

BOARD OF SELECTMEN

MINUTES

March 22, 2017

Board met in session at 7:30 p.m. in the Selectmen's Office 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 8, 2017. All in favor. Motion made and seconded to approve the minutes from March 20, 2017. 3 voted in favor. Mr. Christensen and Mr. Nye voted present.

SPIRIT OF MARBLEHEAD TOUR. Donald Doliber, 7 Westminster Road, Town Historian, Libby Moore, 32 Summer Street, appeared before the Board seeking permission to hold a 1 day walking tour of 5-6 locations in Marblehead. Motion made and seconded to approve the request from Donald A. Doliber, Town Historian, to use Abbot Hall, Old Town House, State Street Wharf and Fort Sewall on Saturday, September 16, 2017 for a "Spirit of Marblehead Tour" subject to the usual rules and regulations and to waive the rental fee for this event. All in favor.

CHAMBER OF COMMERCE. Celebrate Marblehead. Beth Ferris, Executive Director, and Dick McKinley, 54 Brackett Place, appeared before the Board seeking approval for the 5th year of "Celebrate Marblehead", a program that supports and offers opportunities to local businesses. Motion made and seconded to approve the request from Beth Ferris, Chamber of Commerce, to hold "Celebrate Marblehead" April 15, 2017 – October 9, 2017 and to allow the businesses in Town the following considerations subject to receipt of the required Certificate of Insurance and compliance with ADA, Fire, Building, Zoning and Health Department requirements:

- **Allow tables and/or displays outside of stores**
 - Business will remain compliant with all ADA, fire, building and zoning codes.
 - Tables and/or displays will allow for the required 36 inches of sidewalk space, excluding curb, for handicapped accessibility requirements.
 - Sidewalk space will allow for 48 inches, however, an unobstructed 36 inch path of travel, excluding curb, will be maintained past any sidewalk obstruction. Such obstructions include but not limited to utility poles, mail boxes, trees and open areas around them, street lights, traffic signal bases

and pre-cast foundations and other signal hardware, hydrants, signs and poles.

- It is preferred that tables and chairs are made of natural materials, ie: wood or metal.
- **Permit outdoor entertainment from Thursday–Sunday from 10 AM–8 PM**
 - Business will remain compliant with all ADA, fire, building and zoning codes.
 - Entertainment will only include small or solo performances without amplification.
- **Permit restaurant outdoor seating from the hours of 7 AM–10 PM**
 - Business will remain compliant with all fire, building and zoning codes.
 - Tables will be small, with a maximum of eight (8) seats per establishment.
 - Tables, chairs and benches will allow for 36 inches of sidewalk space, excluding curb, to comply with handicapped accessibility requirements.
 - Sidewalk space will allow for 48 inches, however, an unobstructed 36 inch path of travel, excluding curb, will be maintained past any sidewalk obstruction. Such obstructions include but not limited to utility poles, mail boxes, trees and open areas around them, street lights, traffic signal bases and pre-cast foundations and other signal hardware, hydrants, signs and poles.
 - It is preferred that tables and chairs are made of natural materials, ie: wood or metal.
 - Vendors and restaurants will receive required Board of Health approvals.
 - No alcohol is permitted to be served outside of any establishment in compliance with liquor license regulations.
- **Allow small beautification projects**
 - Business will remain compliant with all ADA, fire, building and zoning codes.
 - For example, flower pots along sidewalks.
 - Placement will allow for the required 36 inches of sidewalk space for handicapped accessibility requirements.

All in favor.

MASSPORT COMMUNITY ADVISORY COMMITTEE (MCAC). Report to Selectmen. 21st Century Noise Based Landing Fee. Charles Gessner, 20 Gregory Street, Selectmen’s appointment to the Massport Community Advisory Committee (MCAC) appeared before the Board to update them on the work of the Committee. MCAC has voted on, and is recommending, that Massport adopt a 21st Century Noise Based Landing Fee based on the noise certification data for each aircraft type arriving at Logan, using an overweight on Approach and Take Off noise in combination with Sideline noise, and a standard seating component for each aircraft type. MCAC is

hopeful that Massport will take action on this recommendation and other suggestions from the committee.

WATER & SEWER COMMISSION. Drainage Update. Amy McHugh, Superintendent, Water & Sewer, appeared before the Board to update them on Phase 2 on the Pleasant Street drainage project. Bids opened March 2nd for work on School Street and Pleasant Street and they are currently under review. Phase 2 is projected to start early summer 2017.

PUBLIC HEARING. Parking Regulations. Amend. Chief Picariello appeared before the Board as it relates to amending the Parking Regulations 264-6 and 264-5. Motion made and seconded to amend Chapter 264 of the regulations by adding the following to section 264-6: No person shall park or stand any commercial trailer, semitrailer, auto home, or house trailer as defined by Section 1 of Chapter 90 of the General Laws upon any way or sidewalks, not attached to a vehicle, for a period longer than 72 hours. Any person, firm, or corporation found not in compliance with this section shall be liable to pay a fine of not more than \$25 if paid within 21 days, \$35 if paid thereafter but before the town reports to the registrar of motor vehicles, and \$50 if paid thereafter. Each day said noncompliance continues shall be considered a separate offense.

Amend Chapter 264-5 of the Town's regulations by adding a new item, "I. Within 10 feet of any crosswalk"

All in favor.

2017 ANNUAL TOWN MEETING. Warrant Articles. The Board reviewed articles they have sponsored on the 2017 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 \$2,598,000. All in favor.

Article 9 Purchase of Equipment. Motion made and seconded to support Article 9 Purchase of Equipment in the amount of \$494,699. All in favor.

Article 10 Capital Improvements – Public Buildings. Motion made and seconded to support Article 10 Capital Improvements – Public Buildings in the amount of \$313,848. All in favor.

Article 11 Walls & Fences. Motion made and seconded to support Article 11 Walls & Fences in the amount of \$7,500. All in favor.

Article 12 Amend Town Bylaw – Building Permit Fees. Motion made and seconded to recommend adoption of Article 12 Amend Town Bylaw – Building Permit Fees. All in favor.

Article 13 Accept Gift of Land. Motion made and seconded to recommend adoption of Article 13 Accept Gift of Land. All in favor.

Article 22 Proposed Pay Schedule Administrative. Motion made and seconded to support Article 22, Proposed Pay Schedule Administrative in the amount of 3% increase. All in favor.

Article 23 Proposed Pay Schedule Traffic Supervisors. Motion made and seconded to support Article 23, Proposed Pay Schedule Traffic Supervisors in the amount of 3% increase. All in favor.

Article 24 Proposed Pay Schedule Seasonal & Temporary. Motion made and seconded to support Article 24, Proposed Pay Schedule Seasonal & Temporary in the amount of 3% increase. 4 voted in favor, Mr. Murray voted present.

Article 25 Compensation of Town Clerk. Motion made and seconded to support Article 25 Compensation of Town Clerk in the amount of 3% increase. All in favor.

Article 26 Essex North Shore Agricultural & Technical. Motion made and seconded to support Article 26 Essex North Shore Agricultural & Technical in the amount of \$329,187. All in favor.

ABBOT HALL. Permission to Use. Rotary Club of Marblehead Harbor. Motion made and seconded to approve the request from Diane Barbour, Rotary Club of Marblehead Harbor, to use Abbot Hall for the 20th Annual Holiday Pops Concert on the following dates/times subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance and to waive the rental fee for this event:

Friday, December 8, 2017 8:00 a.m. – 12:00 Noon

Saturday, December 9, 2017 4:00 p.m. – 11:00 p.m.

Monday, December 11, 2017 8:00 a.m. – 12:00 Noon

All in favor.

MEMORANDUM OF UNDERSTANDING. Marblehead Municipal Employees Union, Local 1776. Motion made and seconded to approve the Memorandum of Understanding between the Town of Marblehead and the Marblehead Municipal Employees Union, Local 1776, as prepared by Town Counsel, and authorize the Chair to sign on behalf of the Board. All in favor.

COMMUNITY GOLF DAY. Tedesco Country Club. A letter was received from John Kinner, General Manager, Tedesco Country Club, confirming that Monday, July 10, 2017 or Monday, July 17, 2017 is to be designated as “Marblehead Day”. Motion made and seconded to accept letters of interest from any non-profit interested in using the Tedesco Country Club on July 10 or July 17, 2017 for Community Golf Day. Deadline to submit letters is Friday, April 7, 2017 at 12:00 noon. Submit letters to Board of Selectmen, Abbot Hall, 188 Washington Street. All in favor.

CONTRACT. Archival Facility Study. Motion made and seconded to award a contract for consulting services for archival facility study to Michelle F. Pacifico Archival Facilities Consultant of Jackson, WY/Washington, DC in an amount not to exceed eighty six thousand two hundred and nineteen thousand dollars (\$86,219.00) and authorize the Chair to sign on behalf of the Board. All in favor.

RIGHT OF ENTRY. 24 Norman Street. Motion made and seconded to approve the Right of Entry by and between the Town of Marblehead and William H. Park, Jr. & Larissa Bifano Park of 24 Norman Street, Marblehead for the property at 24 Norman Street, as prepared by Town Counsel, to allow the Town to undertake work on a town owned tree and the authorize the Chair to execute the agreement. All in favor.

ABBOT HALL. Permission to Use. Marblehead Festival of Arts. Motion made and seconded to approve the request from Sandy McLaughlin, Marblehead Festival of Arts, to use Abbot Hall on the following dates/times, subject to the usual rules, regulations, fees and receipt of required Certificate of Insurance:

Wednesday, April 19, 2017 4:30 p.m. – 8:30 p.m.

Friday, April 28, 2017 5:00 p.m. – 8:30 p.m.

All in favor.

LICENSING. One Day Liquor. Marblehead Festival of Arts. Motion made and seconded to approve the request from Sandy McLaughlin, Marblehead Festival of Arts, for a One Day Liquor License on Friday, April 28, 2017 from 6:00 p.m. – 8:00 p.m. at Abbot Hall for an Art Auction Preview Night 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.

PERMISSION. POD on Public Way. 25 Mugford Street. Motion made and seconded to approve the request from Laura Aragon, 25 Mugford Street, to place a POD container on the public way at 25 Mugford Street for 1 day subject to approval from Chief Picariello and receipt of the required Certificate of Insurance. The POD container is not allowed to stay on the public way overnight. All in favor.

CONTRACT. Audit Services. Motion made and seconded to award a three year contract to Powers and Sullivan LLC of Wakefield, MA for annual audit services in an amount not to exceed one hundred and sixty five thousand dollars (\$165,000.00) and authorize the Chair to sign the contract on behalf of the Board. All in favor.

PBS FRONTLINE DOCUMENTARY. Community Event. An open community discussion and screening of the PBS Frontline Documentary, *Growing up Trans*, will be presented on Sunday, March 26, 2017 at 2:00 p.m. at the Abbot Public Library, in the lower level meeting room. This event is co-sponsored by the Marblehead Task Force against Discrimination & the Abbot Public Library. This event is free and open to the public.

TELL ME THE TRUTH. Community Event. The Marblehead Racial Justice Team and the Task Forces against Discrimination will present *Tell Me the Truth, Exploring the Heat of Cross-Racial Conversations*, Sunday, April 2, 2017 at 2:00 p.m. at Marblehead High School, 2 Humphrey Street. This event is free and open to the public.

OLD AND HISTORIC DISTRICTS COMMISSION. Letter of Interest. Deadline to submit. A letter of interest was received from Gary Canner, 76 Beacon Street, as it relates to serving on the Old and Historic Districts Commission, Alternate Member. Motion made and seconded to receive letters on interest to serve on the Old and Historic Districts Commission, Alternate Member. Deadline to submit letters is Friday, April 7, 2017 at 12:00 noon. Applicants will be interviewed at the Boards meeting on Wednesday, April 12, 2017 at 7:30 pm.at Abbot Hall. There are 2 vacancies for this position. All in favor.

FAIR HOUSING COMMITTEE. Letter of Interest. A letter of interest was received from Frank Evans, 21 Ocean Avenue, to serve on the Fair Housing Committee.

GRASSE, FRANCE. Letter of support. Motion made and seconded to send a letter of support to our sister city, Grasse, France in light of the recent event at the Alexis de Tocqueville High School . All in favor.

CONDOLENCE. Motion made and seconded to send a letter of condolence to the family of Fraffie Welch. All in favor.

CONDOLENCE. Motion made and seconded to send a letter of condolence to the family of Betty Brown. All in favor.

Motion made and seconded to adjourn at 8:40 p.m.

Kyle A. Wiley
Administrative Aide