

BOARD OF SELECTMEN

MINUTES

April 25, 2012

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

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from April 11, 2012.
All in favor.

CHAMBER OF COMMERCE. Permission. America's Privateer Lynx. Motion made and seconded to approve the request from the Chamber of Commerce to host the LYNX Educational Foundation Sailing Event on August 8 – 13, 2012 subject to the usual rules and regulations, receipt of the required Certificate of Insurance, approval from the Harbormaster and at no cost to the Town. All in favor.

EXECUTIVE SESSION MINUTES. Motion made and seconded on advice from Assistant Town Council, after her review of our executive session minutes, the Board shall make public the following Board of Selectmen Executive Session minutes: March 21, 2012 and April 11, 2012. All in favor.

PERMISSION. Scaffolding, No Parking Tow Zone. Lee Street. Motion made and seconded to approve the request from David Anderson to place pipe scaffolding at 21 Lee Street from May 1 – June 15, 2012 subject to receipt of the proper insurance, scaffolding illuminated at night, all safety requirements met and proper signage. **NO PARKING. TOW ZONE.** Motion made and seconded to have NO PARKING (Tow Zone) any time of day between May 1 – June 15, 2012 on the east side of Lee Street at building numbered 20, 22 and 22 ½ (Assessors Map 132 parcel 75) and described as follows: Beginning at a point on the east side of Lee Street, at the south end of existing concrete curb at the driveway to 22 ½ Lee Street. The temporary NO PARKING – TOW ZONE area thence runs northeasterly 90' along the east side of Lee Street to a point at utility pole number 110/3/10, as shown on a plan on file in the office of the Town Engineering Department. All in favor.

PUBLIC HEARING. All Alcoholic Beverage License. Food at 5 LLC. Alter Premises. Barry Edelman, 50 Pleasant Street, appeared before the Board seeking

approval to alter the premises on the All Alcoholic Beverage License for Food at 5 LLC, d/b/a Five Corners Kitchen, 2 School Street. The applicant wishes to extend the premises from 1,200 square feet to 2,300 square feet, seating capacity of 100. No one spoke in favor or against this application. Motion made and seconded to approve the request from Food at Five LLC d/b/a Five Corners Kitchen to alter the premises as presented at 2 School Street, subject to approval from the ABCC and receipt of all required department sign off's. 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.

ALL ALCOHOLIC BEVERAGE CLUB LICENSE. Tedesco Country Club.

Change of Manager. Julie Acqino, 11 Rockland Street, Swampscott, appeared before the Board seeking approval to change the name of the manager on the All Alcoholic Beverage Club License. Motion made and seconded to approve the request to change the manager on the All Alcoholic Beverage Club License at the Tedesco Country Club, 154 Tedesco Street, to Julie Acquino, 11 Rockland Street, Unit B, Swampscott, subject to approval from the ABCC, receipt of all required forms, CORI approval and staff TIPS, or equivalently, trained. 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.

ALL ALCOHOLIC BEVERAGE CLUB LICENSE, SEASONAL. Dolphin Yacht Club.

Change of Manager. Annual and Sunday Entertainment License. Paul Lynch, Spring Street, and Lillian Chalifour, 33 Appelby Road, Salem, appeared before the Board seeking approval to change the name of the manager on the All Alcoholic Beverage Club License, Seasonal. Motion made and seconded to approve the request to change the manager on the All Alcoholic Beverage Club License at the Dolphin Yacht Club, 17 Allerton Place, to Lillian Chalifour, 33 Appelby Road, Salem, subject to approval from the ABCC, receipt of all required forms, CORI approval and staff TIPS, or equivalently, trained. 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. Motion made and seconded to approve the request to change the manager on the Annual Entertainment License and Sunday Entertainment License at the Dolphin Yacht Club, 17 Allerton Place, to Lillian Chalifour, 33 Appelby Road, Salem. All in favor.

WARWICK PLACE. Traffic Impact Report. Paul Lynch, Spring Street, representing Warwick Place Realty Trust, appeared before the Board as it relates to the traffic signal at the intersection of Pleasant and School Street. As required in the special permit approval by the Planning Board and the Board of Appeals a traffic impact assessment of the new development, provided by applicant, as well as a peer review assessment by a traffic consultant, chosen by the Town through an RFP, has been conducted. The traffic impact report verified that both Pleasant Street and School Street are classified as urban roadways and therefore under local jurisdiction and not subject to review by the Massachusetts Department of Transportation. Crash rates for this intersection are above average for unsignalized intersections (operates as a pedestrian signal only). Pedestrians often ignore the pedestrian indication and motorist along Pleasant Street expect a green

light while significant traffic from the side street must compete for limited gaps during high peak hours. It was concluded that the intersection should be improved with a full traffic signal control for both vehicular and pedestrian traffic which will enhance capacity, offset any delays caused by the new development and enhance safety. Motion made and seconded to approve the change to a fully signalized device with pedestrian countdown at the intersection of Pleasant and School Street, at the applicants expense. All in favor.

POLICE. Promotion. Chief Robert Picariello appeared before the Board seeking to promote Officer Michael J. Everett Jr. to Lieutenant. Motion made and seconded approved the request from Chief Picariello to appoint Officer Michael J. Everett Jr. to lieutenant, effective May 6, 2012. All in favor.

ARTICLE 39. Land Acquisition. Lead Mills. Rebecca L. Curran, Town Planner, appeared before the Board as it relates to the progress on Article 39, Land Acquisition Lead Mills. A purchase price of 1.5 million for the 3.46 acre Marblehead portion was negotiated with the land owner. The Essex County Greenbelt Association will enter into an option agreement with the land owner on behalf of the town of Marblehead and the City of Salem. The town will enter into a Memorandum of Understanding with Essex County Greenbelt. The intention is for the two municipalities to apply for a Grant from EOEPA PARC Program which is a program designed to assist municipal acquiring park land for natural resource and passive outdoor recreation purposes. The application will be for \$400,000. The grant deadline is July 12, 2012. It is a reimbursable grant. As a part of the grant process public hearings on specifics of the plan for the land, although overall it will be used for passive outdoor recreation and as open space.

AWNING. Capt's Bakery. 146 Washington Street. J. Lynn Weekley appeared before the Board seeking permission for an awning at 146 Washington Street. Motion made and seconded to approve the request to hang an awning at 146 Washington Street subject to the proper insurance and building permits. All in favor.

MARBLEHEAD COMMUNITY ACCESS AND MEDIA, INC. Disbursement. Motion made and seconded that the Board of Selectmen in their capacity as cable television licensing authority hereby authorize the disbursement of \$100,000 from the Cable Oversight Trust Fund to the Marblehead Community Access and Media, Inc. for cable-related capital improvements. All in favor.

ONE DAY LIQUOR LICENSE. Friends of Marblehead Public Schools. Motion made and seconded to approve the request from the Friends of Marblehead Public Schools for a one day liquor license on Saturday, June 9, 2012 from 5:30 p.m. – 9:00 p.m. for their annual Summer Soiree at 10 Foster 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 provided by MS Walker and will be delivered on Saturday June 9, 2012 and picked up on Monday, June 11, 2012. 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.

PHOTOGRAPHY SHOOTING. Erickson Living Retirement Community. Motion made and seconded to approve the request from Nicole Lloyd, Producer for Scott Lowden Photography, to do a photography shoot in the area of 164 Washington Street on Friday, May 11, 2012 subject to police review and receipt of the required certificate of insurance. All in favor.

CONTRACT. Northshore Marine Inc. Amend. Motion made and seconded to amend the contract dated November 2, 2011 between the Town of Marblehead and Northshore Marine Inc. of Salem, Massachusetts for the Gerry Playground Pier Project by increasing the contract sum by thirty six thousand two hundred and twenty six and 06/100 dollars (\$36,226.06) and authorize the chair to sign a change order on behalf of the Board. All in favor.

CONTRACT. Dental Insurance. Motion made and seconded to award a contract to provide voluntary dental insurance benefits to Marblehead active employees and retirees for a period of three years to Altus Dental Insurance Company Inc of Providence RI and authorize the Chair to sign on behalf of the Board. 4 voted in favor, Mr. Murray voted present.

PROCLAMATION. Motion made and seconded to proclaim May 17, 2012 “Anthony M. Sasso Day” in the Town of Marblehead in honor of his upcoming retirement after 18 years of service as Town Administrator. All in favor.

TOWN CLERK. Absentee Ballots. Absentee ballots are now available for the May 14th Town Election. You can apply for an absentee ballot until 5:00 p.m. on May 11, 2012. Voters may vote by absentee ballot for the following reasons: 1) Absence from you city or town during normal polling hours. 2) Physical disability preventing you from going to the polling place. 3) Religious belief.

SHELLFISH CONSTABLE. Notice, Recreational Harvesting. Notice was received from Wayne O. Attridge, Chief Shellfish Constable, pursuant to the Memorandum of Understanding between the Town of Marblehead and the Commonwealth of Massachusetts Division of Marine Fisheries the winter season for the recreational harvesting of surf clams will end at midnight Monday, April 30, 2012. The areas include N21 and N21.2 (Devereux, Tuckers and Goldthwait Beach).

TAXES. A letter was read from Town Treasurer Patricia Kelly Murray as it relates to 4th Quarter Real Estate Taxes being due on Tuesday, May 1, 2012. These bills may be paid

on line through the Town's web site www.marblehead.org and clicking on On-Line Payments of Property Taxes.

EXECUTIVE SESSION. Motion made and seconded to go into Executive Session under G.L. c. 30A, Sec. 21 for the purpose of discussing strategies as it relates to collective bargaining 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 not reconvene in open session. 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.

Adjourned to Executive Session at 8:20 p.m.

Kyle A. Wiley
Administrative Aide