

BOARD OF SELECTMEN  
MINUTES

March 28, 2007

The Board met in Regular Session at 7:30 p.m. in its meeting room at Abbot Hall.

Present (constituting a quorum):

Harry C. Christensen, Jr., Chairman  
Jackie Belf-Becker  
Judith R. Jacobi  
James E. Nye  
Jeffrey N. Shribman,  
Anthony M. Sasso, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes of March 14, 2007. All in favor. Mr. Christensen and Mr. Nye voted present.

**PERMISSION. Carnival.** Andrew Kurzrok and Vera Viner, Senior Class Carnival Committee members were present to request permission to have this year's senior class carnival at Devereux Beach from May 3 to 6. Motion made and seconded to approve. All in favor.

**POLICE DEPARTMENT. Indemnification.** Motion made and seconded to approve the request of Captain Robert Coyne to approve the return of Officer Roy Ballard to full duty status as of March 26, 2007. All in favor.

**PERMISSION. Sandwich Boards.** Motion made and seconded to approve the following request subject to the rules and regulations:

March 26 to April 2- Arlene Hostrop – St. Stephen's United Methodist Church – Tedesco and Humphrey; Pleasant and Essex and Atlantic @ Seaview to advertise the Velvet Elvis Concert. All in favor.

**PERMISSION. Banner.** Motion made and seconded to grant the following request to hang a banner across Pleasant Street subject to the rules and regulations and receipt of the required insurance:

June 11 to 18 – Don Morgan and Gene Jacobi – Farmers' Market. All in favor.

**PERMISSION. Use of Ft. Sewall.** Motion made and seconded to approve the request of Jessica Coombes, 55 W. Central Street, Natick, MA and William Bailey to use Ft. Sewall on Saturday, October 20, 2007 from 3 pm to 6:00 pm for a wedding ceremony. Items to be brought on and removed from premises include chairs for 140 people, potted flowers, and a small table. No food to be brought to the premises. No tents or any fixtures to be placed in ground. Motion made and seconded to approve the request subject to the applicable rules and regulations, receipt of a certificate of insurance, usage fee and security deposit of \$250. each. All in favor.

**APPOINTMENT. Inspector of Animals.** Motion made and seconded to re-appoint Isabel Lorenzo to this position with a term to expire April 30, 2008. All in favor.

**EXECUTIVE SESSION. Minutes.** Motion made and seconded to make the executive session minutes of November 8, 2006 and March 14, 2007 public. All in favor.

**APPOINTMENT. MAPC – Alternate.** Motion made and seconded to appoint Rebecca L. Curran as the Town of Marblehead's Alternative Representative to the Metropolitan Area Planning Council for a term to expire May 2008 and to authorize the Chairman to sign the confirmatory letter of Ms. Curran's appointment on behalf of the Board. All in favor.

**PERMISSION. Parade.** Motion made and seconded to approve the request of Fred Forsgard, President Marblehead Youth Baseball to host a parade on April 21, 2007 starting at noon. The parade route would start at Seaside Park on Atlantic Avenue and take a right onto Ocean Street and then a left onto Pleasant Street. The parade would continue on Pleasant and bear right at Tent's Corner onto Lafayette Street and then on to Gatchell's Field. All in favor.

**PERMISSION. Use of Abbot Hall.** Motion made and seconded to approve the request from Tonya T. Nye, 2007 Girl Scout Bridging Chairperson, to use Abbot Hall on Thursday, May 31 from 5:00 p.m. to 8:00 p.m. for a bridging ceremony, instead of May 24, as previously approved by the Selectmen. All in favor.

**BOARD OF HEALTH. Warrant Annual Town Meeting 2007. Transfer Station Articles.** Wayne Attridge, Director Board of Health was present to provide information relevant to Articles 32-37 on the Warrant. Mr. Attridge noted that the third option, as described in Article 37, is preferred by the Board of Health. Board of Health members David Belf-Becker and Helaine Hazlett were also present during Mr. Attridge's presentation.

**MARBLEHEAD SCHOOLS. Facilities Master Plan Committee (FMPC).** Patricia Blackmer, School Committee Member was present provide information relevant to Statement of Interest (SOI) forms that have been prepared by the FMPC for submission to the new Massachusetts School Building Authority (MSBA) on or before July 31, 2007. The presentation was made for the purpose of obtaining the Selectmen's approval to submit SOI forms for the following schools: Village, Gerry, Eveleth, Glover

and Coffin. The purpose of each SOI is for the MSBA to determine what school facilities in MA have deficiencies that meet one or more of the statutory priorities set forth in M.G.L. c. 70B §8 and for which the MSBA may anticipate receiving requests for funding at a late date. Phil Devaux, Ed D., Superintendent of Schools and Rob Dana were also present during the presentation.

Motion made and seconded having convened in an open meeting on **March 28, 2007**, the Marblehead Board of Selectmen, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 3, 2007 for the Village School located at 93 Village Street, Marblehead, Massachusetts which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority 1 addresses health and safety, including failing infrastructure systems and HVAC obsolescence; and Priority 5 addresses the need for a new heating system to increase energy conservation and decrease energy related costs; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Marblehead Public Schools District to filing an application for funding with the Massachusetts School Building Authority.

All in favor.

Motion made and seconded having convened in an open meeting on **March 28, 2007**, the Marblehead Board of Selectmen, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 3, 2007 for the Elbridge Gerry School located at 50 Elm Street, Marblehead, Massachusetts which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority 1 addresses health and safety, including limitations inherent in a 100-year-old building; Priority 2 addresses existing severe overcrowding due to lack of supplemental educational spaces; Priority 3 addresses potential loss of accreditation primarily due to substandard space and lack of handicap accessibility; Priority 5 addresses the need for a new heating system to increase energy conservation and decrease energy related costs; and Priority 7 addresses building obsolescence inherent in a school with a 19<sup>th</sup> century design; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Marblehead Public Schools District to filing an application for funding with the Massachusetts School Building Authority.

All in favor.

Motion made and seconded having convened in an open meeting on **March 28, 2007, the Marblehead Board of Selectmen**, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 3, 2007 for the Samuel C. Eveleth School located at 3 Brook Road, Marblehead, Massachusetts which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority 1 addresses health and safety, including lack of fire detection, alarm and security systems, and HVAC obsolescence; Priority 2 addresses existing severe overcrowding due to lack of supplemental educational spaces; Priority 3 addresses

potential loss of accreditation primarily due to substandard space and lack of full handicap accessibility; Priority 5 addresses the need for a new heating system to increase energy conservation and decrease energy related costs; and Priority 7 addresses building obsolescence inherent in a building built in 1958; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Marblehead Public Schools District to filing an application for funding with the Massachusetts School Building Authority.

All in favor.

Motion made and seconded having convened in an open meeting on **March 28, 2007**, the Marblehead Board of Selectmen, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 3, 2007 for the Glover School located at 9 Maple Street, Marblehead, Massachusetts which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority 1 addresses health and safety, including limitations inherent in a 90-year-old building; Priority 2 addresses existing severe overcrowding due to lack of supplemental educational spaces; Priority 3 addresses potential loss of accreditation primarily due to substandard space and lack of handicap accessibility; Priority 5 addresses the need for a new heating system to increase energy conservation and decrease energy related costs; and Priority 7 addresses building obsolescence inherent in a building built in 1916; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Marblehead Public Schools District to filing an application for funding with the Massachusetts School Building Authority.

All in favor.

Motion made and seconded having convened in an open meeting on **March 15, 2007**, the School Committee of Marblehead, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 3, 2007 for the L.H. Coffin School located at 1 Turner Road, Marblehead, Massachusetts which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority 1 addresses health and safety, including limitations inherent in a 58-year-old building; Priority 2 addresses existing severe overcrowding due to undersized supplemental educational spaces, and the potential overcrowding due to the need to use space at the Coffin School to mitigate major life/safety issues at the Gerry School; Priority 3 addresses potential loss of accreditation primarily due to lack of handicap accessibility; Priority 5 addresses the need for a new heating system to increase energy conservation and decrease energy related costs; and Priority 7 addresses building obsolescence and the need for larger supplemental educational spaces; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Marblehead Public Schools District to filing an application for funding with the Massachusetts School Building Authority.

All in favor.

**LICENSES. All Alcoholic Seasonal Clubs.**

Motion made and seconded to renew the following license, subject to all taxes and fees to the Town being paid and receipt of proof of workers' compensation insurance, as applicable and receipt of satisfactory criminal history results:

Dolphin Yacht Club, 17 Allerton Place Manager: Robert M. Strasnick

On a polled vote the Selectmen voted as follows:

Mr. Nye: yes

Mrs. Belf-Becker: yes

Mrs. Jacobi: yes.

Mr. Shribman yes

Mr. Christensen: yes

Motion made and seconded to renew the following license, subject to all taxes and fees to the Town being paid and receipt of proof of workers' compensation insurance, as applicable and receipt of satisfactory criminal history results:

Eastern Yacht Club, 47 Foster Street Manager: Jeffrey Wargo

On a polled vote the Selectmen voted as follows:

Mr. Shribman yes

Mrs. Jacobi: yes

Mrs. Belf-Becker: yes

Mr. Nye: yes

Mr. Christensen: yes

**LICENSES. Entertainment Licenses.**

Motion made and seconded to renew the following licenses, subject to all taxes and fees to the Town being paid and receipt of proof of workers' compensation insurance, as applicable:

Dolphin Yacht Club, 17 Allerton Place Manager: Robert M. Strasnick

Eastern Yacht Club, 47 Foster Street Manager: Jeffrey Wargo. All in favor.

