

BOARD OF SELECTMEN

MINUTES

November 14, 2012

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

Jeff Chelgren, Town Administrator

MINUTES. Motion made and seconded to approve the minutes of October 24, 2012. 3 voted in favor, Mr. Murray voted present.

PERMISSION. Road Race. Lynch/van Otterloo. Motion made and seconded to approve the request from Jamie Block, Health and Wellness Director, to run the 34th Annual Lynch/van Otterloo YMCA's 5 Mile Certified Road Race on Sunday, March 31, 2013 as well as Children's Fun Run Races at Seaside Park subject to approval from the Marblehead Police, Fire, Recreation and Parks Department and receipt of the required Certificate of Insurance. All in favor. The race will start at 2:00 p.m. at 10 Atlantic Avenue, continue on Atlantic, left on Ocean, across Causeway, right onto Ocean, around neck, left onto Harbor, back to Causeway, right onto Atlantic and finish at 10 Atlantic Avenue. The Children's Races at Seaside Park start at 1:00 p.m.

LICENSING. Second Hand Dealer. Catt's Closet. Motion made and seconded to approve the application from the following business for a Second Hand Dealers License subject to receipt of the required forms, fees and CORI approval: Catt's Closet, 237 Washington Street, Manager: Denise Singley. All in favor.

RESERVE FUND TRANSFER. Selectmen, Out of State Travel. Motion made and seconded to authorize the Town Administrator to appear before the Finance Committee to request the transfer of the sum of \$1,900.00 from the Reserve Fund in accordance with Chapter 40, Section 6 of the Massachusetts General Laws for salaries. All in favor.

2013 ANNUAL TOWN MEETING. Warrant.

Motion made and seconded that the Annual Town meeting be held on Monday, May 6, 2013 at 7:45 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 6, 2013 annual Town Meeting. All in favor.

Motion made and seconded to close the Warrant for Town Government Boards and Commissions on Friday, January 25, 2013 at 12:00 noon. All in favor.

Motion made and seconded to close the Warrant for the General Public on Friday, February 1, 2013 at 12:00 noon. All in favor.

BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year 2013. John P. Kelley, 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 2013 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:

Residential Exemption:

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.

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.

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 \$10.85. 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 2013 Tax Rate. The process of certifying the Tax Rate generally takes one week.

POLICE DEPARTMENT. Chief Picariello appeared before the Board. Regarding the following:

Human Resources. Motion made and second to approve the request from Chief Picariello to request a list from Human Resources for the purpose of hiring one full time permanent police officer. All in favor.

Massachusetts Department of Transportation. Registry of Motor Vehicles. Motion made and seconded to amend the Term on the Agreement for DVS Services entered into with the Registry of Motor Vehicles to extend the term of performance under the agreement for an additional one (1) year and to authorize the Chair to sign on behalf of the Board. All in favor.

Community Innovation Challenge. Motion made and seconded to approve the request from Chief Picariello to apply for a state Community Innovation Challenge (CIC) Grant to fund the establishment of regional partnerships for crime analysis and prevention and to authorize the Chair to sign on behalf of the Board. All in favor.

42nd 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 42nd Annual Marblehead Christmas Walk Parade and tree lighting:

Tree Lighting Friday, November 30, 2012, 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 1, 2012, 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 1, 2012, Christmas Walk Parade. Close Front Street between Water Street and 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.

MARBLEHEAD CHAMBER OF COMMERCE. Requests. Ann Marie Casey, Marblehead Chamber of Commerce, Executive Director, and Gene Arnould, 32 Mechanic Street, 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, November 30, 2012 at the National Grand Bank parking lot. Event starts at 6pm, tree lighting at 7pm.

42nd Annual Christmas Walk Parade – Saturday, December 1 2012. Parade to start at State Street Landing at 11:45 a.m. and continue onto Washington Street and down Atlantic Avenue (approximately 12:30 – 1:00 p.m.) turn right on Gerry Street, right on Pleasant Street, continue to the National Grand parking lot

Holiday Wreaths and Garland. Hang approximately 140 holiday wreaths and garland pole wraps throughout the central business district starting November 23, 2012 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 7, 2013.

Vendors Authorize the Chamber of Commerce and their authorized vendors to use the public streets and sidewalks for the following events and locations: Tree Lighting, November 30, 2012 from 5:00 p.m. – 8:00 p.m. throughout Memorial Square; Santa's Landing on Saturday, December 1, 2012 from 9:00 a.m. – 12:00 noon at State Street Landing; and Christmas Walk Parade on Saturday, December 1, 2012 from noon to 1:30 p.m. throughout the parade route. And further to approve an "authorized vendors" list (sponsoring businesses and non-profit groups) The Chamber will coordinate the Vendors List with Chief Picariello. The list does not affect vendors acting in accordance with the Town of Marblehead's Bylaw for Hawkers and Peddlers. No vendor other than those noted above shall be permitted to use the streets and sidewalks. The Marblehead Police will be enforcing the Town's bylaws. All in favor.

CHAMBER OF COMMERCE. Keep it Local. Motion made and seconded to seek opinion from Town Counsel regarding the placement of "Keep it Local" signs throughout the Town. All in favor.

CONSERVATION COMMISSION. Interviews. Candidates for the Conservation Commission will be interviewed on November 28, 2012.

OLD AND HISTORIC DISTRICTS COMMISSION. Interviews. Appointments. Gary J. Amberik, 213 Washington Street and Anthony M. Sasso, 34 Orne Street, appeared before the Board as it relates to serving on the Old and Historic Districts Commission. Motion made and seconded to appoint Anthony M. Sasso to the Old and Historic Districts Commission, full time position, and Gary Amberik to the alternate position, both with terms to expire in May 2013. All in favor.

LICENSING. Entertainment. Terry's Old Fashion Ice Cream Shop. Carlos Rocha, 47 Fulton Street, Peabody, Terry's Old Fashion Ice Cream Shop, appeared before the Board seeking an entertainment license. Motion made and seconded to approve the request from Carlos Rocha, Terry's Old Fashion Ice Cream Shop, 22 Atlantic Avenue, for an entertainment License on Friday and Saturdays for Karaoke, 7:00 p.m. – 11:00 p.m., subject to receipt of the required fee (\$50) and no music to be heard from the street. All in favor.

CARRY-IN BEVERAGE LICENSE. The Board reviewed the proposed regulations for a Carry-in Beverage License. Motion made and seconded to approve the following Carry-in Alcoholic Beverage Policy:

The Town of Marblehead
Carry In Alcoholic Beverages Policy

Policy:

It shall be the policy of the Town of Marblehead, to prohibit a patron, customer or other person from bringing onto the premises for consumption and/or to consume any alcoholic beverage, beer, wine or malt beverages on any premise operating with a Common Victualler's License unless said establishment is licensed pursuant to G.L. c. 138, Town of Marblehead Carry-in Alcoholic Beverage Regulations or any other legal authority from bringing alcoholic beverage, beer, wine or malt beverages onto the duly licensed premise for consumption thereon. Additionally, the Town of Marblehead through its licensing authority, has determined to allow the possession and/or consumption of "Carry-in Alcoholic Beverages" by a person of lawful age at those commercial food establishments which have a Common Victualler License or a License under G.L. c. 140 §21E (License granted to "club, society, association or other organization...authorizing it to dispense food and beverages to be consumed on its premises...to its...members and their guests, but to no others..." (a "Club License") and have been issued a "Carry-in Alcoholic Beverages" License by the Local Licensing Authority ("LLA"). The issuance of a "Carry-in Alcoholic Beverages" License is permissive and at the sole discretion of the LLA. A "Carry-in Alcoholic Beverages" License shall be issued for no more than one year and must be reapplied for annually at the time of renewal of the Common Victualler's License or Club License. The hours during which the consumption of "Carry-in Alcoholic Beverages" is allowed shall be at the discretion of the LLA and shall be specified on the License. A "Carry-in Alcoholic Beverages" License shall be issued in the name of the manager at the establishment and shall not be transferred to a new manager of the establishment without the prior approval of the LLA.

The Town of Marblehead
Carry In Alcoholic Beverages Regulations

1.0 Definitions:

- 1.1 Alcoholic Beverages - shall mean wine and beer beverages only in the quantities set forth below.
- 1.2 Assist – shall mean to provide help in the opening of or handling the Alcoholic Beverages in any manner including but not limited to the clearing of glasses or containers used in the consumption of alcohol but shall not mean the provision of empty glasses or an opening mechanism.
- 1.3 Carry-in Alcoholic Beverages – wine and beer in previously unopened containers.
- 1.4 Licensing Authority - Marblehead Board of Selectmen

2.0 Carry-in Alcoholic Beverages License Requirements

Any establishment which has been issued a Common Victualler's License or a License under G.L. c. 140 §21E (License granted to "club, society, association or other organization...authorizing it to dispense food and beverages to be consumed on its premises...to its...members and their guests, but to no others..." a "Club License")) (the "ESTABLISHMENT") and which applies for a Carry-in Alcoholic Beverages License allowing the consumption of Carry-in Alcoholic Beverages on premises must comply with all of the following regulations unless otherwise waived by the LLA.

