE FUND TRANSFER. Building Commission Local Travel.** Motion made and seconded to authorize Building Commissioner Richard Baldacci to appear before the Finance Committee to request the transfer of the sum of \$3,000.00 from the Reserve Fund in accordance with Chapter 40, Section 6 of the Massachusetts General Laws for local travel. All in favor.

**LICENSING. One Day Liquor. Marblehead Festival of Arts.** Motion made and seconded to approve the request from Maggie Raftus, Marblehead Festival of Arts, for a One Day Liquor License on Saturday, April 9, 2016 from 6:00 p.m. – 10:00 p.m. at Abbot Hall for their annual Art Auction subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50. each)
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.
4. Liquor Liability Insurance
5. No alcohol is to be stored on the premise overnight.

Alcohol will be purchased from Kappy's Importing. 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.

**LICENSING. One Day Liquor. Marblehead Festival of Arts.** Motion made and seconded to approve the request from Maggie Raftus, Marblehead Festival of Arts, for a One Day Liquor License on Sunday, June 26, 2016 from 5:00 p.m. – 7:00 p.m. at Fort Sewall for the annual Champagne & Culinary Arts Reception subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50. each)
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.
4. Liquor Liability Insurance
5. No alcohol is to be stored on the premise overnight.

Alcohol will be purchased from Kappy's Importing. 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.

**ROCK n ROW. 10<sup>th</sup> Anniversary.** A letter was received from Paul Mazonson, 7 Barnegat Lane, noting the upcoming 10<sup>th</sup> anniversary of the Rock n Row Club, Marblehead's open water rowing club. Motion made and seconded to send a letter of congratulations to the Rock n Row Club. All in favor.

**DISABILITIES COMMISSION. Letter of Interest.** A letter of interest was received from Cheryl LaLonde, 231 Pleasant Street as it relates to serving on the Disabilities Commission.

**WARRANT HEARING. Finance Committee.** The Marblehead Finance Committee will hold a public hearing on Monday, March 28, 2016 in Abbot Hall, 188 Washington Street, in the Selectmen's Room at 7:00 p.m. The purpose of this meeting is to hear discussion pro & con on articles in the warrant of the May 2, 2016 Annual Town Meeting. The public hearing also offers Marblehead Taxpayers an opportunity to provide input in the discussion, enabling the Finance Committee to hear all facets before offering its recommendations to the Annual Town Meeting. The Finance Committee also strongly requests the sponsors of articles calling for the appropriation of funds please have the

dollar amount available at the time the article is discussed. The articles will be discussed in numerical order.

Motion made and seconded to adjourn at 8:30 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide