

BOARD OF SELECTMEN

MINUTES

November 17, 2010

Board met in session at 7:30 p.m. in the Selectmen's Meeting Room at Abbot Hall.

Present (constituting a quorum):

James E. Nye, Chairman
Jackie Belf-Becker
Judith R. Jacobi
T. Michael Rockett
William L. Woodfin, II

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from October 27, 2010. 4 voted in favor, 1 voted present.

CONTRACT. Lead Mills. Motion made and seconded to award a contract for technical consultant for the Conservation Commission's, on the Lead Mills property, Order of Conditions 40-930 to Vine Associates Inc. of Newburyport, MA in the amount of eight thousand one hundred dollars and authorize the Chairman to sign on behalf of the Board subject to Town Counsel review. All in favor. Mr. Sasso informed the Board that initial site mobilization activities are scheduled to occur between November 18 and December 7, 2010. The closing of the Walking/Bike Trail is scheduled to occur on or about November 29, 2010, after the Thanksgiving Holiday. The trail will be remained closed for the duration of remaining work, which is currently anticipated to end in May 2011. Signs will be posted on Lafayette Street and West Shore Drive notifying residents and gates will be installed prohibiting access to the path. The updated construction timeline will be posted on Town's website www.marblehead.org.

ONE DAY ENTERTAINMENT LICENSE. 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 2, 2010 from 5:00 p.m. – 8:00 p.m. for acoustic guitar with no amplification. All in favor.

PERMISSION. Rotary Great Race. Motion made and seconded to approve the request from Marsha G. Christensen, President, Rotary Club of Marblehead, to hold its Rotary Great Race on Saturday, September 10, 2011 subject to approval from the Harbormaster, Marblehead Police and Recreation and Parks Department and receipt of the required Certificate of Insurance. The Race will be twofold; a walk around Marblehead Neck, a water race from Devereux Beach around the Neck to Children's Island and back to the beach concluding with activities at the

Beach; food, games, music and children's activities. Proceeds to benefit children, primarily scholarships and camperships. All in favor.

APPOINTMENT. Local Inspector. Motion made and seconded to appoint Dan R. Williams as Local Inspector effective December 6, 2010 at Group 53, Step 3 subject to Compensation Committee approval. All in favor.

PERMISSION. Festival of Arts. Motion made and seconded to approve the following events and venues for the Marblehead Festival of Arts events from March through July 2011 subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance:

Abbot Hall for the Annual Art Auction:

Art Auction Drop-Off

Saturday, March 5: 8:30AM to 12:30 PM

Thursday, March 10: 5:00 PM – 7:30 PM

Art Auction Setup

Thursday, March 31: 9:00 AM to 5:00 PM

Friday, April 1 9:00 AM to 5:00 PM

Art Auction & Wine Tasting Final Setup & Event

Saturday, April 2: 9:00 AM to 11:30 PM

Art Auction Breakdown & Clean-Up

Sunday, April 3: 12:00 PM to 5:00 PM

Abbot Hall for Festival Art Exhibits and related events:

Art Exhibits Drop-Off

Wednesday, May 18: 5:30 PM to 8:30 PM

Saturday, May 21: 8:30 AM to 12:30 PM

Art Exhibits Judging

Saturday, June 4: 8:30 AM to 12:30 PM

Art Exhibits Non-Accepted Work Pickup

Saturday, June 18: 8:30 AM to 12:30 PM

Art Exhibits Setup

Saturday, June 25: 9:00 AM to 5:00 PM

Abbot Hall, Festival Art Exhibits, Artisans' Marketplace, Model Boat Building

Friday, July 1: 9:30 AM to 5:30 PM

Saturday, July 2: 9:30 AM to 5:30 PM

Sunday, July 3: 9:30 AM to 5:30 PM

Monday, July 4: 9:30 AM to 6:30 PM

Art Exhibits Breakdown & Clean-Up

Tuesday, July 5: 9:00 AM to 2:00 PM

Art Exhibits Pick-Up

Wednesday, July 6 5:30 PM to 8:30 PM

Crocker Park for Performing Arts and Film Festival, including setup and breakdown:

Wednesday, June 29 through Monday, July 4

Devereux Beach for Sand Sculpture Competition and Kite Festival subject to approval from the Recreation and Parks Department:

Saturday, July 2: 9:00 AM to 5:00 PM

All in favor.

Motion made and seconded to use Fort Sewall for the Champagne Reception & Culinary Arts Tasting subject to the Fort remaining open to the public:

Sunday, June 26: 9:00 AM to 9:00 PM

All in favor.

Motion made and seconded to table the request to use the Old Town House for Festival Art Exhibits, including storage, set-up, and breakdown for further review. All in favor.

Mr. Rockett recused himself from the public hearing.

PUBLIC HEARING. Transfer. All Alcoholic Beverage License. Common Victualler.

Patricia Johnson, PJ Foods LLC, d/b/a Hungry Betty's Bar & Grill, 6 Oakledge Road, Swampscott and Edward Principe, 4 Pierce Street, Council for applicant, appeared before the board seeking the transfer of the All Alcoholic Beverage License as a Common Victualler at 165 Pleasant Street. This same applicant has also applied for a Common Victualler License. The current owner of this license is 165 Pleasant Street, LLC. The following people spoke in favor of the applicant; Terry Johnson, 6 Oakledge Road, Swampscott; Will Galien, 3 Gerald Road; Eliot Strasnick, Gerald Road; Karl Johnson, 25 Reed Street and Ernie Trembley, Owner, Sylvan Street Grill. No one spoke in opposition. After discussion motion made and seconded to approve the application for a Common Victualler License for PJ Foods, LLC d/b/a Hungry Betty's Bar and Grill at 165 Pleasant Street, hours of operation Monday through Saturday 9:00am – 12:00 midnight, Sundays 10:00am – 12:00 midnight. All in favor. Motion made and seconded to approve the transfer of the All Alcoholic Beverage License from 165 Pleasant Street, LLC to PJ Foods, LLC d/b/a Hungry Betty's Bar and Grill at 165 Pleasant Street subject to approval from the ABCC, receipt of all applicable inspection sign offs and all fees paid and seating capacity not to exceed 128. Hours of operation Monday through Saturday 9:00am – 12:00 midnight, Sundays 10:00am – 12:00 midnight. On a polled vote the Board voted as

follows: Mr. Woodfin, opposed; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, in favor.

Mr. Rockett returned to the meeting.

BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year

2011. John P. Kelley, Chairman of the Board of Assessors, Douglas Percy, Board member 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 2011 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 \$10.21. 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 2011 Tax Rate. The process of certifying the Tax Rate generally takes one week.

PERMISSION. Construction. 147 Front Street. D. Bruce Greenwald, 32 High Street, Architect, appeared before the Board as it relates to a request for a construction project at 147 Front Street, commonly known as the Adams House. Mr. Greenwald met with the Town Administrator, Police Chief, Fire Chief and Captain and Mark Driscoll, contractor, to discuss issues with respect to the scaffolding necessary for the project and requirements to meet safety concerns. After discussion motion made and seconded to approve the request as set forth in a letter from Bruce Greenwald dated November 10, 2010 for construction project at 147 Front Street, scaffolding to be installed the last week on November and remain in place for 4 months, to be removed by April 1, 2011 subject to receipt of the required Certificate of Insurance from the scaffolding company. In addition approval is subject to the following additions as discussed by the Board: Provide to the Town a list of all residents who will be in the building during renovations; set up meeting with Chief Gilliland and the Sprinkler System management; coordinate with other projects/contractors in the area, cannot have multiple demolitions projects occurring at the same time; have the trustees of the Marblehead Harbor Condominium Trust meet with the owner of the Barnacle Restaurant to discuss options for lost parking spaces (6) and have Mr. Greenwald report back to the Board in letter form the results of this meeting; all debris on the street and sidewalk should be cleared away each night. All in favor.

ABBOT HALL. Permission to Use. Motion made and seconded to approve the request from the Marblehead Historical Commission to waive the rental fee for the use of Abbot Hall on Thursday, December 9, 2010 for the screening of "Gerrymandering" and denied the request to waive the custodial fee. All in favor.

PERMISSION. Chamber of Commerce. 40th 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 40th Annual Marblehead Christmas Walk Parade and tree lighting at Abbot Hall:
Tree Lighting Friday, December 3, 2010, 7:00 p.m. Close Washington Street and Washington Square from 6:00 p.m. – 8:00 p.m. With blockades at: Washington and Rockaway Streets, Washington Street and Washington Square, Washington Street and Lee Street and at the intersection of Tucker and Mason Streets.
Saturday, December 4, 2010, Santa arrival and Parade. Close Clark Landing from 8:30 a.m. until noon. Close Front Street between Water Street and State Street and all of Darling Street 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. The parade route is the same as previous years. The parade will start at 11:45 a.m. at the State Street Landing, continue onto Washington Street (approximate time 12:00

– 12:30 p.m.) and then onto Atlantic Avenue (approximately 12:30 p.m. – 1:00 p.m.). All in favor.

LICENSING. Second Hand Dealer. 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:

J. Martin Furnishings
139 Washington Street
Marblehead, MA
Joanna Martin
All in favor.

APPOINTMENT. Marblehead Cultural Council. Motion made and seconded to appoint Howard Rosenkrantz to the Marblehead Cultural Council with a term to expire in May 2011. All in favor.

PERMISSION. Chamber of Commerce. Holiday Wreaths. Motion made and seconded to approve the request from Ann Marie Casey, Executive Director Marblehead Chamber, to hang approximately 120 holiday wreaths and garland pole wraps throughout the central business district beginning November 29, 2010 subject to approval from the Marblehead Municipal Light Department and receipt of the required Certificate of Insurance. All in favor.

2011 ANNUAL TOWN MEETING. Warrant.

Motion made and seconded that the Annual Town meeting be held on Monday, May 2, 2011 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 2, 2011 annual Town Meeting. All in favor. Motion made and seconded to close the Warrant for Town Government Boards and Commissions on Thursday, January 27, 2011 at 4:00 p.m. All in favor. Motion made and seconded to close the Warrant for the General Public on Thursday, February 3, 2011 at 4:00 p.m. All in favor.

BANNER. Motion made and seconded that the Town approve the placement of a Banner over Atlantic Avenue, between #31 and #32, subject to approval from the Marblehead Municipal Light Commission approving installation of a pole at #32 Atlantic Avenue. All in favor.

MARBLEHEAD FIRE DEPARTMENT. Appointments. A letter was read from Chief Jason Gilliland announcing the following appointments: Jeffery R. Martin, Permanent Full-Time Firefighter effective November 8, 2010 and Matthew W. Lunt, Permanent Full-Time Firefighter effective November 22, 2010. Both are certified Emergency Medical Technicians and will attend the Massachusetts Firefighting Academy's sixty day Basic Firefighting Training Program beginning April 4, 2011.

MARLBHEAD PUBLIC SCHOOLS. Superintendent Search. A letter from Kathleen E. Leonardson, School Committee Co-representative to the Superintendent Search, was read

notifying the Board that the School Committee has initiated a search for a new superintendent, hiring the firm Hazard, Young, Attea and Associates (HYA) to assist. The school committee is seeking expansive community input regarding the qualities that they seek in the next superintendent. An online survey rating the most important characteristics for a new superintendent can be accessed at www.marbleheadschoools.org, click on District links, click on Superintendent Search then click on "Community". The survey will close on December 6, 2010 at 5:00pm.

FINANCE COMMITTEE. Applicant. A letter of interest was received from Benjamin S. Berman as it relates to serving on the Finance Committee.

TOWN PLANNER. Certification. A letter was read notifying the Board that Rebecca L. Curran, Town Planner, has successfully completed the "Supplies and Services Contracting" certification seminar on October 19 – 21, 2010 in the Massachusetts Certified Public Purchasing Official (MCPPO) program conducted by the Office of Inspector General. Motion made and seconded to send a letter of congratulations to Rebecca Curran. All in favor.

RETIREMENT BOARD. Annual 2011 Budget. As required by M.G.L. Chapter 32, Section 22; Chapter 306 of the Acts of 1996 requires the Retirement Board to submit a copy of the annual budget at least 30 days prior to adoption of said budget to the appropriate legislative body of the governmental units of the employees they serve. The Board acknowledged receipt of the annual 2011 budget from the Retirement Board.

STATE OF THE TOWN. Anthony M. Sasso, Town Administrator, informed the Board that the annual State of the Town will be held on Wednesday, January 5, 2011 at 6:00pm at Abbot Hall in the Selectmen's Meeting Room.

HOLIDAY HOURS. Abbot Hall and Mary Alley. The following holiday hours will be observed at Abbot Hall and Mary Alley:

Monday, December 20, 2010	8:00am – 5:00pm
Tuesday, December 21, 2010	8:00am – 5:00pm
Wednesday, December 22, 2010	8:00am – 6:00pm
Thursday, December 23, 2010	8:00am – 12:30pm
Friday, December 24, 2010	CLOSED

Monday, December 27, 2010	8:00am – 5:00pm
Tuesday, December 28, 2010	8:00am – 5:00pm
Wednesday, December 29, 2010	8:00am – 6:00pm
Thursday, December 30, 2010	8:00am – 12:30pm
Friday, December 31, 2010	CLOSED

Mr. Rockett recused himself from the meeting.

MARBLEHEAD POLICE DEPARTMENT. Review and Assessment. Motion made and seconded to accept the report “Marblehead Police Department, A Review and Assessment” compiled by Strategic Policy Partnership, West Tisbury, MA and to invite Chief Picariello to the Board’s December 8, 2010 meeting to discuss the report. All in favor. The Report is on file in the Selectmen’s Office in Abbot Hall.

Mr. Rockett returned to the meeting.

CONDOLENCE. Motion made and seconded to send a letter of condolence to William James, Cemetery Commissioner, on the recent passing of his wife, Sandy. All in favor.

CONDOLENCE. Motion made and seconded to send a letter of condolence to the family of Betsy Jacobson, former alternate member, Zoning Board of Appeals. All in favor.

CONDOLENCE. Motion made and seconded to send a letter of condolence to the family of former Police Chief Russell. All in favor.

THANKSGIVING DAY. Football Game/Powder Puff Game. Motion made and seconded that the Marblehead Magicians will beat Swampscott in the annual Thanksgiving Football Day Game and Powder Puff Game. All in favor.

CONGRATULATIONS. Shalane Flanagan. Motion made and seconded to send a letter of congratulations to Shalane Flanagan, Marblehead High School Grad, on her recent 2nd place finish in the New York City Marathon. All in favor.

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

Kyle A. Wiley
Administrative Aide