BOARD OF SELECTMEN

MINUTES

November 12, 2014

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.
Judith R. Jacobi
Bret T. Murray
James E. Nye

Jeff Chelgren, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from October 29, 2014. All in favor.

2015 ANNUAL TOWN MEETING. Warrant. Motion made and seconded that the Annual Town meeting be held on Monday, May 4, 2015 at 7:00 p.m. at Marblehead Veterans Middle School Auditorium, at Duncan Sleigh Square, 217 Pleasant Street. All in favor. Motion made and seconded to open the Warrant for the May 4, 2015 annual Town Meeting. All in favor. Motion made and seconded to close the Warrant for Town Government Boards and Commissions on Friday, January 23, 2015 at 12:00 noon. All in favor. Motion made and seconded to close the Warrant for the General Public on Friday, January 30, 2015 at 12:00 noon. All in favor.

PERMISSION. Multiple Sclerosis Walk. Motion made and seconded to approve the request from Drew Davis, National Multiple Sclerosis Society, to hold the annual MS Walk on Saturday, April 18, 2015 starting at 9:00 a.m., registration at 8:00 a.m., subject to approve from the Chief Picariello, Recreation and Parks and receipt of the required Certificate of Insurance. All in favor.

SPIRIT OF '76. Permission to Use. A Beka Book. Motion made and seconded to approve the request from A Beka Book, Inc. to use an image of the Spirit of '76 in the following book: "*America: Land I Love*", third edition. All in favor.

PERMISSION. Old Town House. Refreshments. Motion made and seconded to approve the request from OMIA to serve light refreshments and wine, at no charge, at their annual meeting at the Old Town House on Sunday, November 16, 2014. All in favor.

OLD TOWN HOUSE. Permission to Use. Motion made and seconded to approve the request from Catherine Ianchulev, Seaside Allure, to use the Old Town House on

Saturday, December 6, 2014 during the Christmas Walk subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance and to waive the rental fee for this event. All in favor.

PERMISSION. Staging. Nicholson Street. Motion made and seconded to approve the request from Kurt Bianculli, 26 Nicholson Street, to place staging on the public way, by approximately 6 – 12 inches, from November 13, 2104 – December 8, 2014 subject to receipt of the required Certificate of Insurance. All in favor.

BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year 2015. John P. Kelley, 22 Merritt Street, Chairman of the Board of Assessors, and Michael Tumulty, Assistant Assessor, appeared before the Board to provide a report on information necessary for votes to be taken on the three available exemptions. Additionally and most importantly is the fourth vote to determine that tax factor which would shift local taxes from the residential class to the commercial, industrial and personal property classes. The Assessors presented the 2015 total valuation of the community which has received final certification from the Department of Revenue after meeting all DOR criteria and guidelines for development of fair and equitable assessments throughout the Town of Marblehead. The Board voted as follows:

<u>Residential Exemption:</u>
Classification also allows the Board of Selectmen to grant an exemption of up to 20% of the average assessed value of all Class One residential parcels, which are the principal residences of the taxpayer. This particular exemption typically provides tax relief for full time residents in vacation communities such as Nantucket or communities with a large number of non-owner occupied properties. Motion made and seconded not to adopt the residential exemption. All in favor.

<u>Small Commercial Exemption:</u>
Chapter 220, SS.112 and 187 of the Acts of 1993 provide for an exemption of up to 10% of the assessed value for Commercial properties with an assessment of less than $1,000,000 dollars and employing not more than ten people in the preceding calendar year. This particular exemption benefits only the property owner, as the law does not require the tax relief be passed through to the business owner. If adopted, this exemption shifts the tax burden onto other Commercial and Industrial properties. Motion made and seconded not to adopt the small commercial exemption. All in favor

<u>Open Space Discount :</u>
Chapter 59 Section 2A allows for a maximum of 25% exemption for property classified as Open Space. “Class Two, open space” is land which is not otherwise classified and which is not taxable under the provisions of chapters 61, 61A, or 61B, or taxable under a permanent conservation restriction, and which land is not held for the production of income but is maintained in an open or natural condition, and which contributes significantly to the benefit and enjoyment of the general public. The Board of Assessors has determined that no property in Town meets the strict definition of open space. Motion made and seconded not to adopt the open space discount. All in favor.

Rate Factor: Chapter 369 of the Acts of 1982 requires the decision to shift the property tax burden from one property class to another to be made by the Board of Selectmen, after a public hearing. The statute provides a maximum allowable portion of the Tax Levy up to 150% to be borne by Commercial, Industrial and Personal Property (CIP Class) and a minimum allowable portion to be borne by the Residential Class. Motion made and seconded to adopt a rate factor of 1 which will result in a single tax rate yet to be determined, with a proposed tax rate of $11.08. All in favor.

The Board of Assessors will submit the vote by the Board and all supporting financial documentation to the Department of Revenue for certification of the 2015 Tax Rate. The process of certifying the Tax Rate generally takes one week.

FIRE DEPARTMENT. Recognition. Craig Morse and Bob McCann, Eastern Yacht Club, appeared before the Board to thank the Marblehead Fire Department and the Town of Marblehead for all their support after the catastrophic fire at the Eastern Yacht Club on June 13, 2014. With the Town's support the Eastern Yacht Club was able to salvage a majority of the summer for their members. Mr. Morse and Mr. McCann presented Chief Jason Gilliland and the Marblehead Fire Department a Burgee of Merit, awarded for extraordinary service to the Eastern Yacht Club.

MARBLEHEAD CHAMBER OF COMMERCE. Christmas Walk Requests. Deb Payson, Marblehead Chamber of Commerce, Executive Director, George Barbuzzi and Cindy Latham, appeared before the Board seeking permissions for the annual Christmas Walk and Parade. Motion made and seconded to approve the following requests:
Annual Tree Lighting - Friday, December 5, 2014 at the National Grand Bank parking lot. Event starts at 6pm, tree lighting at 7pm.
44th Annual Christmas Walk Parade – Saturday, December 6, 2014. Parade to start at State Street Landing at 11:45 a.m. and continue onto Washington Street and down Atlantic Avenue (approximately 12:30 – 12:45 p.m.) turn right on Gerry Street, right on Pleasant Street (approximately 12:45 – 1:00 pm), continue down Pleasant Street by the Village Plaza to the National Grand parking lot.
Holiday Wreaths and Garland. Hang approximately 150 holiday wreaths and garland pole wraps throughout the central business district starting the week of November 17, 2014 subject to approval from the Marblehead Municipal Light Department and receipt of the required Certificate of Insurance. Wreaths and garland shall be removed by January 9, 2015. All in favor.

POLICE DEPARTMENT. 44th Annual Marblehead Christmas Walk Parade. Tree Lighting. Street Closings. Motion made and seconded to approve the request from Chief Picariello for the following street closings and traffic changes for the 44th Annual Marblehead Christmas Walk Parade and tree lighting:
Tree Lighting Friday, December 5, 2014, 7:00 p.m. – National Grand Parking Lot, In the event of an overflow crowd that creates a public safety concern the Chief is authorized to close either Pleasant Street between School Street and Spring Street or

Essex Street between Atlantic Avenue and Pleasant Street. In either case, traffic will be interrupted only if necessary.
Saturday, December 6, 2014, Santa's arrival at Clark Landing and Parade. The parking lot at Clark Landing to be closed entirely at 8:30 a.m. until such time as it is safe to reopen. Staging for the parade will be on Front Street between the Boston Yacht Club and State Street (including Darling Street,) at about 10:30 a.m., then stepping off from Clark Landing on a route including State Street, Washington Street, Atlantic Avenue, Gerry Street and Pleasant Street.
Saturday, December 6, 2014, Christmas Walk Parade. Close Front Street between Water Street, State Street and Darling Street in its entirety from 10:00 a.m. until 12:30 p.m. to facilitate the staging and departure of the Parade. All streets along the parade route will be controlled by police officers as needed to facilitate the safe passage of the parade. All in favor.

PLANNING BOARD. Joint Meeting. Interviews. Appointment. The Board met in joint session with the following members of the Planning Board; Phil Helmes, Chairman, Robert Schaeffner, Paul Elser, Edward Nilsson and Jim Bishop. The following applicants appeared before the Selectmen and the Planning Board as it relates to serving as Associate Member to the Planning Board; David Bennett, 9 Corinthian Lane and Rosanna Ferrante, 19 Jane Road. Applicants were interviewed by both Boards. On a polled vote the Boards voted as follows: Mr. Schaeffner, Rosanna Ferrante; Mr. Helmes, David Bennett; Mr. Elser, Rosanna Ferrante; Mr. Nilsson, David Bennett; Mr. Bishop, Rossana Ferrante; Mr. Murray, David Bennett Mr. Christensen, Mr. Bennett; Mrs. Jacobi, David Bennett; Mrs. Belf-Becker, Rosanna Ferrante; Mr. Nye, Rosanna Ferrante. 2nd round: Mr. Schaeffner, Rosanna Ferrante; Mr. Helmes, David Bennett; Mr. Elser, Rosanna Ferrante; Mr. Nilsson, David Bennett; Mr. Bishop, Rossana Ferrante; Mr. Murray, Rosanne Ferrante; Mr. Christensen, Mr. Bennett; Mrs. Jacobi, David Bennett; Mrs. Belf-Becker, Rosanna Ferrante; Mr. Nye, Rosanna Ferrante. Rosanna Ferrante appointed Associate Member of the Planning Board with a term to expire on November 12, 2017.

TOWN ADMINISTRATOR. Succession Plan. Motion made and seconded that the Board of Selectmen will meet on Wednesday, November 19, 2014 at 7:30 p.m. to discuss plans moving forward for the successor to the Town Administrator. All in favor.

MATERIALS RELEASE. Abbot Hall Murals. **The Chapter Media**. Motion made and seconded to authorize the Chair to sign the Materials Release, as presented and reviewed by Town Counsel, with The Chapter Media and its parents, subsidiaries, licenses, successors, and assigns (collectively, "Producer") for the right to use the following materials in connection with the GAC program tentatively entitled "Horses Cut Shop": *Murals painted on the walls in the halls of Abbot Hall, 188 Washington Street*. This release does not include any rights to the Spirit of 76 painting. The Producer's use of the Town of Marblehead Town Seal and Emblem shall be strictly prohibited. All in favor.

LICENSING. Ice Cream Vendor Policies. The Town Administrator reviewed with the Board proposed rules and regulations governing the issuance of permits to persons engaging in ice cream truck vending in accordance with regulations adopted by the Massachusetts Department of Safety. Motion made and seconded to table the discussion until the Selectmen's December 10, 2014 meeting. All in favor.

CONTRACT. Amend. Abbot Hall Masonry. Motion made and seconded to amend the contract between the Town and Chapman Waterproofing for the Abbot Hall Masonry project in the amount of fourteen thousand three hundred and eighty and 41/100 Dollars ($14,380.41) and authorize the Chair to sign the change order on behalf of the Board. All in favor.

CONTRACT. Street Sweeping. Motion made and seconded to award a three year contract for the hauling and disposal of street sweepings to American Energy Efficiency Corp. of Boston, MA in the amount of twenty four thousand seven hundred dollars ($24,700.00) and authorize the Chair to sign the contract on behalf of the Board. All in favor.

WINTER PARKING BAN. The winter parking ban will commence at 12:01 a.m. on Monday, December 8, 2014 and continue until April 15, 2015. No parking is allowed on any street for a period of time longer than one (1) hour between the hours of midnight and 7:00 a.m. In the case of a snow emergency prior to December 8, 2014 all cars will be required to be off the public way and the winter parking ban would be in effect immediately. This information is posted on the Town's website, www.marblehead.org, at the entrances to Town, on MHTV and in all local newspapers. No Warning Tickets will be given. Motion made and seconded to ask the Town Administrator to forward notification to abutters of Abbot Hall that the driveway may not be open until December 8, 2014 and in case of a snow emergency the parking ban will be in effect immediately. All in favor.

CONSERVATION COMMISSION. Resignation. A letter of resignation was received from Donald Tritschler. Motion made and seconded to send a letter of appreciation to Mr. Tritschler. All in favor.

CONSERVATION COMMISSION. Letters of Interest. A letter was received from Brian LeClair, Chairman, asking the Board to advertise the vacancies on the Conservation Commission. Motion made and seconded that the Board of Selectmen accepting letters of interest to serve on the Conservation Commission. Submit letters to Board of Selectmen, Abbot Hall, 188 Washington Street or email wileyk@marblehead.org. Deadline to submit is Friday, December 5, 2014 at 12:00 noon. All in favor. All applicants will be interviewed on December 10, 2014.

GIFT TO TOWN. Motion made and seconded to accept, as a gift to the Town, 2 Desks and 3 Filing Cabinets from Gloria Coolidge and to send a letter of appreciation. All in favor.

MASSDOT. Notification was received from the MassDOT that they are in receipt of the Town's request to allocate funds for infrastructure improvements to the intersection of Pleasant Street and that they will consider this request as the process moves forward.

SELECTMEN MEETINGS. The Board of Selectmen will meet on Wednesday, November 19, 2014 and Wednesday, December 10, 2014 at 7:30 p.m. at Abbot Hall.

EXECUTIVE SESSION. Motion made and seconded to go into Executive Session for the purposes of contract negotiations where the public discussion on the same may have a detrimental effect on the negotiating position of the public body, votes may be taken, and if they are votes will be released at a time deemed appropriate by Counsel. The Board will not reconvene in open session. On a polled vote the Board votes as follows: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

The Board adjourned to Executive Session at 9:10 p.m.

Kyle A. Wiley
Administrative Aide