

## **BOARD OF SELECTMEN**

### **MINUTES**

**September 8, 2021**

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 September 8, 2021 to order. The following roll call was taken: Mrs. Noonan, present; Mrs. Singer, present; Mr. Grader, present; Mr. Nye, present; Mrs. Belf-Becker, present.

**MINUTES.** Motion made and seconded to approve the minutes of July 28, 2021. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Grader, in favor; Mrs. Belf-Becker, in favor.

**EXECUTIVE SESSION.** Motion made and seconded to go into Executive Session under M.G.L. c. 30A, Sec. 21(a)(3) for the purpose of discussing strategy with respect to pending litigation, namely Davis v. Old and Historic Marblehead Districts Commission, et al., Essex Superior Court Docket No. 1977CV00689, where an open meeting may have a detrimental effect on the litigation position of the Board and the Town, as so declared by the Chair. Note: the foregoing is remedial or corrective action to address a compliance issue brought to the Board's attention after its August 25, 2021 meeting. Votes may be taken, and if they are, votes will be released at a time deemed appropriate by counsel. The Board **will** reconvene in open session. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Nye, in favor; Mrs. Grader, in favor; Mrs. Belf-Becker, in favor.

The Board resumed in open session at 7:20 p.m.

**OPEN MEETING LAW COMPLAINT.** Adam Costa, Special Town Counsel, appeared before the Board to review with the Board an open meeting law complaint filed by Allen Waller as it relates to an agenda posting on August 25, 2021. Attorney Costa advised the Board that the agenda posting of August 25, 2021 omitted the necessary specificity that is routinely a part of similar agenda postings in Marblehead. On Counsel's advice, the Board has taken the corrective action needed to properly repost the

Executive Session with the necessary specificity. The Board reconvened in Executive Session tonight to discuss litigation strategy with regard to the same matter considered on August 25, 2021: Davis v. Old and Historic Marblehead Districts Commission, et al, and have now resumed in open session. Attorney Costa has prepared a response to Mr. Waller and the Attorney General regarding the 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 filed by Allen Waller. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**OLD & HISTORIC DISTRICTS COMMISSION. Interviews. Appointments.**

Michael Fuenfer and Larry Schall appeared before the Board as it relates to serving on the Old and Historic Districts Commission. The Board previously interviewed Paul Green, Tom McMahon, Mariana Vaida and Allen Warren at their meeting on August 25, 2021. The Chair allowed the previous applicants to briefly address the Board again. Motion made and seconded to place all names into nomination. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows for the full-time member on the Old & Historic Districts Commission with a term to expire in June 2022. Mrs. Singer, Michael Fuenfer; Mr. Grader, Mariana Vaida; Mr. Nye, Tom McMahon; Mrs. Noonan, Mariana Vaida; Mrs. Belf-Becker, Mariana Vaida. Mariana Vaida appointed to the Old & Historic Districts Commission with a term to expire in June 2022. On a second polled vote for the Alternate Member, with a term to expire in June 2022 the Board voted as follows: Mrs. Singer, Michael Fuenfer; Mr. Grader, Michael Fuenfer; Mr. Nye, Michael Fuenfer; Mrs. Noonan, Michael Fuenfer; Mrs. Belf-Becker, Michael Fuenfer. Michael Fuenfer appointed to the Old & Historic Districts Commission, Alternate Member, with a term to expire in June 2022.

**ABBOT PUBLIC LIBRARY. Director.** Kimberly Grad, recently hired Abbot Public Library Director, appeared before the Board to formally introduce herself to the Board and give a brief update on the status of the library as it works towards becoming fully operational again and looking ahead at the library renovation project. The Board welcomed Ms. Grad and wished her good luck.

**HISTORICAL COMMISSION. Sanborn Sleigh. River Rhine Painting.**

**Bicentennial Quilt. Abbot Hall Attic Museum.** Chris Johnston, Chairman, Marblehead Historical Commission, Pam Peterson and Ed Nilsson, members, appeared before the Board.

**Sanborn Sleigh.** The Sanborn Sleigh, typically displayed in the Abbot Hall Rotunda each holiday season, has been restored and needs a permanent location to prevent it from deteriorating. The Commission is requesting that the permanent location for the sleigh be the Abbot Hall auditorium. Motion made and seconded to approve the request from the Historical Commission to display the Sanborn Sleigh in the Abbot Hall auditorium subject to final approval from the Town Administrator. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**Bicentennial Quilt.** The 1976 Bicentennial Quilt originally hung in the Selectmen's Room, then moved to auditorium in a wood and plexiglass case. Harvard Museums have donated a "new" case with Museum glass; UV glass, anti-glare, museum quality frame. Shattuck Fund is funding grant for conservation and the Historical Commission is funding case mods.

**River Rhine Painting.** The painting is dated 1878 and painted by an unknown artist, last name is Wilcox. It was appraised in 1985 by well-known appraiser Carl Crossman and has no great merit and bears no relationship to Marblehead. It is recommended that the Town start the process to get a pre-auction appraisal price from Kaminski Auctions in Beverly, MA and proceed from there. Motion made and seconded to declare the following item as surplus and no longer needed for Municipal purpose so that they may be disposed of in accordance with the Town's policy on surplus equipment: Painting "The River Rhine" by Wilcox, 1878. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**Marblehead Museum. Abbot Hall Attic.** The Commission is pursuing identifying a permanent location Museum location. A Shattuck Fund grant has been received for a concept and cost study to build a Museum of Marblehead History in the attic of Abbot Hall.

**COMMUNITY HOST AGREEMENT. Seven Leaf Sisters. 385 Atlantic Avenue.** Angela Arena Foster, Founder, Seven Leaf Sisters, and Blake Mensina, Legal Counsel, appeared before the Board seeking to enter into a Host Community Agreement with the Town for an Adult-Use Marijuana Retail and Product Manufacturing business. After a brief power point presentation, the Board asked questions of the applicant and had discussion. Motion made and seconded to authorize the Town Administrator and Town Counsel to enter into negotiations for a Community Host Agreement. Moved by Mrs. Noonan, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Noonan, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, opposed; Mrs. Belf-Becker, opposed. Motion passed.

**FORT SEWALL. Permission to Use.** Motion made and seconded to approve the request from Maneh Koitikian and Richard Camden Howe to use Fort Sewall on August 20, 2022 from 1:00 p.m. – 5:00 p.m. for a Wedding Ceremony subject to the usual rules, regulations, fees, receipt of the required Certificate of Insurance and police detail. The Fort shall remain open to the public at all times. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**MARBLEHEAD ALL SPORTS BOOSTERS. Annual door to door canvas.** Motion made and seconded to approve the request from Muffy Paquette, Marblehead All Sports Boosters, to conduct their annual door to door canvas on Sunday, October 24, 2021 between 12:00 noon and 3:00 p.m. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**PERMISSION. Back the Track 5K.** Motion to approve the request from Andy Ernst, Marblehead Track Association, to run the Back the Track 5K on October 17, 2021 with a start time of 9:00 a.m. at the Village School, subject to approval from Police, Fire, School Department, receipt of the required Certificate of Insurance and Police Details. No permanent markings are allowed on the public ways and all temporary markings shall be removed at the conclusion of the event. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**CONTRACT. Abbot Hall. Amend.** Motion made and seconded to amend the contract between the Town and McGinley Kalsow for the Abbot Hall Restoration project by increasing by an amount not to exceed ten thousand and 00/100 dollars (\$10,000.00) and to authorize the Chair to sign on behalf of the Board. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**SPIRIT OF '76. Permission to Use.** Motion made and seconded to approve the request from Nikki De Jong, Pensacola Christian College, to use an image of the Spirit of '76 in their publication Beyond the Horizon, 3<sup>rd</sup> edition and to credit the Town of Marblehead for permission and to request a copy of the book. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**AMERICAN RESCUE PLAN ACT (ARPA). Spending Criteria.** The Board reviewed a prioritization plan for ARPA Implementation in the Town. Motion to approve a prioritization for ARPA implementation in Marblehead. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**PERMISSION. Breast Friends Walk.** Motion made and seconded to approve the request from Emil Lucien to hold the annual Breast Friends Walk on Sunday, October 10, 2021 at 9:00 am starting at Devereux Beach subject to approval from Police Chief, Recreation and Parks, police details and receipt of the required Certificate of Insurance. No permanent markings are allowed on the public way and all temporary marking shall be removed at the conclusion of the event. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**CONTRACT. Salem Sound Coastwatch. CZM Coastal Resilience Project.** Motion made and seconded to award a contract to Salem Sound Coastwatch of Salem MA for the project facilitation of the CZM Coastal Resilience Project in the amount of twenty-four thousand three hundred dollars (\$24,300.00) and authorize the Chair to sign the contract on behalf of the Board. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**CONTRACT. Woods Hole Group. CZM Coastal Resilience Project.** Motion made and seconded to award a contract Woods Hole Group of Bourne, MA for engineering services related to the CZM Coastal Resilience Project in the amount of seventy-eight thousand two hundred and sixty-two dollars (\$78,262.00) and authorize the Chair to sign the contract on behalf of the Board. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**CONTRACT. Collins Engineering. CZM Coastal Resilience Project.** Motion made and seconded to award a contract Collins Engineering MA for engineering services related to the CZM Coastal Resilience Project in the amount of twenty-one thousand eight hundred and forty dollars (\$21,840.00) and authorize the Chair to sign the contract on behalf of the Board. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**DISABILITIES COMMISSION. Resignation.** A letter was received from Preston Ford as it related to his resignation from the Disabilities Commission. Motion made and seconded to send a letter of appreciation. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**FIRE DEPARTMENT. Appointments.** A letter was received from Chief Jason Gilliland notifying the Board that Richard Ehlert, William Boardway and John Morris have been appointed as Permanent Full-Time Firefighters, effective August 26, 2021. They are all certified Emergency Medical Technicians and will attend the Massachusetts Firefighting Academy's twelve-week recruit training program in the Fall of 2021.

**AFFORDABLE HOUSING TRUST FUND. Letter of Interest.** A letter of interest was received from Christi Staples as it related to serving on the Affordable Housing Trust Fund.

**FINANCE COMMITTEE. Letters of Interest.** Motion made and seconded to accept letters of interest to serve on the Finance Committee, until September 17, 2021. All applicants will be interviewed by the Board at their meeting on Wednesday, September 22, 2021. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

**CONSERVATION COMMISSION. Letters of Interest.** Motion made and seconded to accept letters of interest to serve on the Conservation Commission, until September 17, 2021. All applicants will be interviewed by the Board at their meeting on Wednesday, September 22, 2021. Moved my Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor

**HOUSING AUTHORITY. Letters of Interest.** Motion made and seconded to accept letters of interest to serve on the Housing Authority, Selectmen's appointment, until October 1, 2021. All applicants will be interviewed by the Board at their meeting on Wednesday, October 6, 2021.

**COUNCIL ON AGING. Letters of Interest.** Motion made and seconded to accept letters of interest to serve on the Council of Aging, until October 1, 2021. All applicants will be interviewed by the Board at their meeting on Wednesday, October 6, 2021.

**AFFORDABLE HOUSING TRUST FUND. Letters of Interest.** Motion made and seconded to accept letters of interest to serve on the Housing Authority, Selectmen's appointment, until October 1, 2021. All applicants will be interviewed by the Board at their meeting on Wednesday, October 6, 2021.

Motion made and seconded to adjourn at 10:30 p.m. Moved by Mr. Nye, seconded by Mrs. Singer. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor; Mrs. Belf-Becker, in favor.

Kyle A. Wiley  
Administrative Aide

List of documents used:

Open Meeting Law Complaint. Allen Waller

Letters of Interest/Resumes:

Michael Fuenfer, Larry Schall, Paul Green, Tom McMahon, Mariana Vaida, Allen Waller, Christi Staples,

Pictures of Sanborn sleigh

Picture of River Rhine

Seven Leaf Sisters, Power point

Fort Sewall, It from Maneh Koitikian

Marblehead Boosters annual door to door drive

Request from Andy Ernst, Back the Track

Request to use picture of Spirit of '76. Nikki DeJong

American Rescue Act Plan. Prioritization plan

Request from Emil Lucien. Breast Friends Walk

Resignation. Preston Ford. Disabilities Commission.

Appointments, Fire Department.