

## BOARD OF SELECTMEN

### MINUTES

**June 10, 2015**

Board met in session at 7:30 p.m. in the Selectmen's Meeting Room at Abbot Hall

Present (constituting a quorum):

Jackie Belf-Becker, Chair  
Harry C. Christensen, Jr.  
Judith R. Jacobi  
Bret T. Murray  
James E. Nye

John J. McGinn, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from May 27, 2015. All in favor. Motion made and seconded to approve the minutes from June 4, 2015. 4 in favor. Mr. Christensen voted present.

**WATER AND SEWER COMMISSION. Update.** Amy McHugh, Superintendent, Water and Sewer Commission, appeared before the Board to update them as follows: **South Essex Sewerage District project update.** There has been significant progress made in the construction of the Marblehead Pipeline Replacement Project. Despite harsh winter conditions, the project team has achieved some major milestones as follows:

- Dredging of the Salem harbor from Stramski Way to SESD Facility has been completed to the intertidal shoreline regions.
- High Density Poly-Ethylene (HDPE) pipelines have been fused, pressure tested, floated, installed, sunk, and backfilled between intertidal shoreline regions.
- Bypass piping has been installed, tested/inspected, and brought online.
- The bypass pipe currently receives all flow from Marblehead and the old pipelines no longer carry flow.

**Drain Project.** The Commission submitted a grant request to MEMA last year for the business district phase (Phase II) of the drain project. The grant request has been approved by MEMA and has been forwarded to FEMA with a recommendation from MEMA for project approval. The Commission is waiting for a final decision from FEMA. An approval of grant funding could come with time constraints on construction; therefore the residential phase of the project has been delayed so as not to interfere with possible grant restrictions. There will be no construction on the drain project Phase II or Phase III until 2016. Phase II (the Business District) will include School Street and approximately 300 feet of Pleasant Street and lining of the culvert between Sewall St and School St. Phase III (The residential area) will include the intersection at Sewall, Elm, Spring and Evans; Elm Street; Roosevelt Avenue; Evans Road; and the

easement to Evans Road. Unfortunately receipt of this grant will not result in a savings. Phase I ran into numerous complications with ledge and unknown placement of some underground utilities, which added significantly to the original estimate for that Phase. The largest cost increase, however, was due to National Grid laying new gas pipes after the contract was awarded but prior to the start of construction. This created a change in condition to the contract. The Phase I contractor now had to place the large drain pipe in a more restricted area that was filled with old and new gas lines. If the grant is received, the entire project will be able to be completed as originally designed. Without the grant we will only be able to complete the key items of the original design and leave some extremity work for a later time. Since the completion of Phase I, Marblehead has received five inches of rain in a short period of time and the Commission has not received any complaints of flooding in the area that Phase I of the project services. This is a good sign that the work that was done is having the desired results.

**TASK FORCE AGAINST DISCRIMINATION. Interviews. Appointments.**

**Update.** Margaret Hauck, 23 Abbot Street, and Olivia Hazlett, 12 Leo Road, appeared before the Board to be interviewed for the Task Force Against Discrimination, Student Representatives. Motion made and seconded to appoint Margaret Hauck and Olivia Hazlett to the Task Force against Discrimination, Student Representative, with terms to expire in May 2016. All in favor.

**TASK FORCE AGAINST DISCRIMINATION. Update.** Helaine Hazlett, 12 Clifton Avenue, Deacon Joe Whipple, 106 Atlantic Avenue and Loren Weston, 52 Waterside Road appeared before the Board to update the Board on their past years activities and to thank them for their support.

**CONDOLENCE.** Motion made and seconded to send a letter of condolence to the family of Harvey Michaels, founder of the Task Force against Discrimination. All in favor.

**TOWN HISTORIAN. Interviews. Appointment.** Wayne Butler, 14 Mugford Street and Donald Doliber, 7 Westminster Road, appeared before the Board to be interviewed for the Town Historian position. Motion made and seconded to place both names into nomination. All in favor. On a polled vote the Board voted as follows: Mr. Murray, Don Doliber; Mr. Christensen, Wayne Butler; Mrs. Jacobi, Don Doliber; Mrs. Belf-Becker, Don Doliber. Motion made and seconded to appoint Donald Doliber Town Historian effective June 17, 2015 with a term to expire in May 2016. All in favor.

**FAIR HOUSING COMMITTEE. Interviews. Appointments.** Andrew Hare, 76 Orne Street, and Raquel Moscarelli, 10 Sagamore Road, appeared before the Board to be interviewed for the Fair Housing Committee. Motion made and seconded to appoint Andrew Hare and Raquel Moscarelli to the Fair Housing Committee with terms to expire in May 2016. All in favor.

**APPOINTMENT. Traffic & Safety Advisory Committee.** Motion made and seconded to reappoint John Doane to the Traffic & Safety Advisory Committee with a term to expire in May 2016. All in favor.

**ABBOT HALL. Permission to Use. Brownie Bridging.** Motion made and seconded to approve the request from Kelley Howells, Bell Brownie Troop 68220, to use Abbot Hall on Thursday, September 24, 2015 for the Town Bridging Ceremony subject to the usual Rules, Regulations fees, and receipt of the required Certificate of Insurance and to waive the rental fee for this event. All in favor.

Mr. Christensen recused himself from the meeting.

**APPOINTMENT. Constable.** Motion made and seconded to appoint Matthew G. Christensen, 43 Intrepid Circle, as Constable, for the purpose of serving civil process, subject to approval from Chief Picariello and proper Bond on File with the Clerk's office. All in favor.

Mr. Christensen returned to the meeting.

**RESERVE FUND TRANSFER. Police Expense.** Motion made and seconded to authorize Chief Robert Picariello to appear before the Finance Committee to request the transfer of the sum of seven thousand three hundred and 00/100 dollars (\$7,300.00) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws for projected monthly costs to run the department through June 30, 2015. Due to unforeseen expenses, related to Repair & Maintenance Motor Vehicles, Repair & Maintenance Emergency Generator and Doctors Expenses. All in favor

**RESERVE FUND TRANSFER. Local Travel. Building Inspector.** Robert Ives, Building Commissioner, appeared before the Board seeking a Reserve Fund Transfer. Motion made and seconded to authorize Robert Ives to appear before the Finance Committee to request the transfer of the sum of three thousand three hundred and twenty nine and 50/100 dollars (\$3,329.50) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws for payment of unpaid Local Travel vouchers for 6 inspectors and anticipated travel expenses through June 30, 2015. All in favor

**EXECUTIVE SESSION MINUTES. Release.** Motion made and seconded, on advice from Assistant Town Council Marc J. Miller, after his review of our executive session minutes, the Board shall make public the following Board of Selectmen Executive Session minutes: August 13, 2014, October 1, 2014 and October 29, 2014. 3 voted in favor, Mr. Murray and Mr. Christensen voted present.

**PERMISSION. Block Party. Hillcrest Road.** Motion made and seconded to approve the request from Lisa Jendrysik, 1 Euclid Road, to block Hillcrest Road, #3 - #11, on Saturday, June 20, 2015 from 3:00 p.m. – 12:00 midnight for their annual block party subject to the proper sign off's. All in favor.

**APPOINTMENT. Hearing Officer.** Motion made and seconded that the Marblehead Board of Selectmen, pursuant to Massachusetts General Laws, Chapter 31, Section 41, appoint John J. McGinn, as the designated hearing officer to determine whether disciplinary action, if any, should be imposed, up to and including termination, regarding Officer Lori Knowles' conduct with respect to the events occurring at, or related to, 55 Leicester Road, Marblehead, Massachusetts. All in favor.

**FESTIVAL OF ARTS. Street Festival.** Motion made and seconded to approve the request from Maggie Raftus, Marblehead Festival of Arts, to hold the annual Street Festival on Sunday, July 5, 2015 from 12:00 noon – 4:00 p.m. subject to approval from Chief Picariello, receipt of the required Certificate of Insurance and police details. All in favor.

**PARKING RESTRICTIONS. Festival of Arts. Street Festival.** Motion made and seconded, as recommended by Chief Picariello, to approve the following temporary street closures and traffic regulations for Sunday, July 5, 2015 from 11:00 A.M. – 5:00 P.M.: Washington Street is closed between Rockaway Street and State Street. NO PARKING allowed along Washington Street between Rockaway Street and State Street. Pleasant Street is closed between Rockaway Street and Washington Street. It is strongly recommended that anyone residing or conducting business in that area relocate their vehicles prior to 11:00 A.M. so as to not get blocked in. All in favor.

**APPOINTMENT. Shellfish Constable.** Motion made and seconded to appoint Eric Hawley, 22 Anderson Street, as Shellfish Constable with a term to expire in May 2016. All in favor.

**CROSSWALK. Tedesco/Leggs Hill.** Motion made and seconded, in accordance with the recommendations contained in the traffic report entitled "Tedesco Street Crosswalk Assessment – Marblehead, MA" prepared by McMahon Associates Traffic Engineers of Boston, MA dated May 26, 2015, to install a crosswalk on the east side of the intersection of Tedesco Street and a crosswalk on Legg's Hill Road and at Legg's Hill Road stop controlled southbound approach. These crosswalks are to be implemented concurrently with Rectangular Rapid Flash Beacons and warning signage along Tedesco Street. Project to be funded by Chapter 90 monies. All in favor.

**VOTE. Preservation Restriction. Fort Sewall.** Motion made and seconded to confirm the town's intention to record a Permanent Preservation Restriction and maintenance agreement on Fort Sewall in Marblehead, should we be awarded a grant from the Massachusetts Preservation Project Fund which shall be recorded under the provisions of M.G.L., Chapter 184, and sections 31-33 and to authorize the Chair to send notification of this to the Massachusetts Historical Commission. All in favor.

**BLOCK PARTY. Rainbow Road.** Motion made and seconded to approve the request from Lisa Keith, Rainbow Road, to block Rainbow Road from #5 – 25, on Sunday, June

21, 2015 from 2:00 p.m. – 4:00 p.m. for a block party subject to the proper sign-offs. All in favor.

**ABBOT HALL. Lower Grounds. Permission to Use.** Motion made and seconded to approve the request from William Smalley, Marblehead Festival of Arts, to use the Lower Grounds at Abbot Hall on Saturday, July 4, 2015 from 11:00 a.m. – 12:00 noon for a reading of the Declaration of Independence and to have the Glover’s Regiment participate in the event subject to receipt of the required Certificate of Insurance. All in favor.

**MARBLEHEAD FOREVER COMMITTEE. Abbot Hall Commemorative Book. Celebration.** Kyle Wiley, Chair, Marblehead Forever Committee, appeared before the Board as it relates to the Abbot Hall Commemorative Book and Celebration. Motion made and seconded to approve the request from the Marblehead Forever Committee to have a dedication for the Abbot Hall Commemorative Book on July 4, 2015 at Abbot Hall and to spend the necessary funds for this event. All in favor.

**PERMISSION. Trailer on Public Way.** Motion made and seconded to approve the request from Michael Mentuck, Boston Yacht Club, to park a trailer in front of the fence at the Boston Yacht Club, 1 Front Street, from July 1 – 5, 2015 in conjunction with the Marblehead to Halifax race, subject to approval from Chief Picariello and receipt of the required Certificate of Insurance. All in favor.

**ABBOT HALL. Permission to Use.** Motion made and seconded to approve the request from Tom McNulty, 9 Churchill Road, to hold a memorial service for the late Darrell Gallant on Sunday, June 21, 2015 at 2:00 p.m. subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor.

**AFFORDABLE HOUSING TRUST FUND. Letters of Interest.** A letter of interest was received from Megan DeGrass. The Board of Selectmen will receive letters of interest to serve on the Affordable Housing Trust Fund until Monday, June 22, 2015 at 5:00 p.m. Submit letters to Abbot Hall, 188 Washington Street. Applicants will be interviewed on Wednesday, June 24, 2015 at 7:30 p.m. at the Selectmen’s Meeting.

**Fill The Boot Drive.** Notice was received from Jeff Martin, Marblehead Fire Fighters Local 2043, that they will hold their annual “boot drive” on Saturday, June 13, 2015. Last year, Marblehead Fire Fighters Local 2043 raised just over \$60,000.00, placing Marblehead #1 in the Commonwealth of Massachusetts.

