

BOARD OF SELECTMEN

MINUTES

November 19, 2008

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.
William L. Woodfin, II

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from November 12, 2008. All in favor.

ALL ALCOHOLIC BEVERAGE LICENSE. Sticky Rice. Amorn Phongtong and Julie Hanke appeared before the Board to inform them that Sticky Rice is closed and the business is for sale. They requested time from the Board to secure a buyer for the restaurant which would include the liquor license. The Board reminded Mr. Phongtong that the liquor license is valid for the business at 26 Hawkes Street only. The board asked Mr. Phongtong and Ms. Hanke to return to the Selectmen's meeting on December 10, 2008 to apprise them on the status of the business and that all current issues with the Board of Health should be resolved before this meeting.

VOTE. Motion made and seconded to award a contract for the roof replacement at the central Fire Station to JT Haffey Builders Inc. of Framingham, Massachusetts in the amount of eight thousand nine hundred and ninety five dollars (\$8,995.00) and authorize the Chairman to sign on behalf of the Board. All in favor.

PERMISSION. Marblehead Festival of Arts. Abbot Hall, Old Town House, Fort Sewall. Motion made and seconded to approve the request from the Marblehead Festival of Arts to use the following Town facilities for Festival functions subject to the usual rules and regulations and receipt of all fees required:

Abbot Hall:

Art Auction Drop off

Saturday, March 14, 2009	8:30am – 12:30pm
Wednesday, March 18 2009	5:00pm – 7:30pm
Saturday, March 21, 2009	8:30am – 12:30pm

Art Auction Set-up

Thursday, April 2, 2009	9:00am – 5:00pm
Friday, April 3, 2009	9:00am – 5:00pm

Art Auction & Wine Tasting

Saturday, April 4, 2009	9:00am – 11:30pm
<u>Art Auction and Breakdown & Clean-up</u>	
Sunday, April 5, 2009	12:00pm to 5:00pm
<u>Art Exhibits Drop-Off</u>	
Saturday, May 23, 2009	8:30am – 12:30pm
Wednesday, May 27, 2009	5:30pm – 8:30pm
Saturday, May 30, 2009	8:30am – 12:30pm
<u>Art Exhibits Judging</u>	
Saturday, June 6, 2009	8:30am – 12:30pm
<u>Art Exhibits Non-Accepted Work Pickup</u>	
Saturday, June 13, 2009	8:30am – 12:30pm
<u>Art Exhibits Setup</u>	
Saturday, June 27, 2009	9:00am – 5:00pm
<u>Festival : Art Exhibits, Artisans' Marketplace, Model Boat Building</u>	
Wednesday, July 1, 2009	5:30am – 9:30pm
Friday, July 3, 2009	9:30am – 5:30pm
Saturday, July 4, 2009	9:30am – 5:30pm
Sunday, July 5, 2009	9:30am – 6:30pm
<u>Art Exhibits Breakdown & Clean up</u>	
Monday, July 6, 2009	9:00am – 2:00pm
<u>Art Exhibit Pick-up</u>	
Wednesday, July 8, 2009	5:30pm – 8:30pm
<u>Old Town House for Festival of Arts Exhibits, including set-up and breakdown:</u>	
Saturday, May 23, 2009 through Wednesday, July 8, 2009	
Request for specific dates/times to follow	
<u>Fort Sewall for Champagne Reception:</u>	
Sunday, June 28, 2009	9:00am – 9:00pm
<u>Crocker Park for Performing Arts and Film Festival including set-up and breakdown:</u>	
Tuesday, June 30, 2009 through Sunday, July 5, 2009	
<u>Devereux Beach for Sand Sculpture and Kite Festival:</u>	
Saturday, July 4, 2009	9:00am – 5:00pm

Approval is subject to the usual rules, regulations, fees, receipt of the required Certificate of Insurance and permission from Recreation and Parks Department for use of Fort Sewall, Crocker Park and Devereux Beach. All in favor.

TOWN MEETING WARRANT.

Motion made and seconded that the Annual Town meeting be held on Monday, May 4, 2009 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 4, 2009 annual Town Meeting. All in favor.

Motion made and seconded to close the Warrant for Town Government Boards and Commissions on Wednesday, January 28, 2009 at 4:00 p.m. All in favor.

Motion made and seconded to close the Warrant for the General Public on Wednesday, February 4, 2009 at 4:00 p.m. All in favor.

PERMISSION. One Day Entertainment License. Motion made and seconded to approve the request from Jay Sahagian, Barnacle Restaurant, for a One Day Entertainment License on Thursday, December 4, 2008 5:00 – 8:00pm for acoustic guitar playing with no amplification. Approval is subject to no music to be heard from the outside. All in favor.

HURRICANE RESTAURANT. Motion made and seconded to hold a show cause hearing relating to an incident at the Hurricane Restaurant as soon as Town Counsel deems it legally practical and to request the appropriate public safety personnel to attend the hearing. All in favor.

BOARD OF ASSESSORS. Classification Tax Allocation Fiscal Year 2009 John P. Kelley, Chairman of the Board of Assessors, Nancy McCarthy and Doug Percy, Board members and Michael Tumulty, Assistant Assessor appeared to provide a report on information necessary for votes to be taken on tax exemptions that would shift local taxes from the residential class to the commercial, industrial and personal property classes.

The three categories of exemptions to be voted on are as follows:

Residential Exemption: Classification 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 accept 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 accept 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 accept 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 vote a single rate factor of 1, all parcels to be levied at 100%. All in favor.

Jim Nye arrived at meeting at 8:00pm

TRAFFIC AND SAFETY. Village, Vine and Pleasant Streets. Will Gallien appeared before the Board with a proposed plan for the intersection at Village, Vine and Pleasant Streets. After discussion motion made and seconded to have the Town Administrator provide the Board members with copies of the original cost/study plans for this intersection from 1998. All in favor. Motion made and seconded to have the Town Administrator and Town Engineer look at the previous plan and advise the Board what the cost would be to implement this plan now. All in favor. Motion made and seconded to follow up this discussion to revisit the previous plan at a future Board meeting. All in favor.

NORTH SHORE AMBULANCE. Transfer of Contract. Dennis Cataldo and Don Wolcott, Cataldo Ambulance Service, Robert Dionne, North Shore Ambulance and Fire Chief Barry Dixey appeared before the Board as it relates to transfer of the ambulance service contract held by North Shore Ambulance with the Town. Motion made and seconded to transfer the ambulance service contract between the Town of Marblehead and North Shore Ambulance, Inc. dated May 25, 2004 to Atlantic Ambulance Service, a Division of Cataldo Ambulance Service, Inc. under the same terms and conditions with the additions as follows: The Provider shall meet all EMS performance standards specified for the designated primary ambulance service in the Town of Marblehead EMS Service Zone Plan. The Provider will maintain the current base in the Town of Marblehead staffed with a Class 1 ALS Ambulance as necessary to meet the response times in accordance with such Service Zone Plan. Note: Response for calls that meet dispatch criteria for ALS shall be by EMT-Paramedics with response times of 9 minutes or less, 90% of the time. Training as indicated on page 6 (#22) of the current contract between the Provider and the Town shall be scheduled at Marblehead Fire Headquarters for each of the four groups on the Fire Department. This transfer is effective Friday, November 21, 2008 at 12:01am. The parties further agree that they will memorialize this agreement with a new contract to be signed within 30 days with the same terms and conditions, including only the additions as stated to be signed by the Chairman of the Board of Selectman on behalf of the Town and by Atlantic Ambulance Service by its duly authorized representative. All in favor.

Motion made and seconded to send a letter to Robert Dionne, North Shore Ambulance, thanking him for his many years of service to the Town and to Dennis Cataldo, Cataldo Ambulance Service, welcoming them to our Town. All in favor.

FIRE DEPARTMENT. Request. Motion made and seconded at the request of Chief Barry Dixey to call for a Civil Service Requisition seeking a list of candidates for the position of Fire Chief and to have the Chairman sign this request on behalf of the Board. All in favor.

TRAFFIC AND SAFETY. Humphrey Street. A letter was read from Michael Callahan as it relates to traffic safety concerns on Humphrey Street in the vicinity of West, Pilgrim and Endicott Road. Motion made and seconded to have the Town Administrator send a letter to the MBTA requesting that their drivers adhere to the speed limits and slow down in this area. All in favor. Motion made and seconded to ask Chief Picariello to monitor the speed with the Town's speed sign in this area. All in favor. Motion made and seconded to have the Town Administrator look into the existing signage in the area. All in favor.

TRAFFIC AND SAFETY. Four Way Stop at Smith/Devereux Street. Motion made and seconded to refer a letter from Doug Saal, Town Engineer, as it relates to the results of the traffic volume counts conducted by the Marblehead Police Department to the Traffic and Safety Advisory Committee for their information. All in favor.

CONGRATULATIONS. Eagle Scout. Motion made and seconded to send a letter of congratulations to Timothy G. Tufts on achieving the rank of Eagle Scout and to thank him for his Eagle Scout project, cleaning of the Veterans' grave stones at Waterside Cemetery. All in favor.

CHRISTMAS TREES. Notification was given by the Recreation and Parks Department that Christmas Trees will be picked up curbside December 29, 2008 – January 9, 2009 or residents may bring their trees to the transfer station for chipping. No trees should be deposited at Riverhead. The Town will not be burning the trees at Riverhead this year.

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

Motion made and seconded to adjourn at 8:50pm. All in favor.

Kyle A. Wiley
Administrative Aide