

## BOARD OF SELECTMEN

### MINUTES

**March 23, 2011**

Board met in session at 7:30 p.m. in the Selectmen's Meeting Room at Abbot Hall.

James E. Nye, Chairman  
Jackie Belf-Becker  
Judith R. Jacobi  
T. Michael Rockett  
William L. Woodfin, II

Anthony M. Sasso, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from March 11, 2011. All in favor.

**ALL ALCOHOLIC BEVERAGE LICENSE. Continuation. Ataraxis Tavern.**

**Pledge of License.** This is a continuation of the cancellation of Liquor License #065600004 for nonuse under G.L. c. 138, § 77 and the Pledge of the License under G.L. c. 138 §23. At the initial hearing on March 9, 2011, the Licensee Santamaria Realty Restaurant LLC, appeared before the Board and advised them that he did not intend to: 1) reopen the business and use the license; 2) file an application to transfer the license to a new location, open the business at the new location and exercise the license; or 3) file an application to transfer ownership of the license, and further that he had no intention of reopening his business nor was he interested in exercising any of the other above-referenced options. The Board then voted unanimously to cancel the License held by Santamaria Realty Restaurant LLC. Given that License #065600004 was pledged by the Licensee to Jeffrey P. Flynn, as the former License holder, in accordance with G.L. c. 138 § 23, Mr. Flynn was given the opportunity to advise the Board if he intended to foreclose on the license. Mr. Flynn advised the Board that he intended to do so. The hearing was continued to March 23, 2011 in order to allow Mr. Flynn the time to provide the required documents to the Board. Jeffrey P. Flynn, 5 Haley Road, appeared before the Board. Mr. Flynn has provided the Board with the required Notice of Foreclosure dated March 21, 2011 and March 13, 2011 and also the filed UCC Financing Statements as filed with the Secretary of State's office on December 30, 2009. The Board is in possession of the approved Pledge of the License. Accordingly, Mr. Flynn now has the opportunity to complete the foreclosure on the Pledge and step into the position of the former Licensee for the limited purpose of applying to renew the License or for transferring the License to a third party all in accordance with G.L. c. 138 §12. The Board asked Mr. Flynn if he now wished to have that opportunity. Mr. Flynn responded that he does want that opportunity. Motion made and seconded to allow Mr. Flynn to have 6 months from today, September 23, 2011, to apply for the License and meet all the requirements of Section 12 or to apply to transfer the License to a third party who meets

the requirements of G.L. c. 138 §12. On a polled vote the Board voted as follows: Mr. Rockett, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, in favor. The Board noted that as of September 23, 2011 if Mr. Flynn cannot meet the requirements of Section 12, the Board will initiate its usual process of advertising the availability of the License to the public at large. Motion made and seconded to close the hearing. All in favor.

**MARBLEHEAD MUSTER COMMITTEE. Parade, Antique Firemen's Muster.**

Rick Bartlett, Kernwood Avenue, Beverly, Harold Hanson, 5 Puritan Road, appeared before the Board seeking permission to hold a parade and Antique Firemen's Muster celebrating the Okommakamesit #2 hand pumper's 150<sup>th</sup> anniversary. Motion made and seconded to approve the request to have a parade on and Antique Firemen's Muster on August 27, 2011 subject to the usual rules, regulations, receipt of the required Certificate of Insurance and approval from the Marblehead Police, Fire and Recreation and Parks Department. The parade of antique hand pump fire engines and 2 marching bands will start at 10:00 a.m. from the intersection of Pleasant and Gerry Streets, proceed down Pleasant Street to Washington Street, turn left and pass the Town House (against the normal traffic pattern) and turn up Mugford Street, heading towards Pond Street and finally onto Lime Street. The Antique Firemen's Muster will start at 12:00 noon. Approximately 13 hand engines will be competing at Reynolds Playground muster. During the muster Lime Street will be blocked in front of the Marblehead Community Charter School. Passage from Lime Street to Farrell Court will NOT be blocked. All in favor.

**LICENSING. Wine and Malt Beverage w/Cordials. Change of Manager.**

Darby T. Attridge appeared before the Board seeking permission to change the name of the manager on the Wine and Malt Beverage License for Marblehead Super Foods Enterprises, d/b/a Hooked Seafood and Grill. Motion made and seconded to approve the request to change the manager on the Wine and Malt Beverage License w/ Cordials Permit for Marblehead Super Foods Enterprises d/b/a Hooked Seafood and Grill, 114 Pleasant Street, to Darby T. Attridge subject to approval from the ABCC, receipt of all required fees, forms and CORI approval. On a polled vote the Board voted as follows: Mr. Rockett, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, in favor.

**147 FRONT STREET. Adams House Construction Project.** Bruce Greenwald, D. Bruce Greenwald Architects, 32 High Street, and Mark Driscoll, Contractor, Property Services LLC, 9 Ridge Road, appeared before the Board as it relates to the construction project at 147 Front Street, the Adams House. Due to delays in starting the project they stated that they did not believe they can have the project finished by the deadline of April 1, 2011 as approved by the Selectmen on November 17, 2010. Board members were concerned with the impact the project is having on the neighborhood and The Barnacle Restaurant and asked what options they have for completing the project in a timely manner. Mr. Greenwald and Mr. Driscoll felt they could have the left side of the building completed by mid April and remove the staging from that side, freeing up 3 parking spaces, and finish the rest of the building by May 1, 2011. Jay Sahagian and Bill

Sahagian, Barnacle Restaurant, voiced their concerns with the length of time the project has taken and the fact that many people think their restaurant is either closed or that there is no parking available for them. Jay Hamilton, 109 Water Street, Beverly, and Heidi Magee, 154 Front Street, both Trustees of the Adams House, spoke in support of the project and did not feel it was impacting the neighborhood adversely pointing out that the lost parking spaces (3) are public spaces and at various times during the day there appears to be parking spaces open in the area. Rafe Hershfield, 28 Knight Avenue, stated this is his first winter in the restaurant business and it has been a tough winter for businesses in general and sympathizes with both parties. He feels that anything that can be done to speed up the project would be helpful. The Board suggested the parties involved step out into the hallway and come up with a compromise acceptable to all then come back to the meeting with a solution. The parties involved caucused outside the Selectmen's room.

Selectmen continued with their meeting.

**LICENSING. All Alcoholic Seasonal Club Licenses. Entertainment License.**

Motion made and seconded to renew the following local entertainment licenses subject to all taxes and fees to the Town being paid: Eastern Yacht Club, 47 Foster Street, Manager: Jeffrey Wargo. All in favor.

Motion made and seconded to renew the following All Alcoholic Seasonal Club Licenses subject to all taxes and fees to the Town being paid, receipt of all applicable departmental approvals, CORI approval and compliance with Chapter 304 of the Acts of 2004:

Eastern Yacht Club – Club House License  
47 Foster Street, Manager: Jeffrey Wargo

Eastern Yacht Club – Pool License  
42 -44 Foster Street, Manager: Jeffrey Wargo

On a polled vote the Board voted as follows: Mr. Rockett, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, in favor.

**ONE DAY LIQUOR LICENSE. Our Lady Star of the Sea.** Motion made and seconded to approve the request from Linda Reilly Newall, Christian Services, for a One Day Liquor License for Our Lady Star of the Sea on Saturday, April 2, 2011 from 5:00 p.m. – 6:30 p.m. subject to receipt of the required fee (\$50). On a polled vote the Board voted as follows: Mr. Rockett, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, in favor.

**CONTRACT. Vote.** Motion made and seconded to award the contract for GASB45 Actuarial Services for the Town to Ricci Consultants Inc. of Needham, MA in the amount of seven thousand dollars (\$7000.00) and authorize the Chairman to sign the contract on behalf of the Board. All in favor.

**PERMISSION. Use of Fort Sewall. Marblehead Veterans Middle School. 8<sup>th</sup> Grade Historic Walking Tour.** Motion made and seconded to approve the request from Libby Moore, MVMS Principal, to use Fort Sewall on June 14, 2011 for their lunch stop on the annual 8<sup>th</sup> Grade walking historical tour of Marblehead. All arrangements will be made for trash removal. All in favor.

**ONE DAY LIQUOR LICENