



# TOWN OF MARBLEHEAD

## Meeting Minutes

*Moderator's Committee to Report on the Costs of Implementing Article 44*  
Wednesday, January 18, 2023, 9:15 AM, Hybrid Meeting, Abbot Hall

**Present:** Amy Drinker, Pat Franklin, Thatcher Kezer, Rosalind Nadeau, Katharine Redmond, Laurie Blaisdell, Nancy Powell

**Remote:** Jeff Shribman, Chair

Amy Drinker, Vice Chair, called the meeting to order at 9:17 AM.

**MOTION to approve the December 14, 2022 meeting minutes:** After a minor edit to the minutes there was a motion made to approve the revised minutes, then seconded, and unanimously approved.

**On January 10, 2023, two documents were distributed to the committee via email for discussion at this January 18 meeting:**

- 1) Summary of potential municipal buildings for use for hybrid meetings, compiled by Jeff Shribman: Laurie Blaisdell noted that as of March 1, 2023, the Jacobi Community Center will close at 5:30 Mondays through Thursdays (instead of 9pm) until further notice. This is due to Recreation and Park department staffing issues; there will be no evening program offerings therefor the building will close at 5:30pm (and thus not be available for public meetings). The document was amended to reflect this change of hours and the summary was placed on file, pending input from the school department regarding schools as potential sites for public meetings. It was also noted that this report reveals the practical limitations existing in many municipal buildings for holding public meetings. A question was asked as to whether municipal committee hybrid meetings could take place in houses of worship or real estate offices, where Wi-Fi connections are good. Availability of these private sites for evening municipal committee meetings is unknown.
- 2) Summary of Article 44 committee deliberations to date (January 9, 2023) by Amy Drinker  
A minor edit was made and the amended document will be placed on file.

**Comments to the committee by Thatcher Kezer, Marblehead Town Administrator:**

The goal for the Town of Marblehead is to have resilient, reliable, user-friendly technology in municipal buildings to accommodate municipal hybrid meetings and municipal operations in general.

1) The Town's fiber optic infrastructure is in need of upgrading from series to parallel structuring so that if internet service is impeded at one municipal building it does not impact service at the other municipal buildings. The capacity of Marblehead's municipal fiber optic system also needs to be increased due to the additional size of audio and visual data now commonly transmitted. As of 2019, estimates for these improvements to Marblehead's municipal fiber optic infrastructure was estimated at \$350,000.

2) Thatcher Kezer and municipal staff have recently begun to review costs associated with making the two conference rooms on the lower floor of the Mary Alley Municipal Building accessible for evening meetings when the rest of the building is closed (after regular office hours). This would facilitate volunteer committees that lack municipal staff support to access either of the two meeting places in a distinct portion of a municipal building when the rest of the building is locked/secured. In order to achieve this and meet ADA requirements renovations would include: changing to electronic egress doors on the lower floor, modifying the slope of the walkway to the lower floor entrances, making the lower-floor bathroom compliant with ADA requirements, and meeting safety and fire code requirements. Initial estimates for this work total approximately \$150,000. Note: the Mary Alley Municipal Building currently meets all safety and fire code requirements when the full building is open. The full building meets ADA requirements for accessibility via the upper level, where there is an ADA compliant entrance/exit, bathrooms, and elevator access to the lower floor.

Thatcher Kezer noted that municipalities often support the functions of government by reconfiguring building usage over time. This can result in challenges to upgrading spaces that were not built to readily meet code requirements and technology needs that did not exist when the building was first constructed. Upgrading specific building spaces necessitates consideration of how to phase the improvements in compliance with ADA

requirements; if building improvement costs exceed 30% of the building's value within a three-year period, it triggers a requirement for the entire building to meet all ADA requirements without additional phasing of said work. In assessing municipal buildings, what are the Town's needs in perpetuity? What are the priorities and funding sources? It has not been determined if making the two conference rooms on the lower floor of the Mary Alley Municipal Building will be a priority project.

It was noted that the newest Marblehead municipal buildings are Marblehead High School, Veterans School, Village School, Glover School, and Brown School. Are the schools possible locations for evening municipal committee meetings? (Jeff Shribman will continue to seek input from the school department to answer this question). It was noted that CORI regulations must be met, however municipal open meetings taking place in school buildings after the school day and do not include direct and unmonitored contact with minors so CORI checks for attendees may not be required.

<https://www.marbleheadschoools.org/domain/1327#:~:text=ALL%20employees%20and%20contracted%20workers,new%20hires>

Currently, the vast majority of Marblehead municipal committees and boards use hybrid or remote technology to run their meetings. This has greatly improved the public's access to municipal meetings subject to open meeting law. Massachusetts open meeting law, Chapter 22 of the Acts of 2022 includes the following:

<https://www.mass.gov/the-open-meeting-law>

“Guidance Update – July 18, 2022: On July 16, 2022, Governor Baker signed into law An Act Relative to Extending Certain State of Emergency Accommodations, which, among other things, extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2023. Specifically, this extension allows public bodies to continue holding meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. The Act does not make any new changes to the Open Meeting Law other than extending the expiration date of the temporary provisions regarding remote meetings from July 15, 2022, to March 31, 2023.”

At the bottom of Marblehead open meeting postings is the following:

**Hybrid Meeting Notice:** Members of the public are welcome to attend this in-person at (meeting location, Marblehead, MA 01945) or by the remote zoom connection provided. Please note that the in-person meeting will not be suspended or terminated if technological problems interrupt the remote connection.

**Other Business:** On January 17, 2023, a draft warrant article sponsored by Lynn Nadeau was emailed to the Article 44 committee at her request. The draft warrant article language reads as follows:

**1) Accessible Meetings:** To see if the Town will vote to amend Chapter 24 Section 1 of the Town bylaws by adding a requirement of the Select Board, School Committee, Board of Health, Town Planning Board, Zoning Board of Appeals, Marblehead Municipal Light Commission, Water & Sewer Commission, Harbors & Waters Board, Recreation & Parks Commission and Old & Historic Commission to fully implement best practices related to 940 CMR 29.10 of the Massachusetts Open Meeting Law governing remote participation by ensuring the use of hybrid meeting platforms or remote platforms for all body members and for the public at all public meetings.

**2) Accessible Meetings:** To see if the Town will vote to amend Chapter 24 Section 1 of the Town bylaws by adding a requirement of the Select Board, School Committee, Board of Health, Town Planning Board, Zoning Board of Appeals, Marblehead Municipal Light Commission, Water & Sewer Commission, Harbors & Waters Board, Recreation & Parks Commission and Old & Historic Commission to record their meetings, with the recordings and or meeting transcripts easily accessible along with official minutes linked from the Town Website after the meeting.

Lynn Nadeau gave general remarks regarding her proposed articles: the suggested amendments to current Marblehead bylaw include actions pertaining to (1) the meetings themselves and (2) recording of the meetings. In her bylaw amendment she listed the boards and committees she termed as “important.”

The committee decided to post a hybrid meeting for Wednesday, January 25, 2023 at 9:00 AM in the Select Board room at Abbot Hall to discuss Lynn Nadeau's proposed bylaw amendments. Any questions committee members have in advance of said meeting will be sent to Amy Drinker; she will compile the questions into one document and send them to the committee; this will provide Lynn with an opportunity to review the questions prior to the January 25 Article 44 committee meeting during which her amendments will be discussed.

**Public Comment:** Jim Zisson

The committee's next meeting is scheduled for Wednesday, January 25, 2023, 9:00 AM at Abbot Hall.  
<https://www.marblehead.org/minutes-and-agendas>

By a **MOTION** and second from the committee, and voted unanimously, the meeting was adjourned at 10:40 AM. Meeting minutes submitted by Amy Drinker, committee recording secretary

**NOTES:**

The deadline for submission of warrant articles for Marblehead Town Meeting 2023 is as follows:

Friday, January 20, 2023 (noon): department and town committee articles

Friday, January 27, 2023 (noon): citizen petition articles

**Information regarding Massachusetts open meeting law can be found on the mass.gov website:**

<https://www.mass.gov/doc/open-meeting-law-guide-and-educational-materials>

<https://www.mass.gov/the-open-meeting-law>

The Town of Marblehead ARPA Spending Plan as of October 12, 2022 can be found at:

[https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/2022-10-12\\_select\\_board\\_arpa\\_presentation.pdf](https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/2022-10-12_select_board_arpa_presentation.pdf)

Reports distributed as part of the Article 44 committee's work (including minor edits made at the January 18 meeting):

- 1) Draft summary of potential municipal buildings for use for hybrid meetings, compiled by Jeff Shribman
- 2) Summary of Article 44 committee deliberations to date (January 18, 2023) by Amy Drinker