

BOARD OF SELECTMEN

MINUTES

February 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

Jeff Chelgren, Town Administrator

EXECUTIVE SESSION. Motion made and seconded to adjourn to Executive Session under M.G.L. c. 30A, Sec. 21 for the purpose of discussing threatened litigation where the public discussion on the same may have a detrimental effect on the negotiating position of the public body, votes may be taken, and if they are votes will be released at a time deemed appropriate by counsel. The board will reconvene in open session. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Murray, in favor; Mrs. Belf-Becker, in favor.

The Board reconvened in Open Session.

MINUTES. Motion made and seconded to approve the minutes from January 23, 2013. All in favor.

PUBLIC HEARING. All Alcoholic Beverage License. ZYX, LLC. Kathleen R. Cruickshank, Murphy & King, appeared before the Board representing Harold B. Murphy, Chapter 7 Trustee for ZYX, LLC d/b/a Sweeney's Retreat, 18 Atlantic Avenue. Lisa L. Mead, Assistant Town Counsel was present. Attorney Cruickshank advised the Board the Chapter 7 Trustee was seeking to renew the All Alcoholic Beverage License, held by ZYX, LLC, as a new license. Atty. Cruickshank advised that the Trustee was of the position that he had an extension to the requirements of the statute governing renewal but she acknowledge that the Town and the ABCC had a different interpretation of the bankruptcy code and its applicability in this instance. If approved the Trustee would then sell the License at public auction. The buyer of the License would then seek approval from the Board of Selectmen and the Alcoholic Beverage Control Commission (ABCC) for transfer of the License. Attorney Cruickshank noted that she did not have the required documents for a New License. Sean Khan, attorney for Casa Corona, 33 Smith Street, spoke in favor of the applicant. No one spoke in opposition. The Board reviewed the application, noting it was clearly incomplete as regards the requirements of a new license. While the applicant presented the fee, newspaper notice, and abutter notification,

it did not provide the following; Articles of Organization, floor plan, lease or proof of legal right to occupy premises, managers form, information on all individuals with beneficial interests, if any, in the licenses, supporting financial records, CORI release, records regarding source of money for the application, three months of bank statements, vote of corporation. Motion made and seconded to deny the application for the on premise renewal dated December 27, 2012 for 18 Atlantic Avenue, which did not include the required material for a new application under G.L. c. 138 §15A and 204 CMR 2. and no information was presented on how it could comply. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Murray, in favor; Mrs. Belf-Becker, in favor.

ABBOT HALL. Clock Tower Restoration. Presentation. Wendall Kaslow, McGinley Kaslow & Associates and John Watney, Structures North, appeared before the Board to present their Inspection and Assessment Report on the Abbot Hall Clock Tower. Motion made and seconded that the Board of Selectmen support Article 31 Abbot Hall Clock Tower and to place it on the Warrant for Annual Town Meeting 2013. All in favor.

ZONING ARTICLE. Citizens Petition. Annual Meeting 2013. Rebecca L. Curran, Town Planner, appeared before the Board to notify them that the town has received a citizen zoning article and that in accordance with Chapter 40A §5 the Board is required to submit the article within 14 days of receipt to the Planning Board for review. Motion made and seconded to submit the article proposing a zoning bylaw amendment submitted by Farida Peters-Abbadi and 10 registered citizens entitled “Amend Zoning Bylaw, Playstructure” to the Marblehead Planning Board for review. All in favor.

LICENSING. Common Victualler. Commella’s. J. P. Comella, 288 Washington Street, Wellesley, appeared before the Board seeking a Common Vicutaller License. Motion made and seconded to approve the application for a Common Victualler License for 50 Comella’s LLC d/b/a Comella’s, 50 Atlantic Avenue, applicant J. P. Comella, 288 Washington Street, Wellesley, seating capacity = 12, subject to receipt of all applicable inspection sign offs and all fees paid. Hours of operation Monday through Saturday 11:00 a.m. – 10:00 p.m. All in favor.

GIFT TO TOWN. School Van. Motion made and seconded to accept as a gift to the Town the donation of a van for use by the School Department for educational purposes. All in favor.

ABBOT HALL. Permission to Use. Motion made and seconded to approve the request from Cindy Burton, 21 Broughton Road, to use Abbot Hall auditorium on Saturday, June 8, 2013 for a wedding ceremony at 4:00 p.m. subject to the usual rules, regulations, fees and required Certificate of Insurance. All in favor.

CONSERVATION. Revolving Funds. Motion made and seconded to approve the request from William C. Lanphear, Engineering and Conservation Administrator, to reauthorize the Conservation Fines Revolving Fund in the amount of \$10,000 for fiscal

year 2014 and the Storm Water Bylaw Revolving Fund in the amount of \$10,000 for fiscal year 2014. All in favor.

HOLOCAUST REMEMBRANCE DAY. Proclamation. Motion made and seconded to proclaim Monday, April 8, 2013 “Holocaust Remembrance Day” and to authorize the Chair sign the proclamation on behalf of the Board.. All in favor.

ABBOT HALL. Permission to Use. Motion made and seconded to approve the request from Pam Peterson, Marblehead Museum & Historical Society, to use Abbot Hall Auditorium on Tuesday, April 16, 2013 from 6:00 p.m. – 9:30 p.m. for their annual meeting and public lecture subject to the usual rules, regulations, fees and certificate of insurance. The rental fee shall be waived for this event. Historian Christopher Daley will present “Lincoln’s Assassination”. This event is free and open to the public. All in favor.

ABBOT HALL. Permission to Use. Motion made and seconded to approve the request from the Marblehead All Sport Foundation to use Abbot Hall on Saturday, April 27, 2013 from 2:00 p.m. – 11:30 p.m. for a fundraising event subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor.

LICENSING. One Day Liquor License. Motion made and seconded to approve the request from the Marblehead All Sports Foundation Inc, for a one day liquor license on Saturday, April 27, 2013 for a fundraiser at Abbot Hall, 188 Washington Street, subject to the following conditions:

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 will be purchased from Middlesex Valley Distributors and delivered to Abbot Hall at approximately 2:00 p.m. April 27, 2013 and removed from the property at the end of the event. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Murray, in favor; Mrs. Belf-Becker, in favor.

SNOW REMOVAL. Motion made and seconded that the Board of Selectmen consistent with Chapter 44, Section 31D approve expenditures for snow and ice removal in excess of the available appropriation from Town Meeting for snow and ice in the amount of \$100,000. All in favor.

FINANCE COMMITTEE. Letter of Interest. A letter of interest was received from Rick Doran as it relates to serving on the Finance Committee. Motion made and seconded to accept letters of interest for the Finance Committee, deadline to submit letters is Friday, March 22, 2013 at 12:00 noon. Interviews to be held on Wednesday, March 27, 2013 at 7:30 p.m. in the Selectmen’s Meeting Room. All in favor.

RESIGNATION. Shellfish Constable. A letter of resignation was received from Debbie Fadden. Motion made and seconded to accept with regret and to send a letter of appreciation. All in favor.

RESIGNATION. Fair Housing Committee. A letter of resignation was received from Bonnie Howard. Motion made and seconded to accept with regret and to send a letter of appreciation. All in favor.

SHELLFISH CONSTABLE. Letter of Interest. A letter of interest was received from Rich Cuzner as it relates to becoming a Shellfish Constable. Motion made and seconded to appoint Rich Cuzner Shellfish Constable with a term to expire in May 2013. All in favor.

CHANGE OF NAME. Citizens Scholarship Committee. A letter was received from the “Citizens Scholarship Committee” notifying the Selectmen that at a recent meeting it was voted to change their name to “Marblehead Dollars for Scholars”.

CONDOLENCE. Motion made and seconded to send a letter of sympathy to the family of Harold G. Pierce. All in favor.

CONGRATULATIONS. MASSACHUSETTS MUNICIPAL ASSOCIATION (MMA). Essay Contest. Motion made and seconded to send a letter of congratulations to Kate Hertz, a sixth grade student, on her award winning entry in the annual Massachusetts Municipal Association (MMA) statewide essay contest. All in favor.

Motion made and seconded to adjourn at 9:10 p.m. All in favor.

Kyle A. Wiley
Administrative Aide