

## SELECT BOARD

### MINUTES

**July 12, 2023**

Board met in HYBRID session at 7:00 p.m. at Abbot Hall and via ZOOM Conferencing  
The following members were present constituting a quorum:

Erin M. Noonan, Chair  
M. C. Moses Grader  
Bret Murray  
James E. Nye  
Alexa J. Singer, remotely

Thatcher W. Kezer III, Town Administrator

The Chair called the meeting of July 12, 2023 to order. Ms. Singer will be participating remotely.

**PERMISSION. Wicked Half Marathon. B&S Fitness.** Motion to approve the request from Ashley Steeves, B&S Fitness Companies, to hold the Wicked Half Marathon on Sunday, September 24, 2023 subject to approval of the Marblehead Police and Recreation and Parks, receipt of the required Certificate of Insurance naming the Town of Marblehead as additionally insured and police details and with a donation be made to a Marblehead charitable organization. All distances will start and finish at Salem Willows. Start times begin at 7:00 a.m. with the last runners starting no later than 10:00 a.m. No permanent markings shall be made on the streets and any temporary markings shall be removed at the conclusion of the event. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Murray, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Noonan, in favor;

**MINUTES.** Motion to approve the minutes of June 14, 2023. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Murray, present, Mr. Nye, in favor; Mr. Grader, in favor; Mrs. Singer, in favor; Mrs. Noonan, in favor. Motion to approve the minutes of June 21, 2023. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Murray, in favor; Mrs. Noonan, in favor.

**CONSTABLE. Appointment.** Motion to appoint Noemi Castillo as Constable, to serve Civil Service, subject to approval from Police Chief and the required bond on file with the Town Clerk. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Singer, in favor; Mr. Murray, in favor; Mr. Grader, in favor; Mrs. Noonan, in favor.

**MEMORANDUM OF UNDERSTANDING. International Association of Firefighters, AFO-CIO, CLC, Local 2043.** Mr. Murray recused himself from the meeting. The Town Administrator gave a brief overview of the grievance filed and the process taken by the Town. The Board recently met in Executive Session and authorized the Town Administrator to negotiate a Memorandum of Agreement to settle the grievance, which was based on a disagreement of the reading on the contract as it relates to the benefit of firefighters to receive sick pay bonus for not missing work due to sick time and whether military time should count as work days. The Town and the Union agreed to disagree on the issue and to discuss this matter later in future meetings but in an effort to maintain good relations this agreement will settle with the two firefighters currently affected and states that precedent is not set by this agreement. Motion to approve the Memorandum of Agreement, as presented, between the Town and the International Association of Firefighters, ALF-CIO, CLC, Local 2043. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mrs. Singer, in favor; Mr. Nye, in favor; Mr. Grader, in favor; Mrs. Noonan, in favor.

Mr. Murray returned to the meeting.

**SURPLUS EQUIPMENT.** Motion to declare the following items as surplus and no longer needed for Municipal purpose so that it may be disposed of in accordance with the Town's policy on surplus equipment:

- 12 Cascade Paper towel dispensers

Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Nye, in favor; Mrs. Singer, in favor; Mr. Grader, in favor; Mrs. Noonan, in favor.

**PERMISSION. 5K. Marblehead Boosters.** Motion to approve the request from Mary Kinahan, Marblehead Boosters, to hold a 5K road race on Saturday, October 21, 2023 subject to approval of the Marblehead Police, Recreation and Parks, Marblehead Public Schools and receipt of the required Certificate of Insurance naming the Town of Marblehead as additionally insured and police details. The event will start on Smith Street, in front of the Post Office, and finish at the Community Center. Start time is 10:00 am. No permanent markings shall be made on the streets and any temporary markings shall be removed at the conclusion of the event. Moved by Mr. Nye, seconded by Mr. Grader. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mrs. Singer, in favor; Mr. Murray, in favor; Mrs. Noonan, in favor.

**APPOINTMENT POLICIES. Review/Discussion.** The Board reviewed draft policies on volunteer appointments and had a lengthy discussion relating to:

- Timing of reappointment process and should this be adjusted
- Shifting to multi-year terms
- Vacancy process
- Reappointment process i.e. periodic review/solicitation of new interest/ term limits

The Board discussed drafting a survey/questionnaire to illicit feedback from the volunteer boards and committees. The Chair asked for members to send the Town Administrator

any questions they would like considered on the survey and once the survey is finalized the Town Administrator's office will facilitate sending the questionnaire out to the volunteers. The Chair stated she will propose draft policies around the vacancy process currently followed for the Boards next meeting and suggested the Board set a meeting dedicated solely to policy discussion. Mr. Grader made a motion to reconsider the previous motion of the Board on June 28, 2023 to hold over all volunteer reappointments until November 1, 2023 and vote the reappointments to allow the current boards and committees go about their business while the Board reviews their policies and procedures. Seconded by Mr. Nye. Mr. Nye noted that 4 of the 5 current Board members have been on the Board for 2 years now, with Mr. Murray having been a Board member for 6 years previously, and the Board is very familiar with all these boards and committees and the Board should make the reappointments and spend the time this year reviewing the policies and make any changes for next year. Mr. Murray noted that the citizens passed an article at Town Meeting this year that wants to see policies for certain Boards and Commission and that is what this Board is trying to do here. During the discussion that followed Mrs. Singer motioned to amend the motion on the table to change Mr. Grader's motion to reconsider the reappointments that are on hold until September 13, 2023, to allow the Board to explore the process and have a clearer idea of the timeline they expect to finalize their policy discussions. Seconded by Mr. Murray. Mr. Grader reiterated his belief that the real purpose of the holds seems to be to not reappoint specific people. Mr. Murray disagreed with this. Mr. Nye feels this is about one board and while it is great to have policies and procedures, we are putting their lives on hold and the concern of some are whether they will be reappointed in November or not? It is disrespectful to the volunteers to throw this on them instead of making reappointments and working through this process as a Board. Mr. Grader questioned how the Board will fill current vacancies if they are reviewing the process. Shouldn't all vacancies be put on hold as well? The Chair believes the Board can revisit this and if there is not a policy by September 12, with plans to implement on September 13, then the Board could revisit the hold on reappointments. Some of the policies may be outlined quickly while others may require more discussion and take longer and that there is no harm in taking the time. On a polled vote the Board voted as follows on the amended motion put forth by Ms. Singer, which is to postpone the reconsideration of reappointments to September 13, 2023: Mrs. Singer, in favor; Mr. Murray, in favor; Mr. Grader, opposed; Mr. Nye, opposed; Mrs. Noonan, in favor. The motion to amend Mr. Grader's motion passes 3 to 2. Next the Board voted on the main motion of Mr. Grader, which has now been amended, for the Board to make reappointments on September 13, 2023. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Singer, in favor; Mrs. Noonan, in favor.

**PUBLIC COMMENT.** The following public comment was taken:

- Dan Albert regarding the reappointment process, historical research of town's documents, restoration of Bailey Square memorial sign.
- Albert Joran regarding reappointment process
- Willy Manderson, regarding Pride Pavement at information booth
- Jack Attridge clarified a statement made by Mr. Murray during the policy discussion. Article 54, Policies and Procedures, passed at Town Meeting is an

advisory vote and not a bylaw and urged Board to proceed with caution with deliberations about appointed committees as our decentralized form of government depends on these people who step up and give their time to volunteer for the Town.

**TOWN ADMINISTRATOR UPDATE.** The Town Administrator updated the Board as follows:

- Closing the FY23 books
- Building Commissioner, reconfiguring the position, soliciting applicants
- July 4<sup>th</sup> events – recognized the hard work of all Town departments, public safety and committee members

**SELECT BOARD ANNOUNCEMENTS.** MHTV has received an award for the 9<sup>th</sup> year in a row for Excellence in Broadcasting and Local Access. Motion made to send a letter of congratulations to MHTV. Moved by Mr. Nye, seconded by Mr. Murray. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Singer, in favor; Mrs. Noonan, in favor.

The Chair asked the Board for their availability to hold a Select Board retreat in August or September.

Motion made to adjourn at 9:55 p.m. Moved by Mr. Nye, seconded by Mr. Murray. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Singer, in favor; Mrs. Noonan, in favor.

Kyle A. Wiley  
Administrative Aide

List of documents used:

B&S Fitness letter – Wicked half marathon, October

Draft minutes

Constable application

MOA Firefighters Union

Surplus request

Info on Boards/Committees Policies/procedures

Boosters letter – 5K October