

## BOARD OF SELECTMEN

### MINUTES

November 20, 2019

Board met in session at 7:30 p.m. at Marblehead High School, Humphrey Street Library

Present (constituting a quorum):

Jackie Belf-Becker, Chair  
Harry C. Christensen, Jr.  
Judith R. Jacobi  
M. C. Moses Grader  
James E. Nye

Jason Silva, Town Administrator

The Chair welcomed members of Arrow of Light Den, Pack 11 to the meeting.

**BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year 2020.** Michael Tumulty, Assessor, appeared before the Board to provide information necessary for votes to be taken on the three available exemptions and a vote to determine the FY2020 tax factor which determines how taxes are allocated between property classes. Mr. Tumulty presented the 2020 total valuation of the town which has received final certification from the Department of Revenue (DOR) after meeting all DOR criteria and guidelines for development of fair and equitable assessments throughout the Town of Marblehead. The Board voted as follows:

Residential Exemption:

Classification 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.

Small Commercial Exemption:

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.

Open Space Discount:

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

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 single rate factor of 1, all parcels to be levied at 100%. All in favor

**MINUTES.** Motion made and seconded to approve the minutes of October 30, 2019. All in favor. Motion made and seconded to approve the minutes November 14, 2019. All in favor.

**TREASURE/TAX COLLECTOR. Lock Boxes.** Nancy Connelly, Treasurer/Collector, appeared before the Selectmen to notify them that moving forward her office will be utilizing a lock box service for processing tax bills. Tax bills will be sent with a return address to a lock box. Using this service allows bills to be processed and checks deposited within a few days. Residents can continue to pay their tax bill in person at the Tax Collectors office as well.

**DISABILITIES COMMISSION. Interview. Appointment.** Motion made and seconded to appoint Samantha Marino to the Disabilities Commission with a term to expire in June 2021. All in favor.

**LICENSING. Common Victualler License. Mino's Roast Beef.** Leonard Noci appeared before the Board seeking a Common Victualler License. Motion made and seconded to approve the application from Leonard Noci for a Common Victualler License at Minos' Roast Beef, 27 Atlantic Avenue subject to the receipt of the required fees, forms and department sign offs. Hours of operation are Monday – Sunday 10:00 a.m. – 12:00 p.m. All in favor.

**WINTER PARKING BAN.** Chief Picariello and Chief Gilliland appeared before the Board to discuss the Town's current Overnight Parking Ban and present their findings on implementing a Snow Emergency Parking Ban. Various public safety and town officials have been meeting, reviewing how other municipal programs work and analyzing data. Generally, they believe that the idea of lifting the winter parking ban for a trial period has merit, however, they feel there are still many unresolved questions and issues that need

more thought and research. The recommendation to the Town is to continue the winter parking ban as usual and the group will continue to meet and report back to the board in January which will leave enough time for any action that may require town meeting approval to be included on the 2020 warrant. After discussion motion made and seconded that the winter parking ban will commence at 12:01 a.m., Monday, December 16, 2019, and continue until April 15, 2020. 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 16, 2019 all cars will be required to be off the public way and the winter parking ban would be in effect immediately. This information will be posted on the Town's website, [www.marblehead.org](http://www.marblehead.org), at the entrances to Town, on MHTV and in all local newspapers. No Warning Tickets will be given. Do not park your car on the street overnight on Sunday, December 15, 2019.

**ABBOT HALL RENOVATION. Update. Change Orders.** Steve Kirby, Vertex Companies and Ryan Foster and Eric Christensen, McGinley Kalsow, appeared before the Board to update them on the Abbot Hall renovation project and seeking approval for 2 contract amendments. Motion made and seconded to amend the contact between Kronenberger and Sons and the Town for the Abbot Hall Restoration project by increasing the contract amount by nine thousand seven hundred forty one and 22/100 Dollars (\$9,741.22) and authorize the Chair to sign on behalf of the Board. All in favor. Motion made and seconded to amend the contract with McGinley Kalsow Associates Inc. of Somerville MA for Abbot Hall Architectural & Engineering Services by increasing the contract amount by twenty one thousand four hundred and seven dollars (\$21,407.00) and authorize the Chair to sign the PSS on behalf of the Board. All in favor.

**GERRY SCHOOL PARKING LOT.** Jody Magee appeared before the Board to request that the Town restrict parking in the Gerry School parking lot to after sundown. No votes were taken.