**RESERVE FUND TRANSFERS. Veterans' Benefit.** Motion made and seconded to authorize Veterans' Agent David Rodgers to appear before the Finance Committee to request the transfer of the sum of \$1,926. from the Reserve Fund in accordance with Chapter 40, Section 6 of the Massachusetts General Laws for veterans' benefits. All in favor.

**PERMISSION. Filming. Parking Restrictions.** Request from Anna Saraceno, Nancy Porter Productions Inc., Lexington, MA to have parking restricted on Washington Street, in front of Lee Mansion, from the driveway of Litchman's Printing to the corner of Rockaway Street). Also, Ms. Saraceno has requested that exclusive permission be granted to use the entire block in front of Lee Mansion, on the same side of the street, from 6 am to 8 pm on May 18, 2007 Motion made and seconded to only approve the

restriction of parking on Washington Street, in front of Lee Mansion, from the driveway of Litchman's Printing to the corner of Rockaway Street subject to the Town of Marblehead be included in the film movie credits. All in favor.

**LICENSING. One Day Liquor Licenses.** Request from Laura Tyrrell, Ballast Lane for a liquor license to serve wine and beer at their residence on Saturday, May 5, 2007 between the hours of 7:00 p.m. and 11:00 p.m. This request is in connection with a fundraiser to be held for Making Ends Meet, a Marblehead non-profit organization. Motion made and seconded to approve the request subject to the receipt of the requisite fee. All in favor.

**LICENSING.** Inquiry from Chad A. Colarusso, Esq. on behalf of Foodie's Feast, 114 Washington Street if the town is currently soliciting proposals for a wine and malt beverage license application. No action taken.

**APPOINTMENT. Chairman Pro-Tem.** Motion made and seconded to appoint Mr. Shribman as Chairman of the meeting during the ensuing discussion about the Chief of Police Hiring process. All in favor. Mr. Christensen, due a potential conflict of interest recused himself from the meeting during the discussion. 8:55 p.m.

**POLICE DEPARTMENT. Chief of Police Search. Hiring Process.** Motion made and seconded to discuss the need and benefit of having a transparent hiring process ("Process") established for the hiring of a new Chief of Police. All in favor. Motion made and seconded that the Process be specifically for this vacancy only, not to be used for another vacancy unless voted by the Board at that time. All in favor. Motion made and seconded that individual discussions between candidates and Selectmen not take place. All in favor. Motion made and seconded that all conversations (interviews) of candidates be in public session and on camera. All in favor. Motion made and seconded that all Selectmen write questions (to be asked of each candidate) and submit them to Town Counsel Marc Miller before the April 11<sup>th</sup> Selectmen's Meeting for determination of appropriateness and legality. (Follow-up questions, relevant to a particular candidate may be asked.) All in favor. Motion made and seconded that each candidate await their interview in the Town Administrator's Office so that no one can hear the interview preceding his own. All in favor. Motion made and seconded that Town Counsel Miller attend the April 11<sup>th</sup> meeting to discuss parameters of questions and advise the Selectmen on the hiring process. All in favor.

**APPOINTMENT. Chairman.** Mr. Christensen returned to the meeting at 9:08 p.m. Motion made and seconded that Mr. Shribman step down as Chairman Pro-tem and that Mr. Christensen continue the meeting as Chair. All in favor.

**ACCEPTABLE USE POLICY: Internet/Intranet.** Motion made and seconded that the policy be adopted. All in favor.

**PERMISSION. Use of Spirit of '76.** Motion made and seconded to reconsider the vote of March 14 denying Pam Petersen's request to use an image of the Spirit of '76 in an

upcoming publication. All in favor. Motion made and seconded to approve the request. Motion failed 4-1.

**LICENSING. All Alcoholic Beverages as a Common Victualer. Maddies Sail Loft. !5 State Street.** Motion made and seconded to refer the police report of March 25, 2007 to Town Counsel Marc Miller for purposes of establishing a hearing date. (The hearing would be for purposes of determining if the liquor license issued to Maddie's should be revoked or suspended.) All in favor.

**EXECUTIVE SESSION.** Motion made and seconded to go into Executive Session for the purposes of collective bargaining and contract negotiations, votes may be taken, and if they are, votes will be released at a time deemed appropriate by Counsel, not to resume in open session. On a polled vote, the Board voted as follows: Mr. Nye: in favor; Mrs. Belf-Becker: in favor; Mrs. Jacobi, in favor; Mr. Shribman: in favor and Mr. Christensen: in favor.

Motion made and seconded to adjourn at 9:21 p.m. All in favor.

Ursula M. Kretschman  
Administrative Aide