

BOARD OF SELECTMEN

MINUTES

November 18, 2020

Board met in session at 10:00 a.m. via ZOOM Conferencing:

Jackie Belf-Becker, Chair

David Depew

M. C. Moses Grader

James E. Nye

Jason Silva, Town Administrator

The Chair called the meeting of Wednesday, November 18, 2020 to order. The following roll call was taken: Mr. Depew, present; Mr. Grader, present; Mr. Nye, present; Mrs. Belf-Becker, present.

BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year 2021. 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 FY2021 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. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, 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. 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; Mr. Depew, in favor; Mrs. Belf-Becker, 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. 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; Mr. Depew, in favor; Mrs. Belf-Becker, 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%. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

COMCAST. CABLE TELEVISION LICENSE AGREEMENT. PUBLIC HEARING. Cable Television Licensing Renewal. Comcast Cable Communications Management, LLC.

The Board held a public hearing on the renewal of the Cable Television License of **Comcast Cable Communications Management, LLC**. Robert Peck, Chair, Cable Television Advisory Committee and Attorney William Solomon, Town Counsel appeared before the Board. Attorney Peck reviewed the renewal process with the Board and the terms and conditions of the license. No one spoke in opposition or in favor of the license renewal. Motion made and seconded that the Board of Selectmen, as cable television license Issuing Authority, vote as follows:

1. To grant the subject Cable Television Renewal License, with an effective date of December 1, 2020 to Comcast Cable Communications Management, LLC. ("Comcast"). All terms and conditions contained in the Renewal License have been agreed to by Comcast. Comcast, by and through its authorized representative, shall execute this Renewal License (Agreement) as set out on the Signature Page of the Renewal License.
2. To recognize and acknowledge: (i) the Senior Citizen Discount; and (ii) the PEG Access on Demand/Interactive Program Guide letters from Comcast, both dated November 18, 2020 and signed by Comcast's Senior Manager of Government & Regulatory Affairs, Jay Somers. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

POLICE DEPARTMENT. Appointment. Chief Picariello appeared before the Board as it relates to appointing a full-time permanent Police Officer. Motion made and seconded to appoint Sean Sweeney Jr. as Permanent Fulltime Police Officer for the Town of Marblehead effective February 8, 2021 subject to completion of all required testing and background check. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

FAIR HOUSING COMMITTEE. Interview. Appointment. Dirk Isbrandtsen appeared before the Board as it relates to serving on the Fair Housing Committee. Motion made and seconded to appoint Dirk Isbrandtsen to the Fair Housing Committee with a term to expire in June 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

CLIMATE VISION REPORT. Brooks Winner, Metropolitan Area Planning Council (MAPC) and John Livermore, Green Marblehead Committee, appeared before the Board to present the final Climate Vision Report, *Charting a path to carbon neutrality by 2040*, prepared by the Green Marblehead Committee with support from MAPC. Motion made and seconded to endorse the Marblehead Climate Vision Report as presented. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor. The Marblehead Climate Vision report can be found on the town's website www.marblehead.org.

LICENSING. Village Roast Beef and Seafood. Common Victualler. Stefano Barbiero appeared before the Board as it relates to an application for a Common Victualler License. Motion made and seconded to approve the application for a Common Victualler License for Village Roast Beef and Seafood, 6 Bessom Street, Manager Stefano Barbiero subject to receipt of all fees, forms and inspection sign offs. Hours of operation are Monday through Sunday 10:00 AM – 10:00 PM. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

APPEAL. Harbor Avenue. Fence. Lauren Lautner, For Seasons Ecological Landscape Design, appeared before the Board on behalf of her clients, George and Lisa Katz, 20 Harbor Avenue, as it relates to a portion of their existing fence on the public way. The Katz's are seeking permission to allow the fence to remain and provide insurance to the Town and make a financial contribution in lieu of moving the fence. Motion made and seconded that the Board request the Town Administrator respond to George and Lisa Katz, 20 Harbor Avenue, and thank them for their offer of a donation but request that they move the portion of the fence that encroaches on Town property. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Natural Gas. Motion made and seconded to execute a three-year contract between the Town of Marblehead and Direct Energy, through the PowerOptions Natural Gas program for the purchase of natural gas and authorize the Chair to sign on behalf of the Board. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

2021 ANNUAL TOWN MEETING. Warrant. Motion made and seconded that the Annual Town meeting be held on Monday, May 3, 2021 at 7:00 p.m. at Marblehead Veterans Middle School Auditorium, at Duncan Sleigh Square, 217 Pleasant Street. Moved by Mr. Grader, seconded by Mr. Depew. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded to open the Warrant for the May 3, 2021 Annual Town Meeting. Moved by Mr. Nye, seconded by Mr. Depew. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded to close the Warrant for Town Government, Boards and Commissions on Friday, January 22, 2021 at 12:00 noon. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded to close the Warrant for the General Public on Friday, January 29, 2021 at 12:00 noon. Moved by Mr. Nye, seconded by Mr. Depew. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Fire Alarm Maintenance. Motion made and seconded, together with the School Committee, to award a one-year contract for the Fire Alarm Maintenance to B & B Engineering Corporation doing business as L. W. Bills of Georgetown, MA, in the amount of sixty-eight thousand dollars and 00/100 (\$68,000) and to authorize the Chair to sign the contract on behalf of the Board. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Gerry School. Project Management Services. Amend. Motion made and seconded to approve the Contract for Project Management Services, Amendment No. 2 – 90% CD submission credit, as presented, and authorize the Chair to sign on behalf of the Board. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Gerry School. Designer Services. Amend. Motion made and seconded to amend the contract for Designer Services as presented, and authorize the

Chair to sign on behalf of the Board. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

CONTRACT. Bill's Auto Clinic. Towing. Motion made and seconded to approve the The License Agreement between the Town and Bill's Auto Clinic, Salem, MA, as presented, and to authorize the Chair to sign on behalf of the Board. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

COLLECTIVE BARGAINING. Motion made and seconded that the Marblehead Board of Selectmen designate Jason Silva, Town Administrator, as the Board's representative to enter into collective bargaining negotiations pursuant to Massachusetts General Laws, Chapter 150E, with the Town's respective Unions, namely the Marblehead Firefighters, IAFF, Local 2043, the Marblehead Police Union, MASSCOPS, Local 437, and the Marblehead Municipal Employees Union, Local 1776, regarding successor collective bargaining agreements effective July 1, 2021. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

COLLECTIVE BARGAINING. Marblehead School Committee. Motion made and seconded that in accordance with the Massachusetts Education Reform Act, the Marblehead Board of Selectmen designate Jason Silva, Town Administrator, to serve, participate and vote as a member of the Marblehead School Committee for collective bargaining purposes as set forth in Massachusetts General Laws, Chapter 150E. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

ELECTRIC VEHICLE CHARGING STATIONS. Motion made and seconded to approve the placement of Electric Vehicle Charging Stations on Town property at the Mary A. Alley Building, 7 Widger Road, and on Roundhouse Road. Moved by Mr. Nye, seconded by Mr. Depew. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

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

Thanksgiving:

Monday, November 23, 2020	8:00 a.m. – 5:00 p.m.
Tuesday, November 24, 2020	8:00 a.m. – 5:00 p.m.
Wednesday, November 25, 2020	8:00 a.m. – 2:30 p.m.
Thursday, November 26, 2020	CLOSED
Friday, November 27, 2020	CLOSED

Christmas and New Year's

Monday, December 21, 2020	8:00 a.m. – 5:00 p.m.
Tuesday, December 22, 2020	8:00 a.m. – 5:00 p.m.

Wednesday, December 23, 2020 8:00 a.m. – 2:30 p.m.
Thursday, December 24, 2020 CLOSED
Friday, December 25, 2020 CLOSED

Monday, December 28, 2020 8:00 a.m. – 5:00 p.m.
Tuesday, December 29, 2020 8:00 a.m. – 5:00 p.m.
Wednesday, December 30, 2020 8:00 a.m. – 2:30 p.m.
Thursday, December 31, 2020 CLOSED.
Friday, January 1, 2020 CLOSED

CHAMBER OF COMMERCE. Holiday Wreaths/Garland Wraps and Bows. Beth Ferris, Executive Director, Chamber of Commerce, appeared before the Board. Motion made and seconded to approve the request from Beth Ferris, Chamber of Commerce Hang approximately 150 holiday wreaths and garland wraps throughout the business districts starting the week of November 23, 2020 subject to approval from the Marblehead Municipal Light Department and receipt of the required Certificate of Insurance. All decorations shall be removed by January 8, 2021. Moved by Mr. Grader, seconded by Mr. Nye. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

RESIGNATION. Old and Historic Districts Commission. A letter of resignation from the Old and Historic Districts Commission was received from Cheryl Boots. Motion made and seconded to send, with regrets, a letter of appreciation to Ms. Boots. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

FINANCE COMMITTEE. Letter of Interest. A letter of interest was received from Amy Durbin as it relates to serving on the Finance Committee.

RETIREMENT BOARD. Annual Report. The Board received a copy of the Retirement Board's annual 20201 budget as required by M.G.L. Chapter 32, Section 22, Chapter 306 of the Acts of 1996.

MARBLEHEAD MUNICIPAL LIGHT DEPARTMENT. Resignation. A request was received from the Marblehead Municipal Light Department seeking a joint meeting with the Board of Selectmen to fill the vacancy that has occurred on the Light Commission due to the resignation of Michael Maccario. The Board will now accept letters of interest to serve on the Light Commission. Letters of interest and resume should be sent to the following:

Board of Selectmen
Abbot Hall
188 Washington Street
Marblehead, MA 01945
Or email wileyk@marblehead.org

AND

Marblehead Municipal Light Commission
c/o Michael Hull
80 Commercial Street
Marblehead, MA 01945
Or email mhull@mhdld.com

Deadline to submit letters of interest is Friday, December 4, 2020. Applicants will be interviewed in a joint meeting on Wednesday, December 9, 2020 at 4:30 p.m.

RESIGNATION. Zoning Board of Appeals. A letter of resignation from the Zoning Board of Appeals was received from James Rudolph. Motion made and seconded to send, with regrets, a letter of appreciation to Mr. Rudolph. 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; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

LETTER OF INTEREST. Zoning Board of Appeals. A letter of interest was received from William Rudolph seeking a position on the Zoning Board of Appeals.

EAGLE SCOUTS. Court of Honor. Notification was received from Andrew Barnett, Advancement Chair, Troop 79, that the following six scouts have earned the distinguished rank of Eagle Scout and that a Court of Honor will take place on November 28, 2020: Mitchell Robson, Robert Simpson, Wilson Lloyd, Jason Gladstone, Joseph Krell and Jack Maguire. Motion made and seconded to send a letter of congratulations to each of the scouts. Moved by Mr. Grader, seconded by Mr. Depew. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Grader, in favor; Mr. Depew, in favor; Mrs. Belf-Becker, in favor.

The Board thanked David Rodgers, Veteran's Agent for a wonderful Veteran's Day Ceremony held at Memorial Park this year.

Motion made and seconded to adjourn at 11:50 a.m. Moved by Mr. Nye, seconded by Mr. Depew. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Depew, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor

Kyle A. Wiley
Administrative Aide