2.1 . The Application for a Carry-In Alcoholic Beverage License may be submitted at the same time as the Common Victualler License Application or G.L. c. 140 §21E License Application or anytime thereafter.

2.2 The ESTABLISHMENT must not have or be eligible for an alcoholic beverages license under the provisions of G.L. c. 138.

2.3 Patrons are allowed to carry in Carry-in Alcoholic Beverages only for personal consumption at the ESTABLISHMENT. No more than one 750 ml container of wine for every one or two patrons over the age of 21, or two containers of beer containing up to 24 ounces of beer in total, per patron over the age of 21, or two containers of beer containing up to 24 ounces of beer in total, per patron over the age of 21, will be permitted for consumption.

2.3.1 It shall be the obligation of the management to ensure compliance with these consumption limits.

2.4 Patrons bringing in Carry-in Alcoholic Beverages must order and consume food on the premises.

2.5 No Carry-in Alcoholic Beverages shall be consumed by any person under the age of 21 in violation of G.L. c. 138 §34. It will be the responsibility of the on-site manager to ensure that this requirement is met.

2.6 Carry-in Alcoholic Beverages shall not be consumed by intoxicated persons.

2.7 The management or employee of the ESTABLISHMENT which Assists a patron with Carry-in Alcoholic Beverages must be over 18 years of age. No staff under the age of 18 shall be allowed to clear from the tables or premises containers from which Carry-in Alcoholic Beverages were poured or consumed.

2.8 No Carry-in Alcoholic Beverages may be served or handled by employees except to clear the containers or glass ware from the table. This prohibition includes opening, pouring, storing, refrigerating or resealing. Employees may provide bottle openers and glass ware.

2.9 Carry-in Alcoholic Beverages shall be consumed inside the area of the premises licensed for consumption.

2.10 In accordance with the Town of Marblehead Bylaw Chapter 9 §9-1, no Carry-in Alcoholic Beverages may be removed from the premises which have been opened but not fully consumed on the premises.

2.11 All Carry-in Alcoholic Beverages which have not been opened or unsealed must be removed from the premises by the patron or a member of the patron's party who is at least 21 years of age, who carried them into the premises.

2.12 The onsite shift manager must be trained in alcohol management (BAT) or server training course (TIPS) and proof of training shall be submitted to the LLA.

2.13 Nothing in these regulations shall preclude an ESTABLISHMENT from imposing additional limits or restrictions on patrons with Carry-in Alcoholic Beverages.

2.14 The Applicant shall complete the Carry-in Alcoholic Beverages License Application and once the License is issued it must be visibly displayed at the ESTABLISHMENT.

2.15 The Applicant shall complete a Criminal Offenders Record Information ("CORI") authorization form and said report shall be provided to the LLA or its authorized agent. In the event the LLA determines that the information found in the CORI review would render the Applicant unsuitable for a Carry-In License as holding same would have a detrimental impact on the health, safety or welfare of the citizens of Marblehead, then this shall be a reason for denial of said License.

3.0 Enforcement

3.1 These regulations may be monitored, with and without notice, by agents of the LLA and the Town of Marblehead Police Department.

3.2 If the ESTABLISHMENT is not operated in a manner that is consistent with these regulations, the LLA may, after written notice to the Carry-in Alcoholic Beverages ESTABLISHMENT and reasonable opportunity for a hearing, suspend or revoke the Carry-in Alcoholic Beverages License.

4.0 License Application Procedures

4.1 The Applicant shall complete a Town of Marblehead Carry-in Alcoholic Beverages License Application Form.

4.2 The LLA shall conduct a public hearing on the Application, after advertising the hearing in a local newspaper and notifying by certified mail the direct abutters at least 10 days prior to the public hearing. Renewal of a Carry-in Alcoholic Beverages License shall not require a public hearing.

4.3 A copy of the Application shall be forwarded to the Town of Marblehead Police Department for comment. The LLA may not act on an Application without having first received comment from the Police Department.

4.4 The Applicant shall be responsible for the following fees and costs:

4.4.3 All costs of advertising and mailing for public hearing notice purposes.

4.4.4 An Initial License fee of \$400.00.

4.4.5 A Renewal License fee of \$400.00.

4.5 Upon complete review of the material presented and all facts relevant to the application, the LLA may in its sole discretion issue a License hereunder including any appropriate conditions applicable thereto.

5.0 Number of Licenses Issued and Term of Each License

5.1 The LLA shall issue no more than five (5) Carry-in Alcoholic Beverage Licenses annually.

5.2 A License issued hereunder shall be valid for one (1) year or until December 31 of the year issued whichever is the first to occur.

All in favor.

Robert Clayman, Harbor View Lane and Maria Bishop, 27 State Street, spoke in favor of the Carry-in Beverage Regulations.

LICENSING. One Day Liquor. Temple Emanu-El. Motion made and seconded to approve the request from Stephanie Pelletier, Temple Emanu-El, 393 Atlantic Avenue, for a one day liquor license for their annual Taste of the North Shore on Saturday, January 26, 2013 from 6:30 p.m. – 12:00 midnight subject to the following conditions:

1. Delivery of and receipt by the Licensing Authority of the required fee,
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 and delivered from Kappy's Importing, 296 Main Street, Everett on Friday, January 25, 2013 and picked up on Monday, January 28, 2013.

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

MARBLEHEAD HISTORICAL COMMISSION. Letter of Intent. Motion made and seconded to approve the Marblehead Historical Commissions letter of intent to apply

for the Survey and Planning Grant FY2013 and to authorize the Chair to sign on behalf of the Board. All in favor.

CONTRACT. Harbors and Waters. Concrete Dock System. Motion made and seconded to award a contract for a Concrete Dock System at Commercial Street to Concrete Floation Systems Inc of York PA in the amount of one hundred and forty four thousand eight hundred and fifty seven dollars (\$144,857) and authorize the chairman 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, November 26, 2012 and continue until April 15, 2013. 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 November 26, 2012 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, at the entrances to Town, on MHTV and in all local newspapers. Therefore, no Warning Tickets will be given.

MARBLEHEAD HISTORICAL COMMISSION. Gun House. Abbot Hall Weathervane. The Historical Commission has completed the project to restore the Gun House doors, vent and gutters. This project was funded by a grant from the Harold B. and Elizabeth L. Shattuck Memorial Fund. A grant for \$9,500.00 has also been awarded to the Historical Commission to be used for restoration of the Abbot Hall weathervane.

TRAFFIC AND SAFETY ADVISORY COMMITTEE. Stop Sign. Cedar/Cherry Street. Motion made and seconded to forward a letter from Karen Brewster, 48 Cedar Street, regarding a stop sign at Cedar and Cherry Streets, for further review. All in favor.

TRAFFIC AND SAFETY ADVISORY COMMITTEE. Crosswalk. Stop Sign. Motion made and seconded to forward a letter from Courtney Munroe, 3 Maverick Street, regarding a crosswalk and/or stop sign on Tower Way and Village Street. All in favor.

MARBLEHEAD FIREFIGHTERS LOCAL 2043. Annual Fill the Boot Drive. Marblehead Firefighters Local 2043 of the International Association of Fire Fighters will be holding their annual "fill the boot" drive at the intersections of Pleasant and Ocean, Ocean and Atlantic, Crosby's and Village Plaza on Wednesday, November 21, 2012 from 1:00 p.m. – 3:00 p.m.

VETERANS' DAY. Congratulations. Motion made and seconded to send a letter of appreciation to David C. Rodgers, Veterans' Agent, and Amanda Rhoeder and the MHS Choral group for Marblehead's Veterans' Day Ceremony. All in favor.

CONDOLENCE. Motion made and seconded to send a letter of condolence to the family of Larry Alexander. All in favor.

CONDOLENCE. Motion made and seconded to send a letter of condolence to the family of Richard Holbrook. All in favor.

COA. Director Search. Motion made and seconded to form a search committee for the next Council on Aging Director. The committee will be consist of (2) members from the Council on Aging (chosen by the Council), Jeff Chelgren, Town Administrator and Judith R. Jacobi, Selectmen Liaison. The committee will review and screen all applications and forward a list of finalist to the Selectmen for interviews and hire. All in favor.

Motion made and seconded to adjourn at 9:00 p.m. All in favor.

Kyle A. Wiley
Administrative Aide