

## BOARD OF SELECTMEN

### MINUTES

August 26, 2020

Board met in session at 10:00 a.m. via ZOOM Conferencing:

Present / remote Dial-in number (US) (253) 215 8782

<https://zoom.us/j/95270932464?pwd=bFc5TjRGZnliYlg1MDEwLzVua0NZdz09>

Meeting ID: 952 7093 2464

Passcode: 091488

Jackie Belf-Becker, Chair

David Depew

M. C. Moses Grader

James E. Nye

Jason Silva, Town Administrator

The Chair called the meeting of Wednesday, August 26, 2020 to order. The following roll call was taken: Mr. Depew, present; Mr. Grader, present; Mr. Nye, present; Mrs. Belf-Becker, present.

**MARBLEHEAD MUNICIPAL EMPLOYEE UNION. Step 3 Grievance.** Nicole Horberg Dector, Esq., and Terri Tauro, MMEU President, appeared before the Board in accordance with Step 3 of the Collective Bargaining Unit, to grieve a letter dated August 4, 2020 from Town Administrator Jason Silva to Mary Allain, Senior Clerk, Public Buildings. Attorney Marc Miller appeared on behalf of the Town. Ms. Tauro read a statement on behalf of the Union. Attorney Dector addressed the Board asking that the discipline letter be withdrawn from Ms. Allain's personal file and that the Town engage in good faith meaningful bargaining over the workloads of all positions in Town impacted by the workforce reduction. Attorney Miller stated that the Town has always bargained with the Union in good faith. Attorney Miller was aware that the Town Administrator was meeting with the Union President and as the Union President acknowledged, she was not happy with the response from the Town Administrator. The Town is always willing to meet and impact bargain with the Union. After discussion motion made and seconded to uphold the Town Administrators decision and deny the grievance before them. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Depew, opposed; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**MINUTES.** Motion made and seconded to approve the minutes from August 6, 2020. Moved by Mr. Grader, seconded by Mr. Depew. On a polled vote the Board voted as follows: Mr. Depew in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. Common Victualler License. Maria's Java Sun. 12 Atlantic Avenue.**

Maria Torres appeared before the Board seeking a Common Victualler license. Motion made and seconded to approve the application from Maria Torres, for a Common Victualler License for Maria's Java Sun, 35 Atlantic Avenue, subject to receipt of the required fees, forms and department sign offs. Hours of operation Monday through Sunday 5:00 am – 10:00 pm. Seating capacity is 16. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Depew, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**SURPLUS EQUIPMENT.** Motion made and seconded to declare the following items surplus and no longer need for municipal purpose and available for disposition in accordance with MGL Chapter 30B and the Town's policy on surplus equipment:

- (1) 4ft long desk
- (1) bookcase, with drawers & storage
- (1) 6 ft conference table, boat shape
- (6) Black Granite slabs - 12 x 44

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

**APPOINTMENT. Task Force against Discrimination.** Motion made and seconded to appoint Candace Sliney to the Task Force against Discrimination with a term to expire in May 2021. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Depew, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**APPOINTMENT. Old and Historic Districts Commission.** Motion made and seconded to appoint Bob Bradgon to the Old and Historic Districts Commission, Member, with a term to expire in May 2021. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Depew, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**GREEN MARBLEHEAD COMMITTEE.** Motion made and seconded to continue the Green Marblehead Committee as originally appointed by the Board. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Depew, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LEASE CONTRACT. Woodchipper Truck.** Motion made and seconded to approve the lease, with option to purchase agreement, with All American Investment Group, LLC for (1) New 2020 HV507 SFA Woodchipper Truck in the total amount of one hundred fifty two thousand and forty three and 35/100 (\$152,043.35) with an expiration date of August 4, 2024 and to authorize the Chair to sign the lease on behalf of the Board. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Depew, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**ELBRIDGE GERRY SCHOOL CONTRACT. Amend.** Motion made and seconded to approve the amendment to the Owner – Construction Manager Agreement, Elbridge Gerry Elementary School, as presented, and authorize the Chair to sign on behalf of the Board. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Depew, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker.

**COUNCIL ON AGING. Letter of Interest.** A letter of interest was received from Marcy Schwam as it relates to serving on the Council on Aging.

**SEPTEMBER 11<sup>th</sup>. Remembrance Ceremony.** Notification was received from Chief Jason Gilliland that due to the COVID-19 Pandemic, the Marblehead Fire Department will revise the annual commemoration of September 11, 2001, to stay within the Governors reopening guidelines. For public health reasons they will not put out an invitation to the community to participate in this year's remembrance service. All personnel in attendance shall be required to wear a face mask and maintain social distancing. The Fire and Police Department shall gather at 10:00 a.m. sharp, lower the flag, sound taps, offer the Police and Firefighters prayer, ring five bells and raise the flag to pay tribute to the 3000 lives lost on September 11, 2001.

**PEACH HIGHLANDS.** Sean McHugh, Peach Highlands, addressed the Board regarding the "car jumping" on Peach Highlands. The Town has installed temporary barrels at the location until speed bumps, on order, arrive and can be installed. Mr. McHugh stated that the barrels do not seem to be having a positive effect as he has video of cars continuing the practice. The Town Administrator stated that he contacted a traffic engineer for recommendations, most of which are long term solutions. The speed bumps will be installed as soon as they arrive.

**METROPOLITAN AREA PLANNING COUNCIL. Racial Equity Municipal Action Plan.** Selectmen Grader made the following statement regarding the Town's recent grant submission to the MAPC *"this indicates a strong anti-racist stance of the Board. I have reached out to a close friend who is the lead hearing officer of the Massachusetts Commission against Discrimination and she has agreed, if the Board is so inclined, to advise the Board in this capacity. She would bring an excellent state-wide and national perspective, augmenting the excellent work of the Board's own Task Force against Discrimination. It is important that the Board think broadly about the initiatives that are available and that we are proactive in looking at these options and that we get advice that is not only grounded in Massachusetts law but provides the most effective and inclusive dialogue to address race and discrimination in Marblehead."* The Board agreed that they should seek all options available to the Town.

Motion made and seconded to adjourn at 10:45 a.m. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Depew in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor

Kyle A. Wiley, Administrative Aide