

BOARD OF SELECTMEN MINUTES

November 14, 2018

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.
M. C. Moses Grader
Judith R. Jacobi
James E. Nye

Jason Silva, Town Administrator

MINUTES. Motion made and seconded to approve the minutes of October 24, 2018.
All in favor. Motion made and seconded to approve the minutes of October 30, 2018.
All in favor.

MARBLEHEAD FIRE DEPARTMENT. Swearing in Ceremony. Chief Jason Gilliland appeared before the Board welcoming the firefighters and their families to the swearing in ceremony. Rev. Dennis Calhoun offered a prayer to start the ceremony. Town Clerk Robin Michaud swore in the following: Captain Thomas Rice, Captain Eric Ridge, Lieutenant Grant Glavin and Firefighters Micah Alden-Danforth, Jarred Dwyer, Joseph Gray and Kraig Hill.

BOARD OF ASSESSORS. Public Hearing. Classification Tax Allocation Fiscal Year 2019. Michael Tumulty, Assistant Assessor, and Karen Bertolino, Administrator Assessor, appeared before the Board to provide information necessary for votes to be taken on the three available exemptions and a vote to determine the FY2019 tax factor which determines how taxes are allocated between property classes. Mr. Tumulty presented the 2019 total valuation of the town which has received final certification from the Department of Revenue (DOR) 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

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 single rate factor of 1, all parcels to be levied at 100%. All in favor.

FORT SEWALL OVERSIGHT COMMITTEE. Update. Larry Sands, 28 Franklin Street, Chair, Fort Sewall Oversight Committee, Rebecca Cutting, Town Planner and Charles Gessner, 20 Gregory Street, Committee Member, appeared before the Board to provide an update on the renovations and repairs at Fort Sewall and what future improvements the Committee envisions for the Fort. A structural engineer has been hired and a survey and a phased master plan have been developed, funded through a planning grant. Phase 1 has been completed. The components of Phase 2 were presented to the Board; much of this work will involve repairs to the interior of the Fort, accessibility to the Fort and placing a replica cannon at the Fort. The cost to complete the Phase 2 is approximately \$1.1 million dollars. The Committee hopes to raise 1/3 of this by private donations and 1/3 through grants and will come back before the Board at a future time to seek Town approval for the remaining funds at Town Meeting. Mr. Gessner has been actively seeking private donations for the Fort and the Committee has applied for multiple grants to help fund Phase 2. The Committee is now publicly seeking donations to the Fort. Donations should be submitted to the Board of Selectmen's office, Abbot Hall. Checks should be made payable to the Town of Marblehead and note "Fort Sewall Donation Account" in the memo line. Single contributions as well as 4 year pledge options are available and are tax deductible. The Committee has raised \$200,000 to date and another \$100,000 in pledges. For information on donating or pledging to Fort Sewall please contact George Gessner at chgessner@mac.com. The Fort will celebrate its 375 anniversary in 2019 and the Committee is planning to have the renovations of the Fort

completed by 2022 to recognize the 100th anniversary of the Town taking ownership of the Fort.

FORT SEWALL REVETMENT PROJECT. Rebecca Curran Cutting, Town Planner, updated the Board on the revetment project currently out to bid for Fort Sewall. A small area, the Harbor loop, will be restricted for a brief period of time while the work is being completed. Ms. Cutting suggested a rendition of the final project be posted at the Fort. Motion made and seconded to approve a temporary sign be placed at Fort Sewall depicting the final rendition. All in favor.

PLANNING BOARD. Short Term Rentals. Information Meeting. Rebecca Cutting, Town Planner, announced The Marblehead Planning Board is conducting a study of potential regulations for short term rental properties (also called Airbnb, vrbo). The Board is exploring what the issues are with short term rentals in Marblehead and looking into developing regulations to address them. The Planning Board will be holding a public meeting on Wednesday, November 28, 2018 at 7 PM, at Abbot Public Library lower level conference room. The workshop is informational and focused on gathering input from residents to help identify what some potential issues are related to short term rentals in Marblehead. All interested persons are encouraged to attend. If you are unable to attend but would like to share your experiences, please contact the Town Planner at rebeccac@marblehead.org or 781 631-0000

PUBLIC HEARING. Licensing. Wine & Malt Package Store License. Bapa Convenience Inc. d/b/a Richdales, 33 Smith Street. Parth Patel, 35 Watson Lane, Woburn, appeared before the Board seeking a Wine and Malt Beverage Package Store License at 33 Smith Street. No one spoke in favor or opposed to the application. Don Morgan, Wyman Road, asked if there are any regulations on a package store in regards to proximity to a school. In accordance with the Alcoholic Beverage Control Commission regulations, all direct abutters and all schools or churches within 500 feet were notified of the public hearing via certified mail. Motion made and seconded to approve the application for a Wine and Malt Beverage Package Store License to Bapa Convenience Inc., d/b/a Richdales, 33 Smith Street, Manager: Parth Patel, subject to receipt of all forms, fees, inspection sign offs, ABCC and CORI approvals. Hours of operation are Monday through Saturday 9:00 AM – 11:00 PM and Sundays 10:00 AM – 11:00 PM. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

GIFT TO TOWN. Parcel of Land. 6 Wilson Road. Brian LeClair, Chair Conservation Commission, Charles Quigley, Town Engineer/Conservation Agent, Richard Fried, 6 Wilson Road, Robert McCann, counsel for Richard Fried and Don Morgan, Wyman Road, Marblehead Conservancy, appeared before the Board. Mr. McCann advised the Board that his clients, Pam and Richard Fried, wish to donate a parcel of land at 6 Wilson Road to the Conservation Commission with a provision in the deed that the property can only be used in its natural state, but with enhancements that support and are consistent with such use. Mr. Quigley stated that Town Counsel has reviewed the Title and Deed and there are no issues with accepting the property. Mr.

LeClair advised the Board that the Conservation Commission unanimously voted in favor of accepting the parcel of land at 6 Wilson Road as it provides potential expansion to conservation land and the potential for easier access to the adjacent pond area. Mr. Morgan stated that the Conservancy is thrilled to receive the land and will maintain it along with all other lands the Conservancy maintains. Motion made and seconded to authorize the Conservation Commission to accept as a gift a parcel of land located at 6 Wilson Road, containing 10,721.9+/- square feet and owned by Richard P. Fried, pursuant to G.L. c.40, §8C and further that the Chair shall be authorized to execute any documents required to effectuate said gift. All in favor. Motion made and seconded to send a letter of appreciation to Pam and Richard Fried. All in favor.

CHAMBER OF COMMERCE. Permission. Pencil Trees on Public Way. Beth Ferris, Executive Director, Marblehead Chamber of Commerce, appeared before the Board seeking permission to allow local businesses to display pencil trees during the holiday season. Motion made and seconded to approve the request from Beth Ferris, Chamber of Commerce, to allow businesses in the retail districts to display “pencil trees” outside their stores during the holiday season, November 16, 2018 – January 7, 2019 subject to the following conditions:

- Height not to exceed 5.5’
- Base not to exceed 24 “
- Lighting on the Pencil trees to run on batteries only
- Business will remain compliant with all ADA, fire, building and zoning codes, allowing for the required 36 inches of sidewalk space for handicapped accessibility requirements
- In the event of strong winds or snowstorms business owners shall bring the trees inside
- Receipt of the required Certificate of Insurance

All in favor.

CONTRACT. Bituminous Concrete. Renew. Motion made and seconded to accept the option to renew the contract for bituminous concrete pick up with Aggregate industries for one year and authorize the Chair to sign on behalf of the Board. All in favor.

PARKING RESTRICTIONS. Front Street Turnaround. Motion made and seconded to restrict parking in the Front Street turn around lot for the purpose of construction vehicle and equipment parking and for storing materials during the duration of the Fort Beach Seawall project beginning Monday, December 10, 2018. All in favor.

2019 ANNUAL TOWN MEETING. Warrant. Motion made and seconded that the Annual Town meeting be held on Monday, May 6, 2019 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 6, 2019 Annual Town Meeting. All in favor. Motion made and seconded to close the Warrant for Town Government Boards and Commissions on Friday, January 25, 2019 at 12:00 noon. All in

favor. Motion made and seconded to close the Warrant for the General Public on Friday, February 1, 2019 at 12:00 noon. All in favor.

LICENSING. 1 Day Liquor License. North Shore Bartending Service.

Marblehead Little Theatre. Motion made and seconded to approve the request from George McCabe, North Shore Bartending Services, Inc., for a 1 Day Liquor License on Saturday, November 17, 2018 from 7:00 p.m. – 11:00 p.m. at Marblehead Little Theatre, 12 School Street, subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.

Alcohol shall be purchased from Bent Water Beer and Rumson's Rum. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

LICENSING. 1 Day Liquor License. Marblehead Yacht Club. Motion made and seconded to approve the request from Holly Willsey-Walker, 114 Atlantic Avenue, for a 1 Day Liquor License on Friday, December 7, 2018 from 6:00 p.m. – 11:00 p.m. at Marblehead Yacht Club subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.

On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

LICENSING. 1 Day Liquor License. First Church of Christ. Motion made and seconded to approve the request from Rev. Dr. Dennis B. Calhoun, First Church of Christ, Old North Church, 8 Stacey Street, for a 1 Day Liquor License on Saturday, December 2, 2018 from 9:30 p.m. – 11:00 p.m. at the Parish Hall, 35 Washington Street, subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.

On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

LICENSING. 1 Day Liquor License. First Church of Christ. Motion made and seconded to approve the request from Rev. Dr. Dennis B. Calhoun, First Church of Christ, Old North Church, 8 Stacey Street, for a 1 Day Liquor License on Saturday, January 26, 2019 from 7:00 p.m. – 11:00 p.m. at the Parish Hal, 35 Washington Street, subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.

On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

WINTER PARKING BAN. The winter parking ban will commence at 12:01 a.m., Monday, November 26, 2018, and continue until April 15, 2019. 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 November 26, 2018 all cars will be required to be off the public way and the winter parking ban would be in effect immediately. This information is posted on the Town's website, www.marblehead.org, at the entrances to Town, on MHTV and in all local newspapers. No Warning Tickets will be given. Do not park your car on the street overnight on Sunday, November 25, 2018.

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

Thanksgiving.

Monday, November 19, 2018	8:00 am – 5:00 p.m.
Tuesday, November 20, 2018	8:00 am – 5:00 p.m.
Wednesday, November 21, 2018	8:00 am – 2:30 p.m.
Thursday, November 22, 2018	CLOSED ALL DAY
Friday, November 23, 2018	CLOSED ALL DAY

Christmas and New Years

Monday, December 24, 2018	CLOSED ALL DAY – Christmas Eve
Tuesday, December 25, 2018	CLOSED ALL DAY – Christmas Day
Wednesday, December 26, 2018	Regular Hours 8:00 a.m. - 6:00 p.m.
Thursday, December 27, 2018	Regular Hours 8:00 am - 5:00 p.m.
Friday, December 28, 2018	Regular Hours 8:00 a.m. - 12:30 p.m.
Monday, December 31, 2018	CLOSED ALL DAY - New Year's Eve
Tuesday, January 1, 2019	CLOSED ALL DAY – New Year's Day
Wednesday, January 2, 2018	Regular Hours 8:00 a.m. – 6:00 p.m.
Thursday, January 3, 2019	Regular Hours 8:00 a.m. – 5:00 p.m.
Friday, January 4, 2019	Regular Hours 8:00 a.m. – 12:30 p.m.

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

Kyle A. Wiley, Administrative Aide