**CONDOLENCE.** Motion made and seconded to send a letter of condolence to the family of Attorney Robert Welch. All in favor.

**OLD AND HISTORIC DISTRICTS COMMISSION. Resignation.** A letter of resignation was received from Anthony M. Sasso effective June 10, 2015. Motion made and seconded to send a letter of appreciation to Mr. Sasso. All in favor.

**COUNCIL ON AGING. Letter of Interest.** A letter of interest was received from Ed Bell. The Board of Selectmen will receive letters of interest to serve on the Council on Aging until Monday, June 22, 2015 at 5:00 p.m. Submit letters to Abbot Hall, 188 Washington Street. Applicants will be interviewed on Wednesday, June 24, 2015 at 7:30 p.m. at the Selectmen's Meeting.

**FAIR HOUSING COMMITTEE. Letter of Interest.** A letter of interest was received from Wendy Webber. The Board will invite Ms. Webber to their meeting on June 24, 2015.

**GRASSE. Invitation.** A letter was received from Mayor Jerome Viaud as it relates the the upcoming Fete du Jasmin July 31 – August 2, 2015.

**FINANCE COMMITTEE. Letters of Interest.** The Board of Selectmen will receive letters of interest to serve on the Finance Committee until Monday, June 22, 2015 at 5:00 p.m. Submit letters to Abbot Hall, 188 Washington Street. Applicants will be interviewed on Wednesday, June 24, 2015 at 7:30 p.m. at the Selectmen's Meeting.

**VACANCIES.** The following is a list of vacancies on Town Boards, Commissions and Committees. Anyone interested in serving on one of these Boards or Committees should submit a letter of interest to the Board of Selectmen, Abbot Hall, 188 Washington Street.

**AFFORDABLE HOUSING TRUST FUND – Term 1 year**

- (2) Vacancies, At Large

**FENCE VIEWERS – Term: 1 year**

- (1) Vacancy

**FINANCE COMMITTEE – Term: 3 years**

- (1) Vacancy Expires 2018

**MARBLEHEAD CULTURAL COUNCIL – Term: 3 years (staggered)**

- (2) Vacancies Expires 2016
- (2) Vacancies Expires 2017

**OLD AND HISTORIC DISTRICTS COMMISSION – Term: 1 year**

- (1) Vacancy – Full Time Member
- (1) Vacancy - Alternate Position

**SMART GROWTH COMMITTEE – Term: 1 year**

- (4) Vacancies

**TASK FORCE AGAINST DISCRIMINATION – Term: 1 year**

- (1) Vacancies

**COUNCIL ON AGING – Term 3 years**

- (1) Vacancy

**APPRECIATION. Town Historian.** Motion made and seconded to send a letter of appreciation to Bette Hunt, past Town Historian, for her many years of service to the Town. All in favor.

**SPECIAL ELECTION. Debt Exclusion Override. Articles 32, 33, 34 of the 2015 Annual Town Meeting. Reconsider Vote.** Motion made and seconded to reconsider

the vote of the Board on June 4, 2015 when 4 present had voted in favor. 4 voted in favor, Mr. Christensen voted present on the reconsideration. Motion made and seconded that the Board of Selectmen unanimously support Question 1, Debt Exclusion Override, at the Special Election on June 16, 2015 as it relates to Articles 32, 33, 34 of the 2015 Annual Town Meeting. All in favor.

**CONGRATULATIONS.** Motion made and seconded to send a letter of congratulations to Chief Picariello on his recent honor/award at the Anti-Defamation League Breakfast, June 4, 2015. All in favor.

**EXECUTIVE SESSION.** Motion made and seconded to adjourn to Executive Session under M.G.L. c. 30A, Sec. 21 for the purpose of discussing pending litigation, NAMELY NICHOLS v. SHRIBMAN, et als., where the public discussion on the same may have a detrimental effect on the negotiating position of the public body, votes may be taken, and if they are votes will be released at a time deemed appropriate by counsel. The Board will not reconvene in open session. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

The Board adjourned to Executive Session at 8:50 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide