**BOARD OF SELECTMEN**

**MINUTES**

**March 16, 2022**

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

John J. McGinn, Interim Town Administrator

The Chair called the meeting of March 16, 2022 to order. All members of the Board are participating remotely. The following roll call was taken: Mrs. Noonan, present; Mr. Grader, present; Mrs. Singer, present; Mr. Nye, present; Mrs. Belf-Becker, present.

**VETERANS AGENT. Vietnam Memorial Plaque.** David Rodgers, Veterans' Agent, appeared before the Board seeking permission to add the name of Peter Cleary to the Vietnam Memorial Plaque. Peter Cleary was MIA in 1972 and his remains were recovered and laid to rest in Arlington National Cemetery in 2002/2003. Motion made and seconded to approve the request from David Rodgers, Veterans' Agent, to add the name of Peter Cleary to the Vietnam Memorial Plaque at Memorial Park. Moved by Mr. Nye, seconded by Mrs. Singer. 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.

**COLLINS CENTER. Town Administrator Search/Recruitment.** Mary Aicardi, and Michael Hale, Consultants, Collins Center, appeared before the Board to update and review the process for the Town Administrator Search/Recruitment. The Consultants have spoken with all Board members and various Department Heads and Union representatives. The first screening committee meeting will be posted in the next few weeks. The Consultants reviewed The Town Administrator Profile, that was developed by the Collins Center, with the Board. Motion made and seconded to adopt the Town of Marblehead Town Administrator Profile as prepared by Collins Center. Moved by Mr. Nye, seconded by Mrs. Singer. 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.

**CULTURAL COUNCIL. Appointments.** The following applicants appeared before the Board as it relates to serving on the Cultural Council: Diane Capstaff and Lisa Seltzer. Motion made and seconded to nominate both applicants to serve with 1 term to

expire in June 2023 and 1 in June 2024 respectively. On a polled vote the Board voted to appoint Diane Capstaff with a term to expire in June 2023; Mrs. Singer, in favor; Mrs. Noonan, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor. On a polled vote to appoint Lisa Seltzer to the Cultural Council with a term to expire in June 2024 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.

**DISABILITIES COMMISSION. Interviews. Appointment.** Kathryn Mahaney and Richard Ramos appeared before the Board as it relates to serving on the Disabilities Commission. Motion made and seconded to nominate both applicants 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, Richard Ramos; Mrs. Noonan, Richard Ramos; Mr. Grader, Richard Ramos; Mr. Nye, Richard Ramos and Mrs. Belf-Becker, Richard Ramos. Richard Ramos appointed to the Disabilities Commission with a term to expire in June 2024.

**LICENSING. Eastern Yacht Club. Annual and Seasonal Liquor License. Change of Manger.** Jarod Chorney and Attorney Robert McCann appeared before the Board seeking approval for a Change of Manager at the Eastern Yacht Club. Motion made and seconded to approve the application(s) from the Eastern Yacht Club for Change of Manager on the Annual All Alcoholic Beverage License, 47 Foster Street, and the Seasonal All Alcoholic Beverage License, 42-44 Foster Street, as presented, to Jared C. Chorney subject to approval from ABBC and proof of TIPS or equivalent training. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**FIRE CHIEF. Disclosure.** The Board received a letter of disclosure from the Fire Chief. Motion made and seconded to accept the letter of disclosure from Chief Gilliland as it relates to a potential conflict of interest due to the recently established promotional eligibility list for the rank of Lieutenant of the Marblehead Fire Department. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**APPOINTMENT. Civil Service Eligibility.** Motion made and seconded to appoint John McGinn, Interim Town Administrator, to conduct the promotional process for appointing a new lieutenant from the recently established Civil Service eligibility list for the rank of Lieutenant. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**FIRE DEPARTMENT. Recruitment Training.** The Board received notification from Chief Gilliland that Firefighters Richard Elhert, William Boardway and John Morris have successfully completed the ten week of recruit firefighter training at the Massachusetts Firefighting Academy in Springfield, Massachusetts.

**BROWN SCHOOL. Contract. Gilbane Building Company. Change Order #15.** Motion made and seconded to approve Gilbane Owner Change Order (OCO) #15 in the amount of four thousand five hundred and forty-nine and 00/100 dollars ($4,549.00) 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. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**CHAMBER OF COMMERCE. Celebrate Marblehead.** Motion made and seconded to approve the request from Katherine Koch, Executive Director, Chamber of Commerce, to hold the annual "Celebrate Marblehead" April 11 – October 31, 2022 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 (non restaurants)**
  - 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:

  i.e. flower pots along sidewalks- placement will allow for the required 36 inches of sidewalk space for handicapped accessibility requirements.