**2020 ANNUAL TOWN MEETING. Warrant.** Motion made and seconded that the Annual Town meeting be held on Monday, May 4, 2020 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, 2020 Annual Town Meeting. All in favor. Motion made and seconded to close the Warrant for Town Government Boards and Commissions on Friday, January 24, 2020 at 12:00 noon. All in favor. Motion made and seconded to close the Warrant for the General Public on Friday, January 31, 2020 at 12:00 noon. All in favor.

**HOLIDAY HOURS for Abbot Hall and Mary A. Alley Building. The following business hours will be observed at Abbot Hall and Mary A. Alley Building.**

Tuesday, December 24, 2019	CLOSED
Wednesday, December 25, 2019	CLOSED
Thursday, December 26, 2019	8:00 am – 5:00 pm
Friday, December 27, 2019	8:00 am – 12:30 pm
Tuesday, December 31, 2019	CLOSED

Wednesday, January 1, 2020	CLOSED
Thursday, January 2, 2020	8:00 am – 5:00 pm
Friday, January 3, 2020	8:00 am – 12:30 pm

**LICENSING. 1 Day Liquor License. Marblehead Family Fund.** Motion made and seconded to approve the request from Sara Riffel, Marblehead Family Fund, for a 1 Day Liquor License on Thursday, December 5, 2019 from 5:00 – 7:00 pm. for opening night of the annual Gingerbread Festival at the Lee Mansion 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 a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**PERMISSION. Multiple Sclerosis Walk.** Motion made and seconded to approve the request from Samantha Boland, National Multiple Sclerosis Society, to hold the annual MS Walk on Saturday, May 9, 2020 starting at 9:00 a.m., registration at 8:00 a.m., subject to approval from Police Chief, Recreation and Parks, Marblehead Public Schools, receipt of the required Certificate of Insurance and Police Details. No permanent markings are allowed on the streets and all temporary markings shall be removed at the conclusion of the event. All in favor.

**LICENSING. 1 Day Liquor License. Rotary Club of Marblehead.** Motion made and seconded to approve the request from Diane Barbour, Chair, Rotary Club of Marblehead Harbor, for (2) 1 Day Liquor License(s) on Friday, December 13, 2019 and Saturday, December 14, 2019 from 7:00 p.m. – 10:00 p.m. at the King Hooper Mansion subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50 each).
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 through North Shore Bartending. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. 1 Day Liquor License. Old North Church.** Motion made and seconded to approve the request from Maria van Kalken, Old North Church, 8 Stacy Street, for a 1 Day Liquor License on Sunday, December 8, 2019 from 10:00 p.m. – 12:00 p.m. for a church event 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.

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

**CONTRACT. Amend. Raymond Design Associates.** Motion made and seconded to amend the contract with Raymond Design Associates in the amount of five thousand seven hundred dollars (\$5,700.00) and authorize the Chair to sign a change order on behalf of the Board. All in favor.

**CONTRACT. Owner-Construction Manager.** Motion made and seconded to approve, on recommendation from the Gerry Building Committee and the School Committee, the Owner-Construction Manager Agreement, between the Town and Gilbane Building Co., as amended, with an effective date of November 20, 2019. Said contract has a total fee structure for Pre-Construction, General Conditions, and Fee of \$4,087,776. All in favor.

**HISTORICAL COMMISSION. Letter of Interest.** A letter of interest was received from David Bittermann as it relates to serving on the Historical Commission.

**RETIREMENT BOARD. 2020 Annual Budget.** Notification was received from the Marblehead Board of Retirement as required by M.G.L. Chapter 32, Section 22. Chapter 306 of the Acts of 1996 requires the Retirement Board to submit a copy of their annual operating budget at least 30 days prior to the adoption of said budget.

**APPRECIATION.** Motion made and seconded to send a letter of appreciation to Leonard Noci, Mino's Roast Beef, for his business's donation to the schools. All in favor.

**CONGRATULATIONS.** Motion made and seconded to send a letter of congratulations to Putt Mace on her 100<sup>th</sup> Birthday. All in favor.

The Board recognized the passing on Tom Callahan, former member of the Finance Committee.

**EXECUTIVE SESSION.** Motion made and seconded to go into Executive Session under M.G.L. c. 30A, Sec. 21 for the purpose of discussing strategy with respect to litigation, namely Debra Kass v. Marblehead Public Schools and Robert Bellucci, Essex County Superior Court Docket No. 1877-CV-00861, where an open meeting may have a detrimental effect on the litigating position of the Town. 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 voted as follows: Mr. Grader, 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 9:20 p.m.

Kyle A. Wiley  
Administrative Aide

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