

## BOARD OF SELECTMEN

### MINUTES

August 15, 2022

Board met in HYBRID session at 7:00 pm. At Abbot Hall and via ZOOM Conferencing  
Present (constituting a quorum):

M. C. Moses Grader, Chair  
Jackie Belf-Becker  
Erin M. Noonan  
James E. Nye  
Alexa J. Singer

Thatcher W. Kezer III, Town Administrator

**PUBLIC HEARING, Continued. Public Shade Tree Removal. Smith and Pleasant Street. WSP USA / MBTA.** The Chair stated this is a Public Hearing, continued from July 27, 2022, in order to allow the Board to gather more information on an application submitted by WSP USA, for the removal of two public shade trees on Pleasant Street, near Smith Street. The Chair asked the Town Administrator for an update. The Town Administrator met on site and had discussions with department heads and the neighboring residents. The consensus is to locate the bus stop as presented in the meeting on July 27, 2022, and allow removal of one of the trees (closest to Smith Street) and approve trimming the branches of the second tree so it does not interfere with the sidewalk. Katie Moulton, WSP USA, reviewed the layout with Board stating the nothing has changed since the previous discussion. Amy McHugh, DPW Director, addressed the Board stating she had met with various departments and neighbors, and she believes the plan as presented will work well for everyone. Jon Fobert, Tree Warden, stated that he has been on site and met with neighbors and spoken with Katie Moulton and believes the second tree can be pruned back enough to meet the requirements needed for the proposed location of the bus stop. The Chair opened the hearing for public comment. Theresa Chirlin, 46 Smith Street, sought clarification as to the location of the bus stop and clearance to another tree further down. No one spoke opposed or in favor of the applicant. After discussion by the Board motion made and seconded to approve the request from WSP USA, *by amending the request*, to remove and replace One Prunus serrulate “Kwanzan” flowering Cherry tree on Pleasant Street, just north of Smith Street, *and to prune back the second Prunus serrulae “Kwanzan” flowering Cherry Tree*, at no cost to the Town, and in accordance with the Town’s Shade Tree Regulations and under the supervision of the Tree Warden, receipt of the required Certificate of Insurance and police details as needed. All in favor.

**ZONING BOARD OF APPEALS. Alternate Member. Interview. Appointment.** Clayton Brite and Marc Liebman appeared before the Board as it relates to serving on the Zoning Board of Appeals, Alternate Member. The Board interviewed both applicants.

Motion made and seconded to place both names in for nomination. All in favor. On a polled vote the Board voted as follows: Mr. Nye, Marc Liebman; Mrs. Belf-Becker, Marc Liebman; Mrs. Singer, Clayton Brite; Mrs. Noonan, Clayton Brite; Mr. Grader, Marc Liebman. Marc Liebman appointed to the Zoning Board of Appeals with a term to expire in June 2023.

**CULTURAL COUNCIL. Interview. Appointment.** Rose Gould appeared before the Board as it relates to serving on the Cultural Council. Motion made and seconded to appoint Rose Gould to the Cultural Council with a term to expire in June 2025. All in favor.

**LICENSING. One day Entertainment License. RipTide Lounge. 116 Pleasant Street.** John Murphy appeared before the Board seeking a 1-day entertainment license. Motion made and seconded to approve the request from John Murphy, Assistant Manager, for a 1-day Entertainment License for live entertainment for the Riptide Lounge, 116 Pleasant Street, on Wednesday, August 17, 2022, from 7:30 pm – 10:30 pm subject to no music to be heard from the street. All in favor.

**AMBULANCE CONTRACT. Cataldo Ambulance Service Inc.** Motion made and seconded to approve the contract between Cataldo Ambulance Service Inc. and the Town of Marblehead, as presented and reviewed by Counsel, for ambulances services to the Town, and to authorize the Chair to sign the contract on behalf of the Board. 4 voted in favor, Mr. Nye, voted present.

**THE VOTE ACT. Assigning Police Officers at Polling Location.** Motion made and seconded, on recommendation of the Town Clerk and in response to an election reform law titled “The VOTES Act”, signed into law June 22, 2022, to approve a sufficient number of police officers, but not less than 1, at each polling location at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of MGL Chapter 54 which was changed in section 13 of Chapter 92 of the Acts of 2022. Further, to vote to designate the Police Chief and his/her designee as the appointing authority of police details for all future elections, assigning specific police officers according to scheduling and availability. All in favor.

**LEASE. Medical Office Building, 1 Widger Way.** Motion made and seconded that the Town enter into a lease with the North Shore Medical Center, Inc., for the property located at 1 Widger Way, Marblehead for three (3) years in consideration of \$360,000 per year, triple net, effective August 15, 2023, in accordance with the terms and conditions of the draft lease and RFP which is a part of this record and to authorize the Chair to execute same. All in favor.

**LICENSING. One Day Liquor. Pleon Yacht Club.** Motion made and seconded to approve the request from Alex Romagnoli, Pleon Yacht Club Board member, for a one-day liquor license on Saturday, August 27, 2022, from 6:00 p.m. – 8:30 p.m. at the Pleon Yacht Club, 42 Foster Street, for a fundraising event, 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 and delivered from Merrimack Valley Distribution.

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

**LEASE. 2023 HV SFA Cab and Chassis Truck.** Motion made and seconded to approve the lease for a 2023 HV SFA Cab and Chassis Truck, as presented, and authorize the Chair to sign on behalf of the Board. All 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 July 12, 2022, filed by Allen Waller. All in favor.

**APPOINTMENT. Acting Town Accountant.** Motion made and seconded in accordance with MGL c.41 sec 49A, to appoint Dmitriy Vaydman, Accounting Assistant, Acting Town Accountant, authorizing him to sign both the AP and Payroll Warrants in the absence of the Town Accountant. All in favor.

**MARBLEHEAD MUNICIPAL LIGHT COMMISSION. Vacancy.** Notification was received from Michael Hull as it relates to a vacancy on the Commission. The Select Board and the Marblehead Municipal Light Commission will hold a joint hearing on Wednesday, September 14, 2022, at 7:00 pm to interview and appoint an individual to fill the vacancy on the Commission. Letters of interest should be sent to *both* the Select Board, Abbot Hall, 188 Washington Street, or email [wileyk@marblehead.org](mailto:wileyk@marblehead.org) and Michael Hull, Marblehead Municipal Light Commission, 80 Commercial Street, P.O. Box 360, or email [mhull@mhdld.com](mailto:mhull@mhdld.com). Deadline to submit letters of interest is September 2, 2022. All applicants will be interviewed in joint session with both boards on September 14, 2022.

Motion made and seconded to adjourn at 8:00 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide

List of documents used:

Application – Public Shade Tree Removal/ Shade Tree Regulations /Resumes/letters of interest: Marc Liebman/Clayton Brite/Rose Gould /Cataldo, Ambulance Contract/ Town Clerk letter, Vote Act /1 day liquor license, Pleon Yacht Club / Lease Vehicle request, DPW /OML complaint Allen Waller / Request from Town Accountant for temporary appointment / 1 Day Entertainment request. Riptide Lounge