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

**CONTRACT. Rail Trail Crossing Project.** Motion made and seconded to award the contract for the Rail Trail Crossing Project base bid to Richard D'Ambrosia Inc. of Weymouth, MA in the amount of three hundred and sixty-eight thousand and fifty-two dollars ($368,052.00) and authorize the Chair to sign the contract on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**OLD TOWN HOUSE. Permission to Use. Sustainable Marblehead.** Motion made and seconded to approve the request from Sustainable Marblehead to use the Old Town House on Thursday, April 28, 2022 from 5:30 pm – 9:30pm for a presentation subject to the usual rules, regulations, fees, receipt of the required Certificate of Insurance and to waive the rental fee for this event. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**REVOLVING FUND ACCOUNTS.** Motion made and seconded to amend the previous vote of the Board taken on February 9, 2022 to reauthorize the following Revolving Fund Accounts for Fiscal Year 2023 in accordance with Mass General Laws Chapter 44, Section 53E ½ in the amounts below:

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| Animal Control Department | $ 20,000.00 |
| Council on Aging | $ 250,000.00 |
| Board of Health, commercial waste disposal | $1,485,000.00 |
| Board of Health, vaccines | $ 10,000.00 |
| Highway, street opening fees | $ 150,000.00 |
| Sump pump improvement | $ 10,300.00 |
| Conservation Fines | $ 75,000.00 |
| Storm Water & Erosion Control | $ 10,000.00 |
| Historical Commission Gift Shop | $ 25,000.00 |
| Recreation and Parks | $1,000,000.00 |
| Marblehead Public Schools, Special Ed | $1,000,000.00 |

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

**OPIOID LITIGATION. Allocation Agreement.** Motion made and seconded to authorize the Chair to sign, on behalf of the Board, the Allocation Agreement related to the National Prescription Opioid Litigation. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**CONSERVATION COMMISSION. Letters of Interest**. The Board will receive letters of interest and resumes to serve on the Conservation Commission with a deadline to submit by March 25, 2022. Submit letters and resumes to Board of Selectmen, Abbot Hall, 188 Washington Street or email wileyk@marblehead.org. Applicants will be interviewed at the Boards meeting on Wednesday, March 30, 2022.

**POLICE DEPARTMENT. Grant**. Notification was received from Chief King that his department received a grant from Rotary Clubs of Marblehead in the amount of six thousand dollars to support their Officer Health and Wellness Programs, specifically the creation of a Marblehead Police Department Gym.

**CONTRACT. Village Street Bridge Project.** Motion made and seconded to award a contract to GPI of Wilmington, MA for completing and filing Project Notification and Project Scope for the Village Street Bridge Project for the MassDOT Transportation Improvement Program in the amount not to exceed five thousand five hundred dollars ($5,500.00) and authorize the Chair to sign the contract on behalf of the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**MASSACHUSETTS SCHOOL BUILDING AUTHORITY. Statement of Interest (SOI).** Motion made and seconded to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 16, 2022 for the Marblehead High School and Veteran's Middle School located at 2 Humphrey Street, Marblehead, MA and 217 Pleasant Street, Marblehead, MA respectively which describes and explains the following deficiencies and the priority category for which an application may be submitted to the Massachusetts School Building Authority in the future. Description of priority: Priority category # 5 - Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. Description of deficiency: The High School roof dates back to the initial construction which occurred in 2001. The entire roof has multiple leaks which have penetrated the building. The district has continually patched this roof to extend its useful life. It is a common occurrence for water to drip in through the ceiling during heavy rain storms. The Veteran's Middle School was most recently renovated in 2004 and previous to that in 1986. During the 2004 renovation all portions of the roof were replaced with the exception of the D Wing area and the Auditorium area. These two areas are now failing and are in dire need of replacement; 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 Town to filing an application for funding with the Massachusetts School Building Authority. Moved by Mrs. Singer, seconded by Mr. Nye. 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 adjourn at 8:00 p.m. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Kyle A. Wiley
Administrative Aide

List of documents used:
Request for Memorial Plaque
Collins Center. Town Administrator profile
Resumes: Diane Capstaff / Lisa Seltzer / Yotim Mendlinger / Kathryn Mahaney / Rich Ramos
Eastern Yacht Club application
Fire Chief letter
Gilbane CO no 15
Chamber of Commerce Celebrate Marblehead
Sustainable Marblehead request for Old Town House
Revolving funds dollar amounts
Opioid Litigation – Allocation agreement
MSBA request from Schools