

BOARD OF SELECTMEN

MINUTES

January 12, 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

Jason Silva, Town Administrator

The Chair called the meeting of January 12, 2022 to order. The following roll call was taken: Mrs. Noonan, present; Mr. Grader, present; Mrs. Singer, present; Mr. Nye, present; Mrs. Belf-Becker, present.

MINUTES. Motion made and seconded to approve the minutes of December 8, 2022, December 17, 2022 and December 21, 2022. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

INTERIM TOWN ADMINSTRATOR. John J. McGinn appeared before the Board as it relates to serving as Interim Town Administrator. Mr. McGinn addressed the Board giving a brief outline of his background and his desire to fill the Interim Town Administrator position. The Board asked Mr. McGinn questions. Motion made and seconded to appoint John J. McGinn, Interim Town Administrator, subject to successful contract negotiations. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

TOWN ADMINSTRATOR SEARCH. Rebecca Cutting, Town Planner, Chief Procurement Officer, appeared before the Board to review the process of procuring a consultant to assist the Town in hiring a new Town Administrator. This process falls under MGL Chapter 30B and depends on the dollar amount of the contract. Ms. Cutting reviewed the different options and process. The Chair recommended Board members jot down criteria they would like to see included in the solicitation and the Board can review. Ms. Cutting will put together an outline of past practices to assist the Board in their review.

MARBLEHEAD COUNSELING CENTER. Update. Funding Requests. Michael Pelletier, David Ritchie, Frank Sweeney and Tim Phillips appeared before the Board to

present an overview of the Marblehead Counseling Center, review of the past year and short term needs. MCC request to the Town for future sustainability is two-fold: 66 Clifton Avenue, building maintenance and tree work needed and on going operating support (enhancing of their annual support from \$60k to \$120k). Mr. Grader spoke to the infrastructure needs noting that these projects have been placed on the list for ARPA funding. The ARPA Committee is currently reviewing all requests received from the Town, prioritizing and ranking each request in accordance with the guidelines and public input. The ARPA group will be presenting their findings and recommendations to the Board of Selectmen at a future meeting.

FLOWER & SOUL. Retail Cannabis Dispensary. 56 Atlantic Avenue. Brian Wall, Founder and CEO, Flower & Soul, and Brendan McKee, Consultant, appeared before the Board to present their application seeking to enter into a Community Host Agreement with the Town and Flower & Soul, 56 Atlantic Avenue. The Chair stated the Board will not be voting on this application, or the other applicants on tonights agenda. In accordance with state requirements, the applicant hosted a virtual Community Outreach Meeting to allow the public to learn about their proposal, ask questions and offer feedback. The next step in the approval process is for the Town to enter into a Host Community Agreement with an applicant. Before the Board of Selectmen consider this request, and to ensure residents have ample opportunity to provide input, the Board of Selectmen opened a 30-day comment period on the application from Flower & Soul. You can view the presentation provided to the Board of Selectmen on www.marblehead.org. If you would like to offer any feedback on this application, please email Kyle Wiley in the Selectmen's Office at wileyk@marblehead.org or call 781-631-0000. The comment period will be open until Friday, February 11, 2022.

Mrs. Noonan requested that the Chair take agenda items out of order.

2022 ANNUAL TOWN MEETING. Warrant Articles. Motion made and seconded to place the following articles on the 2022 Annual Town Meeting Warrant:

- Articles in Numerical Order
- Reports of Town Officers and Committees
- Assume Liability
- Accept Trust Property
- Lease town Property
- Contracts in Excess of 3 years
- Departmental Revolving Funds
- Purchase of Equipment of Several Departments
- Lease Purchase
- Capital Improvements for Public Buildings
- Walls and Fences
- Essex North Shore Agricultural and technical School District
- Collective Bargaining (Fire)
- Collective Bargaining (Police)
- Collective Bargaining (IUE/CWA – Local 1776)

- Proposed Reclassification and Pay Schedule (administrative)
- Proposed Pay Schedule and Reclassification (Traffic Supervisors)
- Proposed reclassification and pay schedule (seasonal and temporary personnel)
- Compensation – Town Officers

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

2022 ANNUAL TOWN MEETING. Warrant Articles. Mrs. Noonan is seeking the Board's support in placing 2 articles on the 2022 Annual Town Meeting Warrant.

1. Change of Name to Select Board. After discussion motion made and seconded to place an article on the 2022 Annual Town Meeting Warrant to change the name to Select Board and have Town Counsel review for proper form. Moved by Mrs Noonan, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

2. Replace Pronouns and Nomenclature to Gender Neutral Terms in Town Bylaws. Motion made and seconded that the Board of Selectmen sponsor a warrant article for Town Meeting to replace pronouns and nomenclature throughout our bylaws to gender-neutral terms and authorize town counsel to work with the Town Administrator to prepare the language of the article accordingly for further review. Moved by Mrs Noonan, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

2022 ANNUAL TOWN MEETING. Citizen Petition Article. Order of Candidates Names on Town Ballots. Bonnie Grenier, League of Women Voters, appeared before the Board seeking the Board's consideration of sponsoring on an article for Annual Town Meeting which would change the order in which candidates names are listed on the ballot for Town Elections by listing names on the ballot by random drawing by the Town Clerk. The Board discussed and reviewed the practice of the Board as it relates to Citizens Petitions. Town Administrator suggested this may not be appropriate for the Board to weigh in on or take a position on an article that directly relates to the Boards candidacy and they may want Town Counsel to review. Mr. Nye motioned that incumbents names be listed at the bottom of the ballot. No one seconded. After discussion, Motion made and seconded that this article should be a citizens petition and not sponsored by the Board of Selectmen. Moved by Mrs. Belf-Becker, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mrs. Noonan, opposed; Mr. Grader, in favor; Mrs. Singer, opposed; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

2022 ANNUAL TOWN MEETING. Citizen Petition Articles. Megan Sweeney, PowerUp, and Jennifer Schaefer, appeared before the Board to present three articles for consideration for Annual Town Meeting and seeking input from the Board: 1. Procedures and Operations & Organizational Structures 2. Opt out of Residency Preference 3. Diversity Statement. Helaine Hazlett, Co-Chair, Task Force Against Discrimination, addressed the Board as it relates to Ms. Sweeney's request for a Diversity

Statement. The Task Force has an official Mission Statement and the Task Force is a Board of Selectmen appointed committee and suggested that Ms. Sweeney adopt the language, if desired, and invited Ms. Sweeney to a future Task Force Meeting to discuss means to get the Mission Statement more visible. No votes were taken by the Board.

THE GREEN LOFT. Retail Cannabis Dispensary. 28 Atlantic Avenue. Paul Lynch, Counsel and Peter D'Agostino, Consultant, appeared before the Board to present their application seeking to enter into a Community Host Agreement with the Town and The Green Loft, 28 Atlantic Avenue. The Chair stated the Board will not be voting on this application, or the other applicants on tonight's agenda. In accordance with state requirements, the applicant hosted a virtual Community Outreach Meeting to allow the public to learn about their proposal, ask questions and offer feedback. The next step in the approval process is for the Town to enter into a Host Community Agreement with an applicant. Before the Board of Selectmen consider this request, and to ensure residents have ample opportunity to provide input, the Board of Selectmen opened a 30-day comment period on the application from Flower & Soul. You can view the presentation provided to the Board of Selectmen on www.marblehead.org. If you would like to offer any feedback on this application, please email Kyle Wiley in the Selectmen's Office at wileyk@marblehead.org or call 781-631-0000. The comment period will be open until Friday, February 11, 2022.

ARO. Retail Cannabis Dispensary. 222 Beacon St. Mark Shuparro, CEO, Dan Lawless, CEO, and Phil Silverman, Council, appeared before the Board to present their application seeking to enter into a Community Host Agreement with the Town and ARO, 222 Beacon Street. The Chair stated the Board will not be voting on this application, or the other applicants on tonight's agenda. In accordance with state requirements, the applicant hosted a virtual Community Outreach Meeting to allow the public to learn about their proposal, ask questions and offer feedback. The next step in the approval process is for the Town to enter into a Host Community Agreement with an applicant. Before the Board of Selectmen consider this request, and to ensure residents have ample opportunity to provide input, the Board of Selectmen opened a 30-day comment period on the application from Flower & Soul. You can view the presentation provided to the Board of Selectmen on www.marblehead.org. If you would like to offer any feedback on this application, please email Kyle Wiley in the Selectmen's Office at wileyk@marblehead.org or call 781-631-0000. The comment period will be open until Friday, February 11, 2022.

PARKING REGULATIONS. Handicap Parking Space. Motion made and seconded to approve the request from the Police Chief for the following Handicapped Parking Regulation as follows:

Proposed Handicapped Parking Regulation – Front Street

Handicapped Parking only on the southeast side of Front Street adjacent to the northwest corner of the building at 147 Front Street more particularly described as follows: Beginning at a point on the face of the curbstone on the southeast side of Front Street located perpendicular to the street line of Front Street at the northwest corner of the alleyway between the two properties at 147 and 151 Front Street,

thence running southwesterly along the face of the curb 20',
thence turning and running 90 degrees to the right a distance of 8',
thence turning and running 90 degrees to the right a distance of 20',
thence turning and running 90 degrees to the right a distance of 8' to the point of
beginning

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

MASS CULTURAL COUNCIL FACILITIES FUND. Grant Request. Marblehead Arts Association. Motion made and seconded to approve the request from Charles Gessner, Marblehead Arts Association, to write a letter in support of the Marblehead Arts Association grant application to the Mass Cultural Council Facilities Fund to fund the preservation and renovation effort at the King Hooper Mansion 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: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

PERMISSION. MS Walk. Motion made and seconded to approve the request from Samantha Boland, National Multiple Sclerosis Society, to hold the annual MS Walk on Saturday, May 7, 2022 subject to approval from Police, Fire, Schools, Recreation and Parks, police details and receipt of the required Certificate of Insurance. No permanent markings are allowed on the streets and all temporary markings shall be removed at the conclusion of the event. The walk will start and end at Marblehead High School. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

BELL SCHOOL. Contract. Gilbane Building Company. Change Order #12. Motion made and seconded to approve Gilbane Owner Change Order (OCO) #12 in the amount of one hundred and twenty-nine thousand four hundred and forty-five and 00/100 dollars (\$129,445.00) and authorize the Chair to sign on behalf of the Board. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

HARBOR PLAN WORKING GROUP. Selectmen Appointments. Motion made and seconded to nominate Jackie Belf-Becker and Moses Grader to the Harbor Plan Working Group. Moved by Mr. Nye, seconded by Mrs. Belf-Becker. Mrs. Singer moved to amend the motion and appoint Jackie Belf-Becker and Erin Noonan to the Harbor Plan Working Group. Moved by Mrs. Singer, seconded by Mrs. Noonan. After discussion, the Board voted on the amended motion as follows: Mrs. Noonan, in favor; Mr. Grader, opposed; Mr. Nye, opposed; Mrs. Singer, in favor; Mrs. Belf-Becker, opposed. Amended motion fails. On a polled vote on the first motion the Board voted as follows: Mrs. Noonan, opposed; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Singer, opposed; Mrs. Belf-Becker, in favor. Motion passed. The Town Administrator read the list of members

on the Harbor Plan Working Group: Harbors & Waters Board: John Doub and Gary Gregory; Planning Board, Rosanna Ferrante; Recreation and Parks, Matt Martin; Disabilities Commission, Amy Hirschcron; Chamber of Commerce, James Ashton; Sustainable Marblehead, Rob Howie; Commercial Fishing, Matt Finn; At-large, Bill Conly and Amy Drinker; Board of Selectment, Jackie Belf-Becker and Moses Grader; Town Administrator; Harbormaster; Town Planner; DPW Director; Town Engineer. The Town Administrator thanked the many residents that applied for the At-large positions stating it was a very impressive group of applicants.

PERMISSION. YMCA Head to the Hill 5K. Motion made and seconded to approve the request from Carol Meyer, YMCA of the North Shore, to hold the Head to the Hill 5K Road Race on Sunday, May 22, 2022 subject to approval from Police and Fire, police details and receipt of the required Certificate of Insurance. No permanent markings are allowed on the streets and all temporary markings shall be removed at the conclusion of the event. The event will start and end at the Lynch/van Otterloo YMCA. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

LICENSING. One Day Liquor License(s). Artchiefs, Inc. Motion made and seconded to approve the request from Yotam Mendlinger, Artchiefs Inc., 21B Essex Street, for (2) one-day liquor licenses on Wednesday, January 19, 2022 and Wednesday, January 26, 2022 from 6:00 p.m. – 10:00 p.m. at 21B Essex Street 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 purchased from Kappy's Importing, Everett. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

BELLS. Washington's Birthday. Motion made and seconded that the bells of Abbot Hall and all the churches in Marblehead be rung on Washington's Birthday, Tuesday, February 22, 2022 at the usual holiday hours from 7:30 a.m. to 8:00 a.m.; 12 noon to 12:30 p.m.; 6:00 p.m. to 6:30 p.m. as has been the custom in the past. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

OPEN MEETING LAW COMPLAINT. 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 of December 22, 2021 filed by Allen Waller.

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

CULTURAL COUNCIL. Letter of Interest. A letter of interest was received from Yotam Metlinger as it relates to serving on the Cultural Council..

RESIGNATION. Housing Authority, Tenant Representative. A letter of resignation was received from Heather Fitzgerald from the Housing Authority, Tenant Representative.

RESIGNATION. Task Force against Discrimination. A letter of resignation was received from Esther Darling Mulroy from the Task Force against Discrimination.

The Town Administrator thanked the Chair and Board members for all their support the past three and half years. Board members expressed their appreciation to the Town Administrator, thanking him for his service to the Town and wished him luck in his future endeavours.

Motion made and seconded to adjourn at 11:00 p.m. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mr. Nye, in favor; Mrs. Singer, in favor; Mr. Grader, in favor. Mrs. Belf-Becker, in favor.

Kyle A. Wiley
Administrative Aide

List of documents used:

Marblehead Counseling Center power point

Flower & Soul, power point

List of warrant articles

Documentation regarding warrant articles 1. Select Board 2. Gender neutral changes

Citizens Petition article, Bonnier Grenier

Citizens Petition article(s), Megan Sweeney

ARO cannabis, power point

Request for HP spot, Front Street

MAA request for grant support

MS Walk request

Gilbane CO oco #12

YMCA Head to the Hill 5K request

(2) one day liquor licenses

OML complaint response – Allen Waller

Letter of Interest: Yotam Metlinger

Resignation: Heather Fitzgerald, HA, Esther Darling Mulroy, Task Force