

## **BOARD OF SELECTMEN**

### **MINUTES**

**November 30, 2011**

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

Anthony M. Sasso, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from November 16, 2011. All in favor.

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

Week of December 19 – 23, 2011 – Regular hours

Week of December 26 – 30, 2011

CLOSED on Monday, December 26, 2011

Tuesday – Friday regular hours

Week of January 2 – 6, 2012

CLOSED Monday, January 2, 2012

Tuesday – Friday regular hours

**ONE DAY ENTERTAINMENT. Barnacle Restaurant.** Motion made and seconded to approve the request from Jay Sahagian, Barnacle Restaurant, 141 Front Street, for a one day entertainment license on Thursday, December 1, 2011 from 5:00 p.m. – 8:00 p.m. All in favor.

**PERMISSION. Temporary Fencing. Pleasant Street.** Motion made and seconded to approve the request from Timothy Costin, Groom Construction, to erect temporary fencing at 125 Pleasant Street for approximately two weeks, eliminating two parking spaces, to allow shoring work to be completed. Approval is subject to receipt of the proper insurance and a police detail. At the end of each work day the fencing shall be pulled into property line allowing full use of sidewalk and access to parking spaces. Once the shoring work is completed the temporary fence shall be maintained along the property line. Work is to be suspended from December 1 – 4, 2011 to allow for unimpeded pedestrian traffic during the annual Christmas Walk. All in favor.

**BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year 2012.** 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 2012 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 \$10.52. 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 2012 Tax Rate. The process of certifying the Tax Rate generally takes one week.

**GIFT TO THE TOWN. Portrait of Uriel Crocker.** Augustus T. Crocker (Tuck) appeared before the Selectmen to donate a portrait of Uriel Crocker (1796 – 1887). Born in a house on Franklin Street, now known as the Pickett House, Uriel donated the land at Crocker Park to the Town. While the portrait sitting was done in 1886 when Uriel was alive, it was not delivered until after his death in 1887. Motion made and seconded to accept the portrait as a gift to the Town, to hang at Abbot Hall, and to have the Historical Commission come before the Selectmen with suggestions as to where to hang the portrait. All in favor.

**MARINE CORPS AVIATION ASSOCIATION. 100<sup>th</sup> Anniversary.** Donald Humphreys, 142 Village Street, appeared before the Board with preliminary plans to celebrate the Marine Corps Aviation 100<sup>th</sup> Anniversary on August 3 -5, 2011. Preliminary plans include: Fly over of aircraft, flight demonstrations, Marine Corps Band public concert and parade, flight demonstrations and rededication of Cunningham Memorial. Mr. Humphreys will keep the board apprised as details become available.

**LICENSING. Change of Manager. Boston Yacht Club.** Phil Devlin, 7 Blossom Lane, Gloucester, appeared before the Board seeking to change the manager on the All Alcoholic Beverage Club License at the Boston Yacht Club, 1 Front Street. Motion made and seconded to approve the request to change the manager on the All Alcoholic Beverage Club License at the Boston Yacht Club, 1 Front Street, to Phil Devlin, 7 Blossom Lane, Gloucester, subject to approval from the ABCC, receipt of all required forms and CORI approval and TIPS certified or similar program. On a polled vote the Board voted as follows: Mr. Murray, in favor, Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**CONSERVATION COMMISSION. Interview. Appointment.** David VanHoven, 22 Prince Street, appeared before the Board seeking appointment to the Conservation Commission. Motion made and seconded to appoint David VanHoven to the Conservation Commission with a term to expire in May 2012. All in favor.

**OLD AND HISTORIC DISTRICTS COMMISSION. Interview. Appointment.** Julia Glass, 19 Mechanic Street, appeared before the Board seeking a position on the Old and Historic Districts Commission, alternate. Motion made and seconded to appoint Julia Glass to the Old and Historic Districts Commission, alternate position, with a term to expire in May 2012. All in favor.

**MASSACHUSETTS DEPARTMENT OF REVENUE. Notice of Assessor Disqualification.** Notice was received from the Massachusetts Department of Revenue that Douglas Percy has not met the minimum requirement for assessors as established by the Department of Revenue pursuant to M.G.L. Ch. 58 sec. 1 and 830 Code of Massachusetts Regulation (CMR) 58.3.1.

**ZONING BOARD OF APPEALS. Vacancy.** The Board of Selectmen are now accepting letters of interest to serve on the Zoning Board of Appeals. Letters should be submitted to the Selectmen's Office, Abbot Hall, 188 Washington Street. Deadline to submit is January 11, 2012 at 5:00 p.m.

**CONGRATULATIONS. Marblehead High School Football Team.** Motion made and seconded to send a letter of congratulations to the MHS Football team for a great season and Thanksgiving game. All in favor.

**ABBOT HALL. Permission.** Motion made and seconded to allow the Friends of the Council on Aging to set up a table in Abbot Hall on Saturday, December 3, 2011 to sell calendars. All in favor.

**BOARD OF SELECTMEN. MEETINGS.** Motion made and seconded that the Board will not meet on December 28, 2011 and will schedule a meeting on an alternate date if necessary. All in favor.

**FINANCIAL STATE OF THE TOWN.** The Board of Selectmen will meet on Thursday, January 5, 2012 at 5:00 p.m. for the State of The Town.

Motion made and seconded to adjourn at 8:25 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide