

## BOARD OF SELECTMEN

### MINUTES

**November 13, 2013**

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 30, 2013.  
All in favor.

**2014 ANNUAL TOWN MEETING. Warrant.** Motion made and seconded that the Annual Town meeting be held on Monday, May 5, 2014 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 5, 2014 annual Town Meeting. All in favor. Motion made and seconded to close the Warrant for Town Government Boards and Commissions on Friday, January 24, 2014 at 12:00 noon. All in favor. Motion made and seconded to close the Warrant for the General Public on Friday, January 31, 2014 at 12:00 noon. All in favor.

**SURPLUS EQUIPMENT. Council on Aging.** Motion made and seconded to approve the request from Teri McDonough, Council on Aging Director, to declare the following vehicle as surplus and no longer needed for municipal purpose and available for disposition in accordance with the Town's policy on surplus equipment:  
2001 Ford Eldorado Van VIN# 1FDXE45S31HBO3350. All in favor.

**PERMISSION. Use of Public Way. 70 Atlantic Avenue.** Motion made and seconded to approve the request from D.G. Mace Construction to place a man lift on the sidewalk at 70 Atlantic Avenue for one day subject to approval from Chief Picariello and receipt of the required Certificate of Insurance. All in favor.

**ABBOT HALL. Permission to Use. Rotarty Club of Marblehead Harbor.** Motion made and seconded to approve the request from the Rotary Club of Marblehead Harbor to use Abbot Hall on the following dates and times for their annual Star Spangle Pops Concert subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance:

Friday, May 9, 2014                      8:00 a.m. – Noon

Saturday, May 10, 2014      4:00 p.m. – 11:00 p.m.  
Monday, May 12, 2014      8:00 a.m. – Noon  
All in favor.

**BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year 2014.** 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 2014 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 \$11.09. 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 2014 Tax Rate. The process of certifying the Tax Rate generally takes one week.

**APPRECIATION.** Motion made and seconded to send a letter of appreciation to Nancy McCarthy for her many years of service on the Board of Assessors. All in favor.

**MARBLEHEAD MUNICIPAL LIGHT COMMISSION. Interviews/Appointment.**

The Board met in joint session with the members of the Marblehead Municipal Light Commission; Phil Sweeney, Chair, Walter Homan, Charles Phillips and Michael Hull. The following applicants were interviewed to fill the seat vacated by Mr. Bassett until May 2014 at which time the one year unexpired term remaining will be placed on the Town Election: Benjamin Ayer, 11 Dodge Road, Calvin Crawford, 76 Farrell Court, Andrew Hadden, 17 Taft Street and John Williams, 21 Leggs Hill Road. Motion made and seconded to place all applicants names into nomination for the Marblehead Light Commission with a term to expire in May 2014. All in favor. On a polled vote the Boards voted as follows:

Mr. Homan; Mr. Crawford  
Mr. Sweeney; Mr. Crawford  
Mr. Philips; Mr. Crawford  
Mr. Hull; Mr. Hadden  
Mr. Murray; Mr. Crawford  
Mr. Christensen; Mr. Hadden  
Mrs. Jacobi; Mr. Crawford  
Mr. Nye; Mr. Crawford  
Mrs. Belf-Becker; Mr. Crawford

Mr. Crawford appointed to the Marblehead Municipal Light Commission with a term to expire in May 2014.

**SOUTH ESSEX SEWER DISTRICT. NPDES Permit No. MA0100501. Public Comment Period.** Amy McHugh, Superintendent, Water and Sewer Department, appeared before the Board as it relates to the reopened/extended public comment period. Ms. McHugh noted that every 5 years the EPA issues a draft permit and opens the Permit up for public comment and just as the Town did in 2008 it intends to submit objections on 3 of the 4 elements of the permit. After discussion motion made and seconded to authorize the Chair of the Board, Jackie Belf-Becker, on behalf of the Board, to execute the final draft of the public comment letter from the Town on the matter of the SESD NPDES Permit. Said letter shall be submitted to the Environmental Protection Agency and the Massachusetts Department of Environmental Protection before the close of the public comment period. All in favor.

**LICENSING. Hungry Betty's Bar & Grille. Chapter 7.** Notification was received from Kathleen R. Cruickshank, representing Harold B. Murphy, Chapter 7 Trustee, that Louie –Jaxon LLC d/b/a Hungry Betty's Bar & Grill, 161 Pleasant Street, has filed bankruptcy petition under Chapter 7 of the United States Bankruptcy Code and they have been appointed Trustee. The Trustee requests a waiver of the renewal fee for the All Alcoholic Beverage License at 161 Pleasant Street until the Trustee can sell the License. The Trustee will submit the renewal form for the license as required by the Town by November 27, 2013 and will pay the renewal fee from the successful bidder's deposit following the sale of the License and prior to filing of an application to transfer the License to the successful bidder. The Board discussed their options noting that they feel the license belongs to the Town and should not be allowed to be sold at public auction. Town Counsel reviewed the request and advised the Board to accept the Trustee's request. Motion made, subject to receiving a written undertaking from the Bankruptcy to later pay the renewal application fee, to allow the Bankruptcy Trustee for Louie-Jaxon LLC, aka Hungry Betty's Bar and Grill, to file for a renewal of the liquor license and that the fee associated therewith shall be paid after the auction for said license. No one seconded the motion. The Board discussed adding a deadline to the Trustees request. Motion made and seconded, subject to receiving a written undertaking from the Bankruptcy to later pay the renewal application fee, before January 7, 2014, to allow the Bankruptcy Trustee for Louie-Jaxon LLC, aka Hungry Betty's Bar and Grill, to file for a renewal of the liquor license and that the fee associated therewith shall be paid after the auction for said license. 4 voted in favor, Mr. Christensen opposed.

**CONTRACT. Abbot Hall.** Motion made and seconded to award a contract for interior painting of offices in Abbot Hall to Tom's Painting of Marblehead in the amount of ten thousand dollars (\$10,000.00) and authorize the chair to sign the contract on behalf of the Board. All in favor.

**CONTRACT. Pickett House.** Motion made and seconded to amend the contract between the Town of Marblehead and Mark Driscoll Contracting for the Pickett House Project by increasing the contract time by seventeen additional days until December 16, 2013 with no increase in the contract amount and authorize the chair to sign the change order on behalf of the Board. All in favor.

**CONTRACT. Old Town House.** Motion made and seconded to amend the contract between the Town of Marblehead and T. Cooney and Co. of South Boston, MA for the Old Town House Accessibility Project by increasing the contract amount by four thousand five hundred and twenty five and 00/100 dollars (\$4,525. 00) and no increase in time and authorize the chair to sign the change order on behalf of the Board. All in favor.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The Board discussed sending a letter to our State and Federal representatives seeking their support of measures designed to slow down the process as it relates to the amended FEMA flood

insurance program. Motion made and seconded to send a letter to State and Federal Representatives regarding the amended FEMA flood insurance program. All in favor.

**WINTER PARKING BAN.** The winter parking ban will commence at 12:01 a.m. on Monday, December 2, 2013 and continue until April 15, 2014. 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 2, 2013 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.

**CONSERVATION COMMISSION. Resignation.** A letter was received from Walter Haug as it relates to his intent to retire from the Conservation Commission on December 31, 2013. Motion made and seconded to send a letter of appreciation to Mr. Haug. All in favor.

**FIRE DEPARTMENT. Fill the Boot.** Marblehead Fire Fighters Local 2043 in the International Association of Fire Fighters (IAFF) will conduct a portion of their annual "Fill the Boot" drive on Wednesday, November 27, 2013. Money is raised for the Muscular Dystrophy Association (MDA) by fire departments nationwide. Marblehead placed 8<sup>th</sup> in the Commonwealth of Massachusetts raising just over \$16,000.

**MARBLEHEAD FOREVER COMMITTEE. Old Town House Celebration.** Kyle Wiley, 32 Maple Street, Chair, Marblehead Forever Committee, appeared before the Board seeking permission to hold the grand re-opening of the Old Town House as follows:

Saturday, December 7, 2013	10:30 am Ribbon Cutting 10:30 am – 4:00 pm Open House, Refreshments Photographic Exhibit
Sunday, December 8, 2013	Open House, Refreshments, Photographic Exhibit

Motion made and seconded to approve the request from the Marblehead Forever Committee to hold the grand –re-opening of the Old Town House on Saturday, December 7, 2013 and Sunday, December 8, 2013 and to spend the necessary funds for this event. All in favor.

**ERUV. Request.** The Town Administrator advised the Board that the Town and the Marblehead Municipal Light Department has received a request for installation of an Eruv and that Town Counsel is reviewing this request. The issue will be before the Selectmen at a future meeting.

**APPRECIATION. Veterans' Day Ceremony.** Motion made and seconded to send a letter of appreciation to David Rodgers, Veterans' Agent, the VFW and Amanda Roeder

and The Marblehead High School Choral Group for their service and participation in the Town's Veterans' Day Ceremony at Abbot Hall.

Motion made and seconded to adjourn at 9:15 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide