

BOARD OF SELECTMEN

MINUTES

May 11, 2012

Board met in session at 8:30 a.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 May 7, 2012. All in favor.

PUBLIC HEARING. All Alcoholic Beverage License. Transfer. Brett Yannalfo, 53 Lowell Street, Andover, and Attorney Paul Lynch, Zero Spring Street, appeared before the Board seeking permission to transfer the All Alcoholic Beverage License at 261 Washington Street. No one spoke in favor or opposed to the applicant. Motion made and seconded to approve the application for a Common Victualler License from The Atlas Group, LLC d/b/a Yannalfo's at 261 Washington Street, hours of operation Monday through Sunday 11:00am – 11:00 pm subject to receipt of all applicable inspection sign offs and all fees paid. All in favor. Motion made and seconded to approve the transfer of the All Alcoholic Beverage License from Pellino's Inc. to The Atlas Group, LLC d/b/a Yannalfo's at 261 Washington Street, hours of operation Monday through Sunday 11:00am – 11:00 pm, subject to approval from the ABCC, receipt of all applicable inspection sign offs and all fees paid. 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.

COMMON VICTUALLER LICENSE. Orange Leaf Yogurt. Michael Hennessy, 77 Howard Street, Reading, appeared before the Board seeking a Common Victualler License for Orange FLS Corporation at 12 Atlantic Avenue. Motion made and seconded to approve the application for a Common Victualler License for Orange FLS Corporation d/b/a Orange Leaf Frozen Yogurt at 12 Atlantic Avenue, hours of operation Sunday through Thursday, 11:00 am – 10:00 pm, Friday Saturday 11:00am – 11:00 pm subject to receipt of all applicable inspection sign offs and all fees paid. All in favor.

COLUMBIA PICTURES. FILMING. Mark Fitzgerald, Location Manager, Columbia Pictures, appeared before the Board as it relates to filming parts of Grown Ups 2 in Marblehead. Mr. Fitzgerald presented his plan to the Board, seeking permission to use

the Old Town House. Lynn DeVoe, 52 Rowland Street, addressed the Board as it relates to the Festival of Arts usage of the Old Town House to store art work during the proposed time frame. Motion made and seconded to allow Columbia Pictures to use the Old Town House subject to successful negotiations with Assistant Town Counsel and Charlie Harrington, Columbia Pictures and receipt of the required Certificate of Insurance. Chief Picariello will secure the basement in the Old Town House and there will be no public access during this time. Any work to the building should be coordinated with Robert Ives, Building Commissioner. All in favor.

MARBLEHEAD POLICE DEPARTMENT. Year End Report. Chief Robert Picariello appeared before the Board to present his year end report to the Board. The report gives an executive summary of the year with highlights and statistics.

ASSISTANT TOWN COUNSEL. Rules Governing Ballot Questions. Assistant Town Counsel, Lisa L. Mead, Blatman, Bobrowski and Mead, LLC, appeared before the Board to give an overview and answer questions as it relates to rules governing ballot questions.

ELECTION.

Moved and seconded that prior public notice of the Board of Selectmen's intention to call a Special Town Meeting for the purpose of a Special Election for approval of debt exclusions under Proposition 2 ½ be waived because in the opinion of the Board of Selectmen the public interest would suffer from such delay. All in favor.

Moved and seconded that a Special Town Meeting be called for June 21, 2012, for the purpose of a Special Election to vote on questions relative to debt exclusions under Proposition 2 ½. All in favor.

Moved and seconded: that the Warrant be opened for insertion of questions. All in favor.

MOTION OF THE BOARD OF SELECTMEN BY TWO-THIRDS VOTE TO SEEK VOTER APPROVAL AT A SPECIAL ELECTION TO EXCLUDE FROM THE PROVISIONS OF GENERAL LAWS CHAPTER 59, SECTION 21C, THE FUNDS REQUIRED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS, NOTE OR CERTIFICATIONS OF INDEBTEDNESS.

Moved and seconded: that the Board of Selectmen seek voter approval at a Special Election to be held on June 21, 2012, to exempt from the provisions of General Laws Chapter 59, Section 21C, the funds required for the payment of principal and interest on bonds, notes, or certificates of indebtedness, all as set forth in the following Question 1:

Question 1: Shall the Town of Marblehead be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to fund Article 14 of the 2012 Annual Town Meeting to pay for the bonds issued for the construction and reconstruction of storm sewers for surface drainage purposes related to the Pleasant Street Area drains project and for the acquisition of all real property related easements or other

interests in real property related thereto and including engineering and legal services in connection therewith?

YES _____ NO _____

All in favor.

MOTION OF THE BOARD OF SELECTMEN BY **TWO-THIRDS** VOTE TO SEEK VOTER APPROVAL AT A SPECIAL ELECTION TO EXCLUDE FROM THE PROVISIONS OF GENERAL LAWS CHAPTER 59, SECTION 21C, THE FUNDS REQUIRED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS, NOTE OR CERTIFICATIONS OF INDEBTEDNESS.

Moved and seconded: that the Board of Selectmen seek voter approval at a Special Election to be held on June 21, 2012, to exempt from the provisions of General Laws Chapter 59, Section 21C, the funds required for the payment of principal and interest on bonds, notes, or certificates of indebtedness, all as set forth in the following Question 2:

Question 2: Shall the Town of Marblehead be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to fund Article 32 of the 2012 Annual Town Meeting to pay for the bonds issued for the purchase of a quint fire truck and related equipment for the fire department?

YES _____ NO _____

All in favor.

MOTION OF THE BOARD OF SELECTMEN BY **TWO-THIRDS** VOTE TO SEEK VOTER APPROVAL AT A SPECIAL ELECTION TO EXCLUDE FROM THE PROVISIONS OF GENERAL LAWS CHAPTER 59, SECTION 21C, THE FUNDS REQUIRED FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS, NOTE OR CERTIFICATIONS OF INDEBTEDNESS.

Moved and seconded: that the Board of Selectmen seek voter approval at a Special Election to be held on June 21, 2012, to exempt from the provisions of General Laws Chapter 59, Section 21C, the funds required for the payment of principal and interest on bonds, notes, or certificates of indebtedness, all as set forth in the following Question 3:

Question 3: Shall the Town of Marblehead be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to fund Article 35 of the 2012 Annual Town Meeting to pay for the bonds issued for the purposes of funding the final design, public bidding and construction for improvements to the Old Town House, including, but not limited to, making the building universally accessible?

YES _____ NO _____

All in favor.

MOTION OF THE BOARD OF SELECTMEN BY **TWO-THIRDS** VOTE TO SEEK VOTER APPROVAL AT A SPECIAL ELECTION TO ASSESS TAXES IN EXCESS OF THE AMOUNT ALLOWED PURSUANT TO GENERAL LAWS CHAPTER 59, SECTION 21C, FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS, NOTE OR CERTIFICATIONS OF INDEBTEDNESS.

Moved and seconded: that the Board of Selectmen seek voter approval at a Special Election to be held on June 21, 2012, to assess taxes in excess of the amount allowed pursuant to General Laws Chapter 59, Section 21C for the payment of principal and interest on bonds, notes, or certificates of indebtedness, all as set forth in the following Question 4:

Question 4: Shall the Town of Marblehead be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to fund Article 39 of the 2012 Annual Town Meeting to pay for the bonds issued for the purpose of purchasing for open space purposes by eminent domain, negotiated purchase or otherwise, that certain property known as the "Lead Mills" and which is located on the Town of Marblehead Assessor's Map 55 Lot 1, Map 53 Lot 3 and Map 55 Lot 20 (3.456 acres +/-) and which is located at 485 Lafayette Street?

YES_____ NO_____

All in favor.

Moved and seconded that the warrant for the Special Election to be held on June 21, 2012 is closed. All in favor.

CONTRACT. Motion made and seconded to award the contract for the interior office painting of the Mary A. Alley Building to American Painting of Winthrop in the amount of thirteen thousand four hundred dollars (\$13,400.00) and authorize the Chair to sign the contract on behalf of the Board. All in favor.

ONE DAY LIQUOR LICENSE. Motion to approve the request from Keri McDonald, Glover-Eveleth PTO, Social Committee, for a one day liquor license on Friday, June 8, 2012 from 7:00 p.m. – 10:00 p.m. for a fundraiser at 125 Tedesco 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 Kappy's Importing. 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.

CHAMBER OF COMMERCE. Town Wide Sidewalk Sales. Motion made and seconded to approve the request from Ann Marie Casey, Director, to conduct a Town wide Sidewalk sale to be held on Saturday, June 9, 2012 and Sunday, June 10, 2012 subject to receipt of the required Certificate of Insurance. All in favor.

PERMISSION. Blocking Street. Cub-Mobile. Motion made and seconded to approve the request from Amy Leveroni, 299 Ocean Avenue, to block the lower part of Phillips Street on Saturday, May 19, 2012 from 4:00 p.m.- 6:00 p.m (rain date Sunday, May 20, 2012, 3:00 p.m. – 5:00 p.m.) for a Cub-mobile race. All in favor.

CONSERVATION COMMISSION. Resignation. A letter was received from James Emmanuel as it relates to his resignation from the Conservation Commission. Motion made and seconded to accept his letter with regret and send a letter of appreciation. All in favor.

ARBOR DAY. Notice was received congratulating Marblehead on being named a Tree City USA community for 2011.

The Board acknowledged Mr. Sasso's last day as Town Administrator and thanked him for his many years of support and service to the Town.

Motion made and seconded to adjourn at 9:40 a.m. All in favor.

Kyle A. Wiley
Administrative Aide