

## **BOARD OF SELECTMEN**

### **MINUTES**

**August 14, 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  
James E. Nye

Jeff Chelgren, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes of August 2, 2013. 3 voted in favor. Mr. Christensen and Mr. Nye voted present.

**SCHOOL COMMITTEE. Vacancy.** Kathy Leonardson, Chairman, School Committee, appeared before the Board to discuss the process for filling the vacancy effective August 15, 2013 on the School Committee. The process for filling a vacancy on elected boards is defined by law and policy; the Board of Selectmen and the School Committee jointly meet to interview applicants and appoint a person to fill the seat. Interested candidates should submit a letter of interest, resume and answer the question "what you would bring to the school committee". Applicants should submit their material to BOTH the Selectmen and School Committee as follows:

Board of Selectmen  
Attn: Jackie Belf-Becker  
Abbot Hall  
188 Washington Street  
Marblehead, MA 01945

School Administration Office  
c/o Carmen Darisse  
Attn: Mr. Leonardson  
9 Widger Road  
Marblehead, MA 01945

Deadline for submission is Thursday, September 12, 2013 at 5:00 p.m. Late applications will not be accepted. Any applicant wishing to resubmit an application from the previous interviews conducted on July 24, 2013 should state that in a cover letter to both Boards and their previous application on file will be accepted. A joint meeting of the Board of

Selectmen and the School Committee will be held on Wednesday, September 18, 2013 at 8:00 p.m. at Abbot Hall, 188 Washington Street for interviews and appointment.

**PUBLIC HEARING. Taking for Temporary Construction Easements.** Lisa L. Mead, Assistant Town Counsel, appeared before the Board as it relates to the taking for temporary construction easements. The Chair opened the public hearing for the taking for temporary construction easements all as authorized by Article 36 of the 2013 Annual Town Meeting for the following properties:

**12 Blueberry Road;** Said notice having been provided on July 8, 2013 and July 9, 2013 to the following interested parties:

Owner	Mortgagee(s)
Christopher Caldwell 12 Blueberry Road Marblehead, MA 01945-2516	OneWest Bank

**32 Tioga Way-Unit 2;** Said notice having been provided on July 8, 2013 and July 9, 2013 to the following interested parties:

Owner	Mortgagee(s)
Open Two Realty Trust Antonio Musso – Trustee 6 West Cottage Street Marblehead, MA 01945	Bob & Fred’s Realty Trust

**80 Hoods Lane:** Said notice having been provided on July 8, 2013 and July 9, 2013 to the following interested parties:

Owner	Mortgagee(s)
Lime Street Realty Limited Partnership P.O. Box 387 8 Doak’s Lane Marblehead, MA 01945	Beacon Federal Brookline Bank

**24 Blueberry Road:** Said notice having been provided on July 8, 2013 and July 9, 2013 to the following interested parties:

Owner	Mortgagee(s)
David and Susan Zoia 24 Blueberry Road Marblehead, MA 01945	Ocean Bank

**26 Blueberry Road:** Said notice having been provided on July 8, 2013 and July 9, 2013 to the following interested parties:

Owner	Mortgagee(s)
John and Linda Quealy 26 Blueberry Road Marblehead, MA 01945	National Grand Bank

**204 Beacon Street:** Said notice having been provided on July 8, 2013 and July 9, 2013 to the following interested parties:

Owner	Mortgagee(s)
Beacon Terrace Realty Trust Thomas Blackler – Trustee 37 Puritan Road Marblehead, MA 01945	Marblehead Savings Bank

**8 Woodfin Terrace:** Said notice having been provided on July 8, 2013 and July 9, 2013 to the following interested parties:

Owner	Mortgagee(s)
P.F. Gallo and Sons, Inc. 51 Shelton Road Swampscott, MA 01907	National Grand Bank

**165 Green Street:** Said notice having been provided on July 8, 2013 and July 9, 2013 to the following interested parties:

Owner(s)	Mortgagee(s)
Stephen and Pamela Chaisson 165 Green Street Marblehead, MA 01945	Mary Lou LeBraun MERS, Inc.

No one spoke in favor or opposed to the takings. The Chair closed the public hearing.

**A. 12 Blueberry Road:** Motion made and seconded that the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting, for a property located at Assessors Map 173-003, within the Town of Marblehead. The Temporary Easement is for the term of two (2) years and is shown as “12 Blueberry Road Temporary Easement Area” on a plan entitled “Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 12 Blueberry Road and 46C Peach Highlands,” prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the aforesaid 12 Blueberry Road Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 12 Blueberry Road Temporary Easement Area (the “Landfill” and the “Project”), pursuant to an

Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the "Order"), including but not limited to, the installation of erosion controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in connection with the Project, as determined in its sole and unfettered discretion.

Should the Town's use of 12 Blueberry Road Temporary Easement Area for the aforesaid purposes result in damage thereto, the Town's sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 12 Blueberry Road Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of five hundred and 00/100 dollars (\$500.00) in accordance with the appraisal report dated April 1, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. 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.

**B. 32 Tioga Way – Unit 2** Motion made and seconded that the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting, for a property located at Assessors Map 153-03C-2, within the Town of Marblehead. The Temporary Easement is for the term of two (2) years and is shown as "32 Tioga Way Temporary Easement Area" on a plan entitled "Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 32 Tioga Way," prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the aforesaid 32 Tioga Way Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 32 Tioga Way Temporary Easement Area (the "Landfill" and the "Project"), pursuant to an Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the "Order"), including but not limited to, the installation of erosion controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in connection with the Project, as determined in its sole and unfettered discretion.

Should the Town's use of 32 Tioga Way Temporary Easement Area for the aforesaid

purposes result in damage thereto, the Town's sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 32 Tioga Way Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of five hundred and 00/100 dollars (\$500.00) in accordance with the appraisal report dated April 1, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. 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.

**C. 80 Hoods Lane** Motion made and seconded that the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting, for a property located at Assessors Map 152-010, within the Town of Marblehead. The Temporary Easement is for a term of two (2) years and is shown as "80 Hoods Lane Temporary Easement Area" on a plan entitled "Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 80 Hoods Lane," prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the aforesaid 80 Hoods Lane Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 80 Hoods Lane Temporary Easement Area (the "Landfill" and the "Project"), pursuant to an Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the "Order"), including but not limited to, the installation of erosion controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in connection with the Project, as determined in its sole and unfettered discretion.

Should the Town's use of 80 Hoods Lane Temporary Easement Area for the aforesaid purposes result in damage thereto, the Town's sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 80 Hoods Lane Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of one thousand and 00/100 dollars (\$1,000.00) in accordance with the appraisal report dated

April 1, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. 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.

**D. 24 Blueberry Road** Motion made and seconded that the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting, for a property located at Assessors Map 173-006, within the Town of Marblehead. The Temporary Easement is for a term of two (2) years and is shown as “24 Blueberry Road Temporary Easement Area” on a plan entitled “Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 24 and 26 Blueberry Road,” prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the aforesaid 24 Blueberry Road Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 24 Blueberry Road Temporary Easement Area (the “Landfill” and the “Project”), pursuant to an Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the “Order”), including but not limited to, the installation of erosion controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in connection with the Project, as determined in its sole and unfettered discretion.

Should the Town’s use of 24 Blueberry Road Temporary Easement Area for the aforesaid purposes result in damage thereto, the Town’s sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 24 Blueberry Road Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of five hundred and 00/100 dollars (\$500.00) in accordance with the appraisal report dated April 1, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. 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.

**E 26 Blueberry Road** Motion made and seconded that the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting, for a property located at Assessors Map 173-007, within the Town of Marblehead. The Temporary Easement is for a term of two (2) years and is shown as “26 Blueberry Road Temporary Easement Area” on a plan entitled “Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 24 and 26 Blueberry Road,” prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the aforesaid 26 Blueberry Road Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 26 Blueberry Road Temporary Easement Area (the “Landfill” and the “Project”), pursuant to an Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the “Order”), including but not limited to, the installation of erosion controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in connection with the Project, as determined in its sole and unfettered discretion.

Should the Town’s use of 26 Blueberry Road Temporary Easement Area for the aforesaid purposes result in damage thereto, the Town’s sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 26 Blueberry Road Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of five hundred and 00/100 dollars (\$500.00) in accordance with the appraisal report dated April 1, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. 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.

**F. 204 Beacon Street,** Motion made and seconded that the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting, for a property located at Assessors Map 160-001, within the Town of Marblehead. The Temporary Easement is for a term of two (2) years and is shown as “204 Beacon Street Temporary Easement Area” on a plan entitled “Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 204 Beacon Street,” prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the

aforesaid 204 Beacon Street Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 204 Beacon Street Temporary Easement Area (the “Landfill” and the “Project”), pursuant to an Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the “Order”), including but not limited to, the installation of erosion controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in connection with the Project, as determined in its sole and unfettered discretion.

Should the Town’s use of 204 Beacon Street Temporary Easement Area for the aforesaid purposes result in damage thereto, the Town’s sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 204 Beacon Street Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of seven hundred fifty and 00/100 dollars (\$750.00) in accordance with the appraisal report dated April 1, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. 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.

**F. 8 Woodfin Terrace**, Motion made and seconded that the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting, for a property located at Assessors Map 160-009, within the Town of Marblehead. The Temporary Easement is for a term of two (2) years and is shown as “8 Woodfin Terrace Temporary Easement Area” on a plan entitled “Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 8 Woodfin Terrace,” prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the aforesaid 8 Woodfin Terrace Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 8 Woodfin Terrace Temporary Easement Area (the “Landfill” and the “Project”), pursuant to an Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the “Order”), including but not limited to, the installation of erosion controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in



connection with the Project, as determined in its sole and unfettered discretion.

Should the Town's use of 8 Woodfin Terrace Temporary Easement Area for the aforesaid purposes result in damage thereto, the Town's sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 8 Woodfin Terrace Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of two thousand and 00/100 dollars (\$2,000.00) in accordance with the appraisal report dated April 1, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, abstain; Mrs. Belf-Becker, in favor.

**E 26 Blueberry Road** Motion made and seconded to reconsider the vote taken for 26 Blueberry Road. All in favor. Motion made and seconded to approve the Order of Taking for Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting for a property located at Assessors Map 173-007, within the Town of Marblehead. The Temporary Easement is for a term of two (2) years and is shown as "26 Blueberry Road Temporary Easement Area" on a plan entitled "Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 24 and 26 Blueberry Road," prepared by Kleinfelder.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, abstain; Mrs. Belf-Becker, in favor.

**G. 165 Green Street:** Motion made and seconded that the Board of Selectmen adopt the Order of Taking for a Temporary Construction Easement, as approved by Article 36 at the 2013 Town Meeting, for a property located at Assessors Map 160-17, within the Town of Marblehead. The Temporary Easement is for a term of two (2) years and is shown as "165 Green Street Temporary Easement Area" on a plan entitled "Town of Marblehead Landfill Closure and Transfer Station Project, Proposed Temporary Taking and Construction Easement, 165 Green Street," prepared by Kleinfelder.

The purpose of the Order of Taking is to acquire a temporary easement interest in the aforesaid 165 Green Street Temporary Easement Area so as to facilitate the closure and remediation of an uncapped, inactive landfill located adjacent to 165 Green Street Temporary Easement Area (the "Landfill" and the "Project"), pursuant to an Administrative Consent Order of the Department of Environmental Protection, File No. ACO-NE-04-4002 (the "Order"), including but not limited to, the installation of erosion

controls; grubbing, clearing, and stumping of trees, but only if, where and to the extent necessary, if at all; earthwork, including excavation, soil removal, grading, reseeding, and stabilization of disturbed areas, where required; and any and all other activities incidental thereto, mandated by the Order or deemed necessary and prudent by the Town in connection with the Project, as determined in its sole and unfettered discretion.

Should the Town's use of 165 Green Street Temporary Easement Area for the aforesaid purposes result in damage thereto, the Town's sole responsibility is to restore the same as nearly as practical to its condition immediately prior to said damage; provided, however, that in the event improvements are made to 165 Green Street Temporary Easement Area, whether consistent or inconsistent with the foregoing, the Town shall not be required to replace the same with other than grass, reasonable and normal landscaping or asphalt, as the case may be.

And further that the Board of Selectmen moves to award damages in the amount of five hundred and 00/100 dollars (\$500.00) in accordance with the appraisal report dated February 1, 2013, and prepared by A.M. Appraisal Associates, Inc., 131 Main Street, Malden, MA 02148.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. 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.

**151 Green Street. Execution of Notice of Intent to Take Property in Connection with Landfill Closure and Remediation.** Motion made and seconded that the Board of Selectmen shall send out the Notice of Intent to take by eminent domain, as authorized by Article 37 of the May 2013 Annual Town Meeting, in connection with the landfill cleanup and hazardous material remediation for the following property or portion thereof:

Property: 151 Green Street  
Owner: Green Street Realty Trust  
Susan Muldoon, Trustee  
2 Walnut Street  
Marblehead, MA 01945  
Term: Two years  
Easement: 52,830 sq.ft. +/-

Further, that the Chair of the Board, on behalf of the Board, be authorized to execute the Notice of Intent to Take. The Notice of Intent to Take will notify affected landowner of the Board's hearing to be scheduled for Wednesday, September 18, 2013, at 7:30 P.M. at which it will vote on the eminent domain taking and issue an Order of Taking for the approved property.

Moved by Mrs. Jacobi, seconded by Mr. Christensen. 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.

**55 STONY BROOK ROAD. Conveyance of an Easement Interest in Lot A adjacent to 55 Stony Brook Road.** Motion made and seconded that the Board vote to approve a Grant of Easement to Charles V. Easterbrooks, Jr., and Rebecca W. Jones across, over, along and upon land known as Lot A located adjacent to 55 Stony Brook Road and acquired by the Town in connection with its closure and remediation of the Town landfill situated nearby, such Grant being required by a Settlement Agreement between the Town and the Grantees dated on or about August 20, 2011, and which Grant shall be in the same form as that now presented to the Board and already signed by said Grantees and to Direct the Chair to execute same. All in favor.

**CONTRACT. Natural Gas.** John McGinn, Finance Director, appeared before the Board to request permission to extent the contract the Town has for natural gas for two years. PowerOptions is a non-profit energy consortium that deals with non-profit groups and municipalities. They currently use Hess Corporation as their Natural Gas supplier. Motion made and seconded to execute a two year contract between the Town of Marblehead and Hess Corporation, through the PowerOptions Natural Gas program for the purchase of natural gas and authorize the Chair to sign on behalf of the Board. All in favor.

**OPEB (Other Post Employment Benefits). Agreement.** John McGinn, Finance Director, appeared before the Board to present the OPEB Trust Fund agreement. After discussion motion made and seconded to approve the OPEB Trust Fund agreement as presented. 4 voted in favor. Mr. Murray voted present.

**CHAMBER OF COMMERCE. Appreciation. Sidewalk Sales.** Deb Payson, Executive Director, Cindy Latham, President, Executive Board, and Dee Vigneron, Director, appeared before the Board to express their sincere thanks to the Board and the Town for all their support with the Maritime Festival. The weekend long event was a great success. Ms. Payson noted that the Chamber and the Town Administrator have been meeting on a regular basis in an effort to be informed and updated on the drainage project. The Chamber expressed thanks to all Departments in Town.

**Sidewalk Sales.** Motion made and seconded to approve the request from Deb Payson, Executive Director, Chamber of Commerce, to conduct Town-wide Sidewalk sales on Saturday, September 28, 2013 subject to receipt of the required Certificate of Insurance. All in favor.

**COMMUNITY PRESERVATION ACT.** Marybelle (Mimi) Hollister-Gardner, 7 Glover Square and Kurt James, 56 Norman Street, appeared before the Board as it relates to their plans to submit a Community Preservation Act (CPA) proposal to the Town Warrant for 2014 Town Meeting. Ms. Hollister-Gardner and Mr. James gave a report to the Selectmen and stated their plans to reach out to the community to garner more support and interest.

**LICENSING. Common Victualler Hours. Warwick Entertainment, LLC.** David Zion, principal, and Paul M. Lynch, Attorney for applicant, appeared before the Board as it relates to extending the Common Victualler hours for Warwick Entertainment, LLC d/b/a Palmers at the Warwick. Motion made and seconded to approve the request from

Warwick Entertainment, LLC, to revise the previously approved hours for a Common Victualler License for Warwick Entertainment LLC, d/b/a Palmers at the Warwick, 123, Pleasant Street, from 11:00 a.m. – 12:00 midnight to 6:00 a.m. – 12:00 midnight to accommodate the cafe. All in favor.

**PLANNING BOARD. Joint Meeting. Interviews. Appointment.** Kurt James, Ed Nilsson and Jim Bishop, Planning Board Members, met in joint session with the Selectmen to interview candidates for the Alternate position on the Planning Board. Applicants Philip O. Mann, 23 Cedar Street, and Robert J. Schaeffner, 20 Casino Road appeared before the Boards. Motion made and seconded to submit both names for consideration. All in favor. On a polled vote the Boards voted as follows:

Mr. James	Mr. Schaeffner
Mr. Nilson	Mr. Schaeffner
Mr. Bishop	Mr. Schaeffner
Mr. Murray	Mr. Mann
Mr. Christensen	Mr. Schaeffner
Mrs. Jacobi	Mr. Schaeffner
Mr. Nye	Mr. Schaeffner
Mrs. Belf-Becker	Mr. Schaeffner

Robert Schaeffner appointed to the Planning Board, Alternate Member, with a term to expire August 14, 2016.

**LICENSING. Joey Dee's Restaurant. Wine/Malt Beverage License.** Joseph Costanzo, 115B Green Street, appeared before the Board as it relates to the Wine & Malt Liquor License held by Joey Dee's Restaurant Group LLC, d/b/a Joey Dees' Italian Grill, 114 Pleasant Street. Mr. Costanzo notified the Board that the business has recently closed and he is currently pursuing a buyer for the restaurant. After discussion motion made and seconded to have Mr. Costanzo report back to the Board on September 11, 2013 and show just cause why the liquor license should be not be returned to the Town. All in favor.

**PERMISSION. Muscular Dystrophy Association. Annual Halloween Witch Ride.** Vanessa Malfitano, Executive Director MDA Boston North Chapter, and Doug Knowles, President Firefighters Union, Pitman Road, appeared before the Board seeking permission for the annual MDA ride to come through Marblehead. After discussion motion made and seconded to approve the request to hold the 25<sup>th</sup> annual Halloween Witch Ride on Sunday, October 13, 2013 with a rain date of Sunday, October 20, 2013. The ride will depart from Everett at 1:00 p.m., travel a coastal route through Revere, Lynn, Swampscott, into Marblehead and finish at Shetland Park in Salem. Riders should enter Marblehead at approximately 1:30 – 1:45 p.m. All in favor.

**CONTRACT. Thermoplastic Pavement Markings.** Motion made and seconded to award a three year contract for the town wide Thermoplastic pavement markings for the base bid and add alternate 1 to Hi Way Safety Systems Inc. of Rockland, MA in the

amount of fifty thousand and fifty dollars (\$50,050.00) and authorize the chair to sign on behalf of the Board. All in favor.

**CONTRACT. Aerial Lift Truck. Reject all.** Motion made and seconded to reject all bids received in response to the town's invitation to bid for an aerial lift truck. All in favor.

**OLD TOWN HOUSE. Contract. Concrete Floor.** Motion made and seconded to award a contract between the Town of Marblehead and McLaughlin Masonry of Salem, MA for the removal of a wood and concrete floor and replacement with a new poured concrete floor in the legion room of the Old Town House in the amount of five thousand eight hundred and forty five dollars (\$5,845.00) and authorize the chair to sign the contract on behalf of the Board. All in favor

**OLD TOWN HOUSE. Contract. Amend.** Motion made and seconded to amend the contract between the Town of Marblehead and Mills and Whitaker Architects Inc. for the Old Town House Accessibility Project by increasing the contract amount by an amount not to exceed seventeen thousand five hundred dollars (\$17,500.00) and authorize the chairman to sign the change order on behalf of the Board. All in favor.

**PICKETT HOUSE. Contract.** Motion made and seconded to award the contract for the Pickett House interior renovation to MHD Mark Driscoll of Marblehead for the base bid and alternate 1 in the amount of one hundred and fifty one thousand three hundred and seventy two dollars and no cents (\$151,372.00) to be taken from the Moses A. Pickett Charity Trust Fund and authorize the Chair to sign on behalf of the Board. All in favor.

**PERMISSION. Staging on Public Way. Washington Square.** Motion made and seconded to approve the request from Michael Kehn to set up staging at 28 Washington Square from August 14 – 22, 2013, weather permitting, subject to receipt of the required Certificate of Insurance. All in favor.

**PERMISSION. Use of Devereux Beach.** Motion made and seconded to approve the request from Marblehead Little Theatre to sponsor the Repertory Experience Players in a live performance on Saturday, August 17, 2013 at 2:00 p.m. directly adjacent to Lime Rickey's on Devereux Beach subject to receipt of the required Certificate of Insurance. 4 voted in favor. Mr. Christensen opposed.

**PERMISSION. Boom Lift. Market Square.** Motion made and seconded to approve the request from T. Cooney Co. to place a boom lift at the Old Town House from Friday, August 16 to Thursday, August 22, 2013 in order to safely access the installation of a roof curb for the elevator vent system subject to receipt of the required Certificate of Insurance. The lift will be safety coned overnight for visibility. All in favor.

**FINANCE COMMITTEE. Resignation.** A letter was received from Eric Cole as it relates to his resignation from the Finance Committee. Motion made and seconded to

accept with regret and to send a letter of appreciation. All in favor. There are currently 3 openings on the Finance Committee.

**ABBOT HALL RESTORATION PROJECT. Oversight Committee.** Jeff Chelgren, Town Administrator, addressed the Board as it relates to the Abbot Hall Restoration Project. The anticipated timeline is to have the full design completed in early October, documents prepared, go out to Bid in December 2013 – January 2014, work to take place February 2014 – Thanksgiving 2014. Mr. Chelgren asked that the Board establish an oversight committee for the Abbot Hall Restoration Project. Motion made and seconded to appoint the following members to the Abbot Hall Restoration Project: Davie Riordan, Contractor, Wayne Attridge, former Public Health Director, Bob Zarelli, Architect, Wayne Sheridan, Electrical Engineer, Chris Johnston, Historical Commission, Bob Ives, Building Commissioner and Jeff Chelgren, Town Administrator. All in favor.

**OLD TOWN HOUSE. Rules and Regulations.** Motion made and seconded to approve the Old Town House Rules and Regulations as proposed. All in favor.

**MARBLEHEAD HISTORICAL COMMISSION. Captain Bailey Portrait.** Motion made and seconded to place the recently acquired portrait of Captain Bailey over the Schooner plaque in the Selectmen's room instead of the previously approved location. All in favor.

**FAMILY MEDICAL LEAVE ACT. Request.** Motion made and seconded to authorize the Town Administrator, in consultation with the Town's Labor Counsel, to review and execute a recently submitted Family Medical Leave Act (FMLA) application on behalf of the Board. All in favor.

**INTERN. Appreciation.** Motion made and seconded to send a letter of thanks to Jennifer Billings, summer intern in the Selectmen's office. All in favor.

**APPRECIATION. Maddy's Anglers.** Motion made and seconded to send a letter of appreciation to Matt Dolan, Maddie's Anglers Club, for all his support and effort in once again bringing the Wounded Warriors Project (WWP) to Marblehead August 2 & 3, 2013. All in favor.

Motion made and seconded to adjourn at 9:45 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide