

## BOARD OF SELECTMEN

### MINUTES

**March 14, 2018**

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.  
M. C. Moses Grader  
Judith R. Jacobi  
James E. Nye

John J. McGinn, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from February 28, 2018.  
All in favor.

**TOWN PLANNER. Zoning Bylaw. RFP 102 Green Street. MVP Grant.** Rebecca Cutting, Town Planner, appeared before the Board to discuss the following:  
Article 42, Zoning Bylaw Recodification, Technical Corrections and Revisions. Ms. Cutting reviewed the proposed article with the Board. This is primarily a recodification of the current zoning bylaw with no major policy changes and no changes to the map or dimension requirements. The Planning Board will hold a public hearing on the proposed article on Tuesday, April 10, 2018 at 7:30 pm at Abbot Hall for all interested persons. Additionally the Building Commissioner and Town Planner will be holding offices hour on Wednesday March 28, 2018 and Wednesday April 4, 2018 from 4:00 pm to 6:00 pm at the Mary Alley Building lower level conference room.

**102 Green Street.** The Town has acquired, through tax lien foreclosure, a single family residence at 102 Green Street. Ms. Cutting reviewed with the Board the process for selling the property which includes declaring the property surplus and available for disposition and then issuing a Request for Proposal. The following votes were taken: Motion made and seconded to declare surplus and available for disposition the town owned property at 102 Green Street (Assessor Map: 144 Lot: 13A) which is approximately 10,018 square feet in size with an existing single family structure with the following restriction that the property be continued to be used as a single family residence. All in favor. Motion made and seconded to authorize the Chief Procurement Officer to prepare and issue a Request for Proposal and dispose of in accordance with all applicable laws. All in favor.

**Municipal Vulnerability Preparedness Grant Program (MVP).** Ms. Cutting reminded the Board that the Town was awarded a grant through the Municipal Vulnerability Program (MVP). This program provides support for cities and towns in Massachusetts to begin the process of planning for resiliency related to climate change. The state has awarded a grant to the Town to hire a coordinator to assist the Town in

completing a vulnerability assessment and develop action-oriented resiliency plans. Communities who complete the MVP program become certified as an MVP community and are eligible for follow-up grant funding and other opportunities. The Town has begun the process by selecting a service provider and will be establishing a team, engaging stakeholders and scheduling workshops in the near future.

**CHAMBER OF COMMERCE. Celebrate Marblehead.** Beth Ferris, Executive Director, appeared before the Board seeking approval for the 5<sup>th</sup> year of “Celebrate Marblehead”, a program that supports and offers opportunities to local businesses. Motion made and seconded to approve the request from Beth Ferris, Chamber of Commerce, to hold “Celebrate Marblehead” April 15, 2018 – October 8, 2018 and to allow the businesses in Town the following considerations subject to receipt of the required Certificate of Insurance and compliance with ADA, Fire, Building, Zoning and Health Department requirements:

- **Allow tables and/or displays outside of stores**
  - Business will remain compliant with all ADA, fire, building and zoning codes.
  - Tables and/or displays will allow for the required 36 inches of sidewalk space, excluding curb, for handicapped accessibility requirements.
  - Sidewalk space will allow for 48 inches, however, an unobstructed 36 inch path of travel, excluding curb, will be maintained past any sidewalk obstruction. Such obstructions include but not limited to utility poles, mail boxes, trees and open areas around them, street lights, traffic signal bases and pre-cast foundations and other signal hardware, hydrants, signs and poles.
  - It is preferred that tables and chairs are made of natural materials, ie: wood or metal.
- **Permit outdoor entertainment from Thursday–Sunday from 10 AM–8 PM**
  - Business will remain compliant with all ADA, fire, building and zoning codes.
  - Entertainment will only include small or solo performances without amplification.
- **Permit restaurant outdoor seating from the hours of 7 AM–10 PM**
  - Business will remain compliant with all fire, building and zoning codes.
  - Tables will be small, with a maximum of eight (8) seats per establishment.
  - Tables, chairs and benches will allow for 36 inches of sidewalk space, excluding curb, to comply with handicapped accessibility requirements.
  - Sidewalk space will allow for 48 inches, however, an unobstructed 36 inch path of travel, excluding curb, will be maintained past any sidewalk obstruction. Such obstructions include but not limited to utility poles, mail boxes, trees and open areas around them, street lights, traffic signal bases and pre-cast foundations and other signal hardware, hydrants, signs and poles.
  - It is preferred that tables and chairs are made of natural materials, ie: wood or metal.

- Vendors and restaurants will receive required Board of Health approvals.
- No alcohol is permitted to be served outside of any establishment in compliance with liquor license regulations.
- **Allow small beautification projects**
  - Business will remain compliant with all ADA, fire, building and zoning codes.
  - For example, flower pots along sidewalks.
  - Placement will allow for the required 36 inches of sidewalk space for handicapped accessibility requirements.

All in favor.

**CONTRACT. Abbot Hall HVAC Study.** Motion made and seconded to amend the contract dated October 2, 2017 with McGinley Kalsow for the Abbot Hall HVAC Study by increasing the contract amount by five thousand four hundred and fifty seven dollars and 50/100 (\$5,457.50) for additional work including asbestos testing and additional chimney/HVAC study and meetings and authorize the Chair to sign on behalf of the Board. All in favor.

**CONTRACT. Applying Bituminous Concrete. Extend.** Motion made and seconded to extend the contract between the Town and Bitcon of Danvers, MA for furnishing and applying bituminous pavement for an additional option year to begin May 2, 2018 until May 1, 2019 and to authorize the Chair to sign amendment on behalf of the Board. All in favor.

**CONTRACT. GIS Maintenance. Extend.** Motion made and seconded to extend the contract between the Town and CAI Technologies for GIS system maintenance by opting to extend the contact until March 10, 2019 and authorize the Chair to sign on behalf of the Board. All in favor.

**CHAMBER OF COMMERCE. Art Walk.** Motion made and seconded to approve the request from Beth Ferris, Executive Director, Chamber of Commerce, to hold a town-wide Art Walk on Saturday, May 19<sup>th</sup> and Sunday, May 20, 2018 subject to receipt of the required Certificate of Insurance. All in favor.

**PERMISSION TO USE. Marblehead Spirit Day.** Motion made and seconded to approve the request from Libby Moore and Don Doliber to use Abbot Hall, Old Town House, State Street Wharf and Fort Sewall on Saturday, September 15, 2018 for the second “Marblehead Spirit Day” subject to the usual rules and regulations. All in favor.

**PERMISSION. 5K. Dollars for Scholars.** Motion made and seconded to approve the request from Jennie Sheridan, Dollars for Scholars, to hold the 6th annual 5K and family walk on Sunday, June 3, 2018 from 8:00 am to 12 noon subject to approval from Chief Picariello, Recreation and Parks, receipt of the required Certificate of Insurance and Police Details. No permanent markings are allowed on the streets and any temporary markings must be removed at the conclusion of the event. The event will start and end at Devereux Beach. All in favor.

**LICENSING. 1 Day Liquor License. Marblehead Counseling Center.** Motion made and seconded to approve the request from Lisa Smith, Business Manager, Marblehead Counseling Center, for a 1 Day Liquor License on Saturday, April 14, 2018 from 6:00 p.m. – 10:00 p.m. at St. Andrews Parish Hall, 135 Lafayette Street, for a fundraiser subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. 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 in Everett.

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

**LICENSING. 1 Day Liquor License. Handel and Haydn.** Motion made and seconded to approve the request from Rachel Dacus Hill, Executive Coordinator, Handel & Haydn Society, for a 1 Day Liquor License on Saturday, May 5, 2018 from 6:00 p.m. – 10:00 p.m. at the Old Town House for a concert and reception subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. 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.
4. Liquor Liability Insurance.

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

**LICENSING. 1 Day Liquor License. St. Andrews Church.** Motion made and seconded to approve the request from the Rev. C. Clyde Elledge II, for a 1 Day Liquor License on Saturday, April 7, 2018 from 6:00 p.m. – 10:00 p.m. at St. Andrews Parish Hall, 135 Lafayette Street, for a fundraiser subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. 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 in Everett.

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

**CONTRACT. July 4<sup>th</sup> Fireworks Display.** Motion made and seconded to award the contract for the July 4, 2018 Fireworks Display to Atlas Pyro Vision Entertainment

Group, Inc., of Jaffrey, New Hampshire and authorize the Chair to sign a contract on behalf of the Board. All in favor.

**CONSERVATION COMMISSION. Resignation.** Motion made and seconded to accept a letter of resignation from Barbara Rosenberg and to send a letter of appreciation for her service. All in favor.

**SHELLFISH BEDS. Temporary Closing.** In accordance with Chapter 130, section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has closed all shellfish areas of the Commonwealth of Massachusetts as a precaution due to the potential effects of the coastal storm of March 1, 2018.

**WARRANT HEARING.** The Finance Committee will hold a Public Hearing on Monday, March 26, 2018 in Abbot Hall, 188 Washington Street, in the Selectmen's Room at 7:00 p.m. The purpose of the meeting is to hear discussion pro and con on articles on the warrant of the May 7, 2018 Annual Town Meeting.

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

Kyle A. Wiley  
Administrative Aide