BOARD OF SELECTMEN

MINUTES

November 17, 2021

Board met in session at 7:00 p.m. via ZOOM Conferencing
Present (constituting a quorum):

Jackie Belf-Becker, Chair
M. C. Moses Grader
James E. Nye
Erin M. Noonan
Alexa J. Singer

Jason Silva, Town Administrator

The Chair called the meeting of November 17, 2021 to order. The following roll call was taken: Mrs. Noonan, present; Mrs. Singer, present; Mr. Grader, present; Mr. Nye, present; Mrs. Belf-Becker, present.

MINUTES. Motion made and seconded to approve the minutes of August 5, 2021 and November 2, 2021. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year 2022. John Kelley, Assessor, and Karen Bertolino, Assistant Assessor, appeared before the Board to provide information necessary for votes to be taken on the three available exemptions and a vote to determine the FY2022 tax factor which determines how taxes are allocated between property classes. Ms. Bertolino presented the 2022 total valuation of the town which has received final certification from the Department of Revenue (DOR) after meeting all DOR criteria and guidelines for development of fair and equitable assessments throughout the Town of Marblehead. The Board voted as follows:

<u>Residential Exemption:</u>
Classification allows the Board of Selectmen to grant an exemption of up to 20% of the average assessed value of all Class One residential parcels, which are the principal residences of the taxpayer. This particular exemption typically provides tax relief for full time residents in vacation communities such as Nantucket or communities with a large number of non-owner occupied properties. Motion made and seconded not to adopt the residential exemption. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Small Commercial Exemption:
Chapter 220, SS.112 and 187 of the Acts of 1993 provide for an exemption of up to 10% of the assessed value for Commercial properties with an assessment of less than $1,000,000 dollars and employing not more than ten people in the preceding calendar year. This particular exemption benefits only the property owner, as the law does not require the tax relief be passed through to the business owner. If adopted, this exemption shifts the tax burden onto other Commercial and Industrial properties. Motion made and seconded not to adopt the small commercial exemption. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Open Space Discount:
Chapter 59 Section 2A allows for a maximum of 25% exemption for property classified as Open Space. "Class Two, open space" is land which is not otherwise classified and which is not taxable under the provisions of chapters 61, 61A, or 61B, or taxable under a permanent conservation restriction, and which land is not held for the production of income but is maintained in an open or natural condition, and which contributes significantly to the benefit and enjoyment of the general public. The Board of Assessors has determined that no property in Town meets the strict definition of open space. Motion made and seconded not to adopt the open space discount**.** Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Chapter 369 of the Acts of 1982 requires the decision to shift the property tax burden from one property class to another to be made by the Board of Selectmen, after a public hearing. The statute provides a maximum allowable portion of the Tax Levy up to 150% to be borne by Commercial, Industrial and Personal Property (CIP Class) and a minimum allowable portion to be borne by the Residential Class. Motion made and seconded to adopt a single rate factor of 1, all parcels to be levied at 100%. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

APPRECIATION. Motion made and seconded to send a letter of congratulations and appreciation to Mike Tumulty on his recent retirement from the Town as Assistant Assessor. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

APPOINTMENT. Town Accountant. Christopher Holak appeared before the Board. MOTION made and seconded to appoint Christopher Thomas Holak Town Accountant with a term to expire in June 2022. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

GIFT TO THE TOWN. USS Marblehead Silver Service. Chris Johnston, Chairman, Historical Commission and Michael Fuenfer appeared before the Board. Mr. Fuenfer wished to present the Board of Selectmen with a silver service from the USS Marblehead, built in 1924 and fought in WWII. Motion made and seconded to accept as a gift to the Town the USS Marblehead silver service and place in the care and custody of the Historical Commission and to send a letter of thanks to Michael Fuenfer for his donation. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

PUBLIC ART PROJECT. Wishing Wall. Abbot Hall Upper Grounds. The Town Administrator advised the Board that the Town received a $1000 grant from the Cultural Council to create a "wishing wall", providing a venue for the community to express themselves and what their hopes, dreams and wishes are for the Town post-pandemic. The project will be managed and implemented by Peyton Pugmire and the Public Art Committee. The Wishing Wall will be installed at Abbot Hall at the end of November for approximately 2 weeks. Motion made and seconded to approve the installation of the public art project "Wishing Wall" on the upper grounds of Abbot Hall. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

ICE RINK. Discussion. The Recreation and Parks Commission, Terry MacLaughlin, MacLaughlin Management & Design and members of the former Ice Rink Committee were present. The Town Administrator gave an overview of the work done by the Ice Rink Committee, including outreach to the community via public meetings and on-line surveys, to understand what type of rink the community wants and what is most feasible, i.e. fully enclosed, outdoor, or partial covered rink. Under the terms of the Larz Anderson Trust Fund both Recreation and Parks Commission and Board of Selectmen are tasked with determining how the funds will be spent. Chip Osborne, Chairman, Recreation and Parks Commission addressed the Board and stated he suggests a joint working group between the Commission and Board of Selectmen to develop a plan for the use of the Larz Anderson Trust Fund. Discussion on the Marblehead Ice Rink Feasibility Study, prepared & conducted by MacLaughlin Management & Design, followed with members of the represented committees, multiple residents and Terry MacLaughlin answered questions. No votes were taken.

HOST COMMUNITY AGREEMENT. Seven Leaf Sisters. Kate Federoff, Special Town Counsel, Angela Arena, Seven Leaf Sisters Inc., and Blake Mensing, Counsel, appeared before the Board as it relates to a Host Community Agreement with the Town and Seven Leaf Sister, Inc. Counsel reviewed the proposed Host Community Agreement with the Board and all questions were answered. Motion made and seconded to approve the Host Community Agreement between the Town and Seven Leaf Sisters, Inc., as presented by Counsel. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote

the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

OPEN MEETING LAW COMPLAINT. Alex Castro, Special Town Counsel, appeared before the Board as it relates to Open Meeting Law Complaint(s) of October 22, 2021 and November 1, 2021 filed by Allen Waller. Attorney Castro reviewed the complaints with the Board. Motion made and seconded to authorize Town Counsel to send a formal response to Allen Waller and the Attorney General as it relates to the Open Meeting Law Complaint(s) of October 22, 2021 and November 1, 2021 filed by Allen Waller. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

ABBOT HALL. Permission to Use. Eagle Scout Court of Honor. Motion made and seconded to approve the request from Andrew Barnett, Troop 79, BSA, to use Abbot Hall on Sunday, January 9, 2022 from 3:00 – 7:00 pm for an Eagle Scout Court of Honor subject to the usual rules, regulations, fees and receipt of the required Certificate of Liability and to invite the Eagle Scout to a future Selectmen's meeting to present his Eagle Scout project. The rental fee is waived for this event. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

BELL SCHOOL. Contract. Gilbane Building Company. Change Order #10. Motion made and seconded to approve Gilbane Owner Change Order (OCO) #10 in the amount of fifty-one thousand and one hundred twenty-two and 00/100 dollars ($51,122.00) and authorize the Chair to sign on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

FILM REQUEST. Motion made and seconded to approve the request from Jeff MacLean, New England Location, to film scenes for a National Grid commercial at 17 Sheldon Road on December 8-9, 2021 subject to approval from the Police Chief, a police detail, receipt of the required Certificate of Insurance and notification given to all neighbors in advance. Work shall not commence before 7:00 a.m. and shall be completed by 10:00 p.m. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Woods Hole Group. Coastal Resilience Engineering Services. Motion made and seconded to amend the contract for *Coastal Resilience Engineering Services* with Woods Hole Group of Bourne, MA by increasing the contract amount by six thousand dollars ($6000) and authorize the Chair to sign the amendment on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board

voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Collins Engineering. Coastal Resilience Engineering Services Motion made and seconded to amend the contract for *Coastal Resilience Engineering Services* with Collins Engineering of Portsmouth, NH by increasing the contract amount by twenty thousand six hundred and sixty dollars ($20,660.00) and authorize the Chair to sign the amendment on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

CHAMBER OF COMMERCE. 50th Annual Christmas Walk. Tree Lighting. Parade. Old Town House. Motion made and seconded to approve the request from Amy Bucher, Marblehead Christmas Walk Committee, for the following events and venues subject to approval from Police Chief and Fire Chief and the usual rules, regulations, fees and receipt of the required Certificate of Insurance, and to waive the rental fee to use the Old Town House.
Annual Tree Lighting: Friday, December 3, 2021 at the National Grand Bank parking lot. Event starts at 5:30 p.m., tree lighting at 7:00 p.m.
50th Annual Marblehead Christmas Walk Parade: Saturday, December 4, 2021. The parade begins at 12:00 p.m. at the State Street Landing and continues onto Washington Street and then onto Atlantic Avenue The parade route continues from the Police Station, taking a right onto Gerry Street then a right onto Pleasant St. and will continue down Pleasant St. by the Village Plaza and ending at the National Grand Bank parking lot.
Holiday Wreaths/Garland wraps and bows: Hang approximately 150 holiday wreaths and garland wraps throughout the business districts starting the week of November 15, 2021 subject to approval from the Marblehead Municipal Light Department and receipt of the required Certificate of Insurance. All decorations shall be removed by January 10, 2022.
Holiday Lighting: Turn on the holiday lights at the Old Town House and State Street Landing by Friday, November 19, 2021.
Old Town House. Use of the Old Town House on December 4 – 5, 2021 for musical performances. Hours to be determined.
Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

PARKING RESTRICTIONS. Tree Lighting/Christmas Walk/Parade. Motion made and seconded to approve the following parking regulations and traffic flow changes on recommendation of the Police Chief:
Tree Lighting, December 3, 2021 - 7:00 p.m.
In the event of an overflow crowd that creates a public safety concern, the board authorized the Chief of Police to close either Pleasant Street between School Street and Spring Street or Essex Street between Atlantic Avenue and Pleasant Street. In either case, traffic will be interrupted only if necessary.
Santa's Arrival at Clark Landing, December 4, 2021 - at about 9:30 a.m.

The parking lot at Clark Landing to be closed in its entirety at 8:30 a.m. until such time as it is safe to reopen.

Christmas Walk Parade December 4, 2021

Staging for the parade will be on Front Street between the Boston Yacht Club and State Street (including Darling Street,) at about 10:30 a.m., then stepping off from Clark Landing on a route including State Street, Washington Street, Atlantic Avenue, Gerry Street and Pleasant Street. The closure of Front Street between Water Street and State Street and Darling Street in its entirety from 10:00 a.m. until 12:30 p.m. All streets along the parade route will be controlled by police officers as needed to facilitate the safe passage of the parade.

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

2022 ANNUAL TOWN MEETING. Warrant. Motion made and seconded that the Annual Town meeting be held on Monday, May 2, 2022 at 7:00 p.m. at Marblehead Veterans Middle School Auditorium, at Duncan Sleigh Square, 217 Pleasant Street. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded to open the Warrant for the May 2, 2022 Annual Town Meeting. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded to close the Warrant for Town Government, Boards and Commissions on Friday, January 21, 2022 at 12:00 noon. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded to close the Warrant for the General Public on Friday, January 28, 2022 at 12:00 noon. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

LICENSING. One Day Liquor License. Bubble Bar Boston. Living Swell. 34 Atlantic Avenue. Motion made and seconded to approve the request from Maria Tilkens, Bubble Bar Boston, for a one-day liquor license on Saturday, December 4, 2021 from 12:00 p.m. – 3:00 p.m. at 34 Atlantic Avenue, during the annual Christmas walk subject to the following conditions:

- 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.

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

LICENSING. One Day Liquor License. Bubble Bar Boston. Eat Well Kitchen. 12 Atlantic Avenue. Motion made and seconded to approve the request from Maria Tilkens, Bubble Bar Boston, for a one-day liquor license on Thursday, December 9, 2021 from 6:30 p.m. – 9:00 p.m. at Eat Well Kitchen, 12 Atlantic Avenue, subject to the following conditions:

- 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.

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

CONTRACT. Bobrek Engineering & Construction. Elm Street Drainage Project. Motion made and seconded to approve the contract between the Town and Bobrek Engineering & Construction, LLC, for the Elm Street Drainage Improvements 2021 – Construction Phase Engineering Services, in the amount of fifty-nine thousand and 00/100 dollars ($59,900.00) and authorize the Chair to sign on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Bobrek Engineering & Construction, LLC. MS4 Stormwater Management Program. Motion made and seconded to approve the contract between the Town and Bobrek Engineering & Construction, LLC, for the NPDES Small MS4 Stormwater Management Program – Year 4, in the amount of one hundred and thirty-five thousand and five hundred dollars ($135,000.00) and authorize the Chair to sign on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Valley Communication Services. Video Conferencing. Motion made and seconded to approve the contract between the Town and Valley Communication Services for hardware and professional services for video conferencing at Mary A. Alley Building and Abbot Hall in the amount not to exceed fifty thousand and 00/100 dollars ($50,000.00) and to authorize the Chair to sign on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer,

in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

LICENSING. One Day Liquor License. Eternal Events. Motion made and seconded to approve the request from Wilson Lautner, Eternal Events, 10 Tioga Way, for a one-day liquor license on Saturday, November 27, 2021 from 7:00 p.m. – 11:45 p.m. at Eternal Events, 10 Tioga Way, subject to the following conditions:

- 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 provided by Bent Water Brewery. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

RETIREMENT BOARD. Annual Report. The Board received a copy of the Retirement Board's annual 2022 budget as required by M.G.L. Chapter 32, Section 22, Chapter 306 of the Acts of 1996.

TASK FORCE AGAINST DISCRIMINATION. Letter of Interest. A letter of interest was received from Diane Gora as it relates to serving on the Task Force against Discrimination. The Board will interview all applicants at a meeting on November 22, 2021.

HOLIDAY HOURS for Abbot Hall and Mary A. Alley Building. The following hours will be observed at Abbot Hall and Mary A. Alley Building.

Thanksgiving:

Monday, November 22, 2021	8:00 a.m. – 5:00 p.m.
Tuesday, November 23, 2020	8:00 a.m. – 5:00 p.m.
Wednesday, November 24, 2021	8:00 a.m. – 2:30 p.m.
Thursday, November 25, 2021	CLOSED
Friday, November 26, 2021	CLOSED

Christmas and New Year's

Monday, December 20, 2021	8:00 a.m. – 5:00 p.m.
Tuesday, December 21, 2021	8:00 a.m. – 5:00 p.m.
Wednesday, December 22, 2021	8:00 a.m. – 6:00 p.m.
Thursday, December 23, 2021	8:00 a.m. – 12:30 p.m.
Friday, December 24, 2021	CLOSED
Monday, December 27, 2021	8:00 a.m. – 5:00 p.m.
Tuesday, December 28, 2021	8:00 a.m. – 5:00 p.m.
Wednesday, December 29, 2021	8:00 a.m. – 6:00 p.m.
Thursday, December 30, 2021	8:00 a.m. – 12:30 p.m.

Friday, December 31, 2021 CLOSED

Motion made and seconded to adjourn at 10:15 p.m. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

Kyle A. Wiley
Administrative Aide

List of documents used:
Board of Assessors Report – FY2022
Resume Thomas Holak
Request for Wishing Well
Ice Rink Report
Draft letters from Counsel re: OML complaint
Troop 79 request for Abbot Hall
Gilbane Building Company, Change order #10
Request for filming, Sheldon Road
Chamber of Commerce, Christmas Walk, Tree Lighting, parade request
Police Chief, road closures, Christmas Walk/Parade
(2) one day liquor license. Bubble Bar Boston
1 day liquor license. Eternal Events
Retirement Board notification
Letter of Interest. Diane Gora. Task force against discrimination