

BOARD OF SELECTMEN

MINUTES

June 15, 2020

Board met in session at 9:00 a.m. via ZOOM Conferencing:

Present / remote Dial-in number (US) (253) 215 8782
<https://zoom.us/j/99953040332> Meeting ID: 999 5304 0332

Jackie Belf-Becker, Chair
M. C. Moses Grader
Judith R. Jacobi
James E. Nye

Jason Silva, Town Administrator

The Chair called the meeting of Monday, June 15, 2020 to order. The following roll call was taken: Mr. Grader, present; Mrs. Jacobi, present; Mr. Nye, present; Mrs. Belf-Becker, present.

MARBLHEAD MUNICIPAL EMPLOYEES UNION. Attorney Nikki Harberger Decter, MMEU Counsel and Terri Tauro, Union President appeared before the Board to discuss the public records request submitted by MMEU to the Town for financial documents relating to FY21 budgets and any proposed cuts in staffing and services. Marc Miller, Special Town Counsel, responded that the Town is in the process of finalizing the budget and compiling the data requested and will make it available to the union once it is completed.

OUTDOOR SEATING. The following applications were reviewed by the Board for outdoor seating.

Gerry 5. 210 Beacon Street. Art Dodge appeared before the Board seeking permission for outdoor seating. After review, motion made and seconded, pursuant to Executive Order COVID-19, No. 35, issued by Governor Baker on June 1, 2020, and notwithstanding the provisions of Chapter 40A of the General Laws, or any special permit, variance or other approvals thereunder, or any general or special law to the contrary, the Board of Selectmen for the Town of Marblehead approves the application for outdoor seating submitted by **Art Dodge** for **Gerry 5**, located at 210 Beacon Street in Marblehead, Massachusetts, provided that the operation remains in substantial compliance with the documents, plans and statements contained within said application and submitted therewith, which documents are incorporated herein by reference. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Further, this approval shall automatically be rescinded on November 1, 2020 or upon the rescission of Executive Order COVID-19, No. 35, whichever shall come first and is subject to final approval by the Town

Administrator, Police and Fire. Moved by Mrs. Jacobi, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Grader, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded, pursuant to Executive Order COVID-19, No. 35, issued by Governor Baker on June 1, 2020, and notwithstanding the provisions of Chapter 138 of the General Laws, or any or any general or special law or local bylaw, rule, regulation to the contrary, the Board of Selectmen, as the Local Licensing Authority pursuant to G.L. c. 138 for the Town of Marblehead shall permit the application for outdoor seating submitted by **Art Dodge** for **Gerry 5** located at 210 Beacon Street in Marblehead, Massachusetts, provided that the operation remains in substantial compliance with the documents, plans and statements contained within said application and submitted therewith which documents are incorporated herein by reference. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Further, this approval shall automatically be rescinded on November 1, 2020 or upon the rescission of Executive Order COVID-19, No. 35, whichever shall come first and is subject to final approval by the Town Administrator, Police and Fire. Moved by Mrs. Jacobi, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Grader, in favor; Mrs. Belf-Becker, in favor.

Casa Corona. 33 Smith Street. **Ferdy Argereta** appeared before the Board seeking permission for outdoor seating. After review, motion made and seconded, pursuant to Executive Order COVID-19, No. 35, issued by Governor Baker on June 1, 2020, and notwithstanding the provisions of Chapter 40A of the General Laws, or any special permit, variance or other approvals thereunder, or any general or special law to the contrary, the Board of Selectmen for the Town of Marblehead approves the application for outdoor seating submitted by **Jose Bracomontes** for **Casa Corona**, located at 33 Smith Street in Marblehead, Massachusetts, provided that the operation remains in substantial compliance with the documents, plans and statements contained within said application and submitted therewith, which documents are incorporated herein by reference. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Further, this approval shall automatically be rescinded on November 1, 2020 or upon the rescission of Executive Order COVID-19, No. 35, whichever shall come first and is subject to final approval by the Town Administrator, Police and Fire and receipt of the required tent permits. Moved by Mr. Nye, seconded by Mrs. Jacobi. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Grader, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded, pursuant to Executive Order COVID-19, No. 35, issued by Governor Baker on June 1, 2020, and notwithstanding the provisions of Chapter 138 of the General Laws, or any or any general or special law or local bylaw, rule, regulation to the contrary, the Board of Selectmen, as the Local Licensing Authority pursuant to G.L.

c. 138 for the Town of Marblehead shall permit the application for outdoor seating submitted by **Jose Bracomontes** for **Casa Corona** located at 33 Smith Street in Marblehead, Massachusetts, provided that the operation remains in substantial compliance with the documents, plans and statements contained within said application and submitted therewith which documents are incorporated herein by reference. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Further, this approval shall automatically be rescinded on November 1, 2020 or upon the rescission of Executive Order COVID-19, No. 35, whichever shall come first and is subject to final approval by the Town Administrator, Police and Fire. Moved by Mrs. Jacobi, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Grader, in favor; Mrs. Belf-Becker, in favor.

The Landing Restaurant. **Robert Simonelli** appeared before the Board seeking permission for outdoor seating. After review, motion made and seconded, pursuant to Executive Order COVID-19, No. 35, issued by Governor Baker on June 1, 2020, and notwithstanding the provisions of Chapter 40A of the General Laws, or any special permit, variance or other approvals thereunder, or any general or special law to the contrary, the Board of Selectmen for the Town of Marblehead approves the application for outdoor seating submitted by **Robert Simonelli** for **the Landing Restaurant**, located at 81 Front Street in Marblehead, Massachusetts, provided that the operation remains in substantial compliance with the documents, plans and statements contained within said application and submitted therewith, which documents are incorporated herein by reference. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, Harbormaster or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Further, this approval shall automatically be rescinded on November 1, 2020 or upon the rescission of Executive Order COVID-19, No. 35, whichever shall come first and is subject to final approval by the Town Administrator, Police and Fire. Moved by Mrs. Jacobi, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Grader, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded, pursuant to Executive Order COVID-19, No. 35, issued by Governor Baker on June 1, 2020, and notwithstanding the provisions of Chapter 138 of the General Laws, or any or any general or special law or local bylaw, rule, regulation to the contrary, the Board of Selectmen, as the Local Licensing Authority pursuant to G.L. c. 138 for the Town of Marblehead shall permit the application for outdoor seating submitted by **Robert Simonelli** for **The Landing Restaurant** located at 81 Front Street in Marblehead, Massachusetts, provided that the operation remains in substantial compliance with the documents, plans and statements contained within said application and submitted therewith which documents are incorporated herein by reference. This approval is freely revocable upon the determination of the Health Department, Chief of Police, Board of Health, Harbormaster or their designees that the operation of the outdoor dining area is negatively impacting public health and safety. Further, this approval shall automatically be rescinded on November 1, 2020 or upon the rescission of Executive

Order COVID-19, No. 35, whichever shall come first and is subject to final approval by the Town Administrator, Police and Fire. Moved by Mrs. Jacobi, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Grader, in favor; Mrs. Belf-Becker, in favor.

ANNUAL STIPEND. Selectmen. Motion made and seconded that the Board forego their annual stipend for FY21. Moved by Mr. Grader, seconded by Mrs. Jacobi. On a polled vote the Board voted as follows: Mrs. Jacobi, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded to adjourn at 9:50 a.m. Moved by Mr. Nye, seconded by Mrs. Jacobi. On a polled vote the Board voted as follows: Mrs. Jacobi, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, in favor.

Kyle A. Wiley
Administrative Aide