

## **BOARD OF SELECTMEN**

### **MINUTES**

**September 12, 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  
James E. Nye

Jeff Chelgren, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes of August 22, 2012. All in favor. Motion made and seconded to approve the minutes of September 7, 2012. All in favor.

**LICENSING. Pledge. The Atlas Group, LLC.** Brett Yannalfo, 53 Lowell Street, Andover, appeared before the Board seeking permission to Pledge the All Alcoholic Beverage License held by The Atlas Group, LLC, d/b/a as Yannalfo's. Motion made and seconded to approve the request from Brett Yannalfo to Pledge the All Alcoholic Beverage License held by The Atlas Group, LLC, d/b/a/ Yannalfo's, 261 Washington Street, to Pellino Inc., 4 Mustang Circle, Danvers. On a polled voted the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. Common Victualler. Terry's Old Ice Cream Shop.** Theresa and Carlos Rocha, 47 Fulton Street, Peabody, appeared before the Board seeking a Common Victualler license for Terry's Old Ice Cream Shop, 22 Atlantic Avenue. Motion made and seconded to approve the application for a Common Victualler License for Terry's Old Ice Cream Shop, 22 Atlantic Avenue, hours of operation Sunday through Saturday, 7:00 am – 11:00 pm subject to receipt of all applicable inspection sign offs and all fees paid. The Town Administrator noted that the Town has received numerous public complaints related to his ice cream truck. He furnished a copy of the Town's Hawkers and Peddlers Bylaws for Mr. Rocha's review and reminded him to adhere to these guidelines. All in favor.

**ABBOT HALL. Permission to Use.** Motion to approve the request from Jennifer Spungin, Marblehead School of Music, to use Abbot Hall on Sunday, December 16, 2012, from 11:00 am - 5:00 pm for their Winter Student Showcase and to serve light refreshments and coffee, subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor.

**MARBLEHEAD HISTORICAL COMMISSION. Tercentenary Marker.** Motion made and seconded to approve the request from Chris Johnston, Chairman, to place the replica tercentenary marker on Town owned land at the intersection of Beach and Ocean Avenue at the traffic island

which contains a boat/planter, with the height of the bottom of the marker as close to the specified five feet as possible, while not obstructing traffic signs located on the two islands. All in favor.

**ABBOT HALL. Permission to Use. Symphony by the Sea.** Motion made and seconded to approve the request from Matthew Sagal to use Abbot Hall on Wednesday, October 10, 2012 from 6:00 p.m. – 10:30 p.m. for a dress rehearsal subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance and that parking is not allowed in the driveway at Abbot Hall. All in favor.

**PERMISSION. Blocking Street.** Motion made and seconded to approve the request from Dan Hawthorne, 13 Mystic Road, to block off the dead end portion of Mystic Road beginning at #13 on Saturday, September 22, 2012, from noon – 10:00 p.m. subject to the appropriate sign off's. All in favor.

**PROCLAMATION. United Nations Day.** Motion made and seconded to issue a proclamation marking the 67<sup>th</sup> anniversary of the United Nations. All in favor.

**BOARD OF HEALTH. Vote. Cleanup, Remediation and Closure of the Town Landfill on Town Owned Property.** Motion made and seconded that the Board vote to authorize the completion of any and all work deemed necessary and/or appropriate for the cleanup, remediation and closure of the Town landfill, under the direction of the Board of Health, on that property identified in the Assessor's records as Lot 161-2, title to which is vested in the Town of Marblehead. Moved by Mrs. Jacobi, seconded by Mr. Christensen. All in favor.

**FORT SEWALL . Permission to Use. Pack 11 Cubscouts.** Motion made and seconded to approve the request from Douglas May, Pack 11 Cubmaster, to use Fort Sewall on Monday, October 29, 2012 from 4:00 pm – 9:00 pm subject to approval from the Recreation and Parks Department and receipt of the required Certificate of Insurance. All in favor.

**CITATIONS. Marblehead Olympians Day.** Motion made and seconded to declare Sunday, September 23, 2012 "Marblehead Olympians Day" and prepare citations in honor of Marblehead's 2012 Olympic Athletes: Kayla Harrison, Sara Hendershot and Shalane Flanagan. All in favor.

**LICENSING. Request. Casa Corona.** Motion made and seconded to refer the request from Tulamex, Inc., d/b/a Casa Corona, 33 Smith Street, to Town Counsel for further review on the appropriate procedure and guidelines as it relates to the issuance of a BYOB license. All in favor.

**PERMISSION. Wicked ½ Marathon, Black Cat 10/20 Miler.** Motion made and seconded to approve the request from Brandi Dion, B&S Fitness Program LLC, to hold the 6<sup>th</sup> Annual Wicked ½ Marathon on September 22, 2012 and the Black Cat 10/20 Miler on March 3, 2013 subject to receipt of the required Certificate of Insurance and approval from Marblehead Police and Recreation and Parks Department. The Wicked ½ Marathon starts at Bentley School, 25 Memorial Drive, Salem at 7:00 a.m., entering Marblehead and continuing around the neck and

back to Salem, with the last runners leaving Marblehead at approximately 10:00 a.m. The Black Cat 10/20 Miler is the same course, starting at 8:00 a.m. at the Bentley School. The last runners doing the 20 miles will leave Marblehead at approximately 11:30 a.m. All in favor.

**ABBOT HALL. Permission to Use.** Motion made and seconded to approve the request from Stephen Blumberg to use Abbot Hall Auditorium on Saturday, November 10, 2012 from 6:00 pm – 9:30 pm for a Veterans Day Concert subject to the usual rules, regulations and receipt of the required Certificate of Insurance. The rental fee is waived for this event. All in favor.

**VETERANS MEMORIAL SERVICE.** A letter was received from John Sullivan, Solimine Landergan & Richardson Funeral Homes, inviting the Board to the annual Veterans Memorial Service in honor of our deceased Veterans who have served in the Armed Forces on Saturday, November 3, 2012 at 1:00 p.m. at 426 Broadway Street, Lynn, MA.

**FINANCE COMMITTEE. Letter of Interest.** A letter of interest was received from Rick Doron, 52 Evans Road, as it relates to serving on the Finance Committee.

Motion made and seconded to adjourn at 8:05 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide