

BOARD OF SELECTMEN

MINUTES

March 25, 2009

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, Chairman
Harry C. Christensen, Jr.
Judith R. Jacobi
James E. Nye

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from March 11, 2009. 3 voted in favor, 1 present.

VOTE. Motion made and seconded to reiterate the Boards previous position to oppose the local option 1% meals tax proposed by Governor Deval Patrick. All in favor.

PERMISSION. Marblehead Family Fund. Fort Sewall. Telescope. Motion made and seconded to approve the request from Darcy Mayers, Marblehead Family Fund, to have a telescope, purchased with funds donated to the "Charlie Fund" and matched by Marblehead Family Fund, installed at Fort Sewall. The Fort Sewall Oversight Committee has endorsed this request with placement of the telescope to be at a site designated by the Committee. All in favor.

CONGRATULATIONS. Marblehead Summer Jazz. 25th Season. Motion made and seconded to send a letter of congratulations to Marblehead Summer Jazz in recognition of their 25th season. All in favor.

PUBLIC HEARING. Verizon New England, Inc. License Application. Bill August, Epstein & August, LLP, Counsel to the Town, Mac Kerbey, Telecommunications Insight Group and Peter Bowman, Verizon New England, appeared before the Board. Attorney August reviewed the proposed license agreement with Verizon and the Town of Marblehead. Questions from the Board were answered by Attorney August, Mr. Kerby and Mr. Bowman. Tonya DeGenova, 13 Taft Street, spoke of her concerns that no discount would be offered to Senior Citizens. After discussion motion made and seconded to approve the license, prepared and approved by Attorney Bill August on behalf of the Town, between Verizon New England, Inc. and the Town of Marblehead. All in favor.

MARBLEHEAD GO GREEN/MarbleShred. A letter was read from Frank Movitz informing the Board that due to scheduling conflicts MarbleShred will be combined with “Marblehead Go Green” on Saturday, April 18, 2009 from 10:00am – 3:00pm at the Marblehead Community Center. The MarbleShred truck will be at the Community Center. The event is open to the public.

VOTE. Motion made and seconded to award a contract for the installation of a fire alarm system at the Franklin Street Fire Station to Security Alert Systems Inc of Peabody, Massachusetts in the amount of four thousand three hundred and ten and 50/100 dollars (\$ 4,310.50) and authorize the Chairman to sign on behalf of the board. All in favor.

MARBLEHEAD FIRE DEPARTMENT.

Appointment. Chief Gilliland appeared before the Board. A letter was read announcing the appointment of Steven Bivens to the position of Permanent Full-Time Firefighter/EMT effective March 22, 2009. Firefighter Bivens has been accepted into Recruit Class #184 at the Massachusetts Firefighting Academy and will attend twelve weeks of basic firefighter training.

Disclosure. A Disclosure of Financial Interest by Municipal Employee, Jason R. Gilliland, was read as it relates to the issue of Chief Gilliland’s wife, who is currently employed as an E911 Dispatcher for the Town. Motion made and seconded to authorize the Chairman to sign the disclosure on behalf of the Board. All in favor.

Storage of Flammable Fluids. Chief Gilliland requested the Board set the fee for permits to store flammable fluids at \$50.00, consistent with other towns in the area. Motion made and seconded to set the fee for Flammable Fluids at \$50.00. All in favor.

CABLE TELEVISION OVERSIGHT COMMITTEE. Public Access Channels.

Bylaws. Board of Directors. Bill August, Cable Counsel to the Town, Paul Rabin, Chairman, Ron Olson and Nancy Marrs, committee members, appeared before the Board. After discussion motion made and seconded to adopt the following with regards to the three public access, educational and governmental channels under or to be under its control: (a) The Cable Corporation (hereinafter “Licensee”) shall designate capacity on one channel for a Public Access Channel to be managed for public access video programming provided by the non-profit, 501(c)(3) public access corporation designee, Marblehead Community Access and Media, Inc. (hereinafter MCAM) for use by public access users, producers and MCAM, (the Access Corporation) subject to and in accordance with Section 611 of the Cable Act. A Public Access Channel may not be used to cablecast programs for profit, partisan political or commercial fundraising in any fashion. Unused capacity may be utilized by Licensee subject to the provisions set forth in subsection (d) below. (b) Licensee shall designate capacity on one channel for an Educational Access Channel to be used for educational access video programming provided by the Board of Selectmen, (hereinafter “Issuing Authority”) or by its designated Educational Access designee. An Educational Access Channel may not be used to cablecast programs for profit, political or commercial fundraising in any fashion. Unused capacity may be utilized by Licensee subject to 47 United States Code 531(d) and the provisions set forth in subsection (d) below. Until such time, if any, as the Issuing Authority gives written notice to Licensee and the Access Corporation that the

School Department shall have primary responsibility for the Educational Access Channel, the Access Corporation shall continue to manage the operation of the Educational Access Channel, subject to the School Department continuing to operate the Educational Access Channel character generator. (c) Licensee shall designate capacity on one channel for a Governmental Access Channel to be used for government video programming provided by the Issuing Authority or by its Government Access designee, as determined by the Issuing Authority. A Government Access Channel may not be used to cablecast programs for profit, partisan political or commercial fundraising in any fashion. Unused capacity may be utilized by Licensee subject to 47 United States Code 531(d) and the provisions set forth in subsection (d) below. Until such time, if any, as the Issuing Authority gives written notice to Licensee and the Access Corporation that the Issuing Authority or another designee shall have primary responsibility for the Government Access Channel, the Access Corporation shall continue to manage the operation of the Government Access Channel, subject to the Issuing Authority continuing to operate the Government Access Channel character generator. (d) Licensee may reclaim any unused time on the Access Channels subject to and in accordance with 47 United States Code 531(d) and subject to Licensee's restoring such channel time to the Issuing Authority or its designee upon the Issuing Authority or its designee providing a written notice to Licensee including a statement detailing the Issuing Authority or Access Designee plans for verifiable actual use of said Channel time. All in favor.

Bylaws. Motion made and seconded to approve the Bylaws for Marblehead Community Access and Media, Inc. as proposed. All in favor.

Board of Directors. Request for Applicants. The Board of Selectmen are now accepting letters of intent from all interested parties who would like to serve on the Board of Directors for the Marblehead Community Access and Media Inc. The Cable Television Oversight Committee has agreed to prepare a press release outlining the responsibilities of the Board of Directors. Letters of intent should be submitted to the Board of Selectmen, Abbot Hall, 188 Washington Street, Marblehead, MA 01945 by Friday, April 10, 2009 at 12:00 noon.

NOTICE OF MEETING/CANCELLATION. The Board of Selectmen will not meet on its regularly scheduled date of April 8, 2009 in observance of Passover. The Board will meet in regular session on April 15, 2009 at 7:30pm.

PERMISSION. Use of Abbot Hall. Motion made and seconded to approve the request from Pam Peterson, Marblehead Museum and Historical Society, to use Abbot Hall Auditorium on Tuesday, April 28, 2009 from 6:30pm – 8:30pm subject to the usual rules and regulations, fees and receipt of the required Certificate of Insurance. All in favor.

TASK FORCE AGAINST DISCRIMINATION. 20th Anniversary. A letter was read from Helaine Hazlett and Reverend Anne Marie Hunter notifying the Board that the Task Force will celebrate its 20th Anniversary in August 2009 with several planned events. Motion made and seconded to designate August 1-2, 2009 "Marblehead Task Force Against Discrimination Weekend" and to adopt the resolution proposed by the Task Force. All in favor.

MARBLEHEAD POLICE DEPARTMENT. Indemnification. Motion made and seconded to indemnify Officer Michael Everett for injuries sustained while on duty March 10, 2009. All in favor.

PERMISSION. Parking. Atlantic Avenue. Motion made and seconded to approve the request, and refer to Chief Picariello, from Arlyne Greenspan, Jewish Federation of the North Shore, to allow parking between 335 – 393 Atlantic Avenue on Sunday, May 3, 2009 from 1:00 – 5:00pm. The Federation will be celebrating Israel @ 61 and are planning for 500 people to attend programs at the JCC and Temple Emanu-el that afternoon. Shuttle busses will be used to carry participants between the two sites. All in favor.

PERMISSION. Chamber of Commerce. State Street Wharf, Tent. Motion made and seconded to approve the request from Ann Marie Casey, Chamber of Commerce, to use the State Street Wharf on Saturday May 2, and Sunday May 3, 2009 to set up a “Healing Arts” tent in conjunction with the 2nd Annual Marblehead Art Walk subject to receipt of the required Certificate of Insurance. All in favor.

WATER AND SEWER COMMISSION. Revolving Fund. Motion made and seconded to approve the request from F. Carlton Siegel to reauthorize the Sump Pump Improvement Revolving Fund in the amount of \$25,000 in Fiscal Year 2010 for the use of the Water and Sewer Commission; to be taken from revenues in connection with receipts collected from money received as a result of permitting fees; said fund to be expended for the aid in removal of sump pumps currently tied into the sewer system. All in favor.

INSPECTOR OF ANIMALS. Appointment. Motion made and seconded to re-appoint Isabel Lorenzo Inspector of Animals with a term to expire April 30, 2010. All in favor.

CONSERVATION COMMISSION. Revolving Fund. Motion made and seconded to approve the request from Doug Saal to reauthorize the Storm Water Bylaw Revolving Fund in the amount of \$10,000 for fiscal 2010 for the use of the Conservation Commission; to be taken from revenues in connection with receipts collected from application fees associated with the Town’s storm water management and erosion control regulations; said funds to be expended for expenses related to the enforcement and administration of the Storm Water Bylaw. All in favor.

PERMISSION. YMCA Ring Around the Neck. Registration site. Motion made and seconded to approve the request from Jeanne Smith, Health & Wellness Director, to change the previously approved registration site for their 5 mile race on Sunday, April 26, 2009. The registration site for the race will be the old Marblehead/Swampscott YMCA, 94 Pleasant Street. All in favor.

PERMISSION. Use of Abbot Hall. Motion made and seconded to approve the request from Jennifer Spungin, Marblehead School of Music, to use Abbot Hall on Sunday, May

31, 2090 from 11:00am – 5:00pm for the school’s Spring Student Recital. Approval is subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor.

PERMISSION. One Day Liquor License. Motion made and seconded to approve the request from Bernadette Butterfield and Cara Niles, Friends of the Marblehead Public Schools, for a one day liquor license on Saturday, May 30, 2009 from 5:30 – 8:00pm at 363 Ocean Avenue for their annual Summer Soiree subject to receipt of the required fee (\$50.00). On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor, Mrs. Belf-Becker, in favor.

PERMISSION. One Day Entertainment License. Motion made and seconded to approve the request from Loretta Lang, Maddie’s Sail Loft, for a one day entertainment license for Thursday, March 26, 2009 from 8:00pm – 11:00pm. Approval is subject to no music to be heard from the streets. All in favor.

PERMISSION. National Prayer Day. Bell Ringing. Motion made and seconded to approve the request from Donald Orne, Marblehead Peace Committee, to ring the bell at Abbot Hall on May 7, 2009 for National Prayer Day and then meet in the Selectmen’s meeting room to join hands and pray beneath the Spirit of 76 to honor our war dead. The bell will be rung after the noon hour for five minutes to align with the other towns and cities across America. All in favor.

CONDOLENCE. A letter was read from Robert S. Ives, Building Commissioner, expressing his deep regret and sadness at the recent loss of colleague and Local Inspector Mr. William R. Doane, who passed away on Thursday, March 19, 2009. A celebration of his life will be held on Sunday, March 29, 2009 from noon to 4:00pm at the Gerry 5, V.F.A., 210 Beacon Street. Motion made and seconded to send a letter of condolence to his family. All in favor.

MAIL. Comcast. Price Changes. A letter was read from Comcast informing the Town of upcoming changes to pricing and package options. Residents should contact 1-800-COMCAST with any questions they have regarding Comcast products, pricing and services. Customer Account Executives are available 24 hours a day, 7 days a week questions.

CONGRATULATIONS. Motion made and seconded to send a letter of congratulations to Richard Trefry in recognition of receiving the Lifetime of Service Award from the United States Army. All in favor.

INSPECTOR OF ANIMALS. Stipend. Motion made and seconded to approve a request to increase the Inspector of Animals Stipend to \$200 per month. All in favor.

Motion made and seconded to adjourn at 9:05pm. All in favor.

Kyle A. Wiley
Administrative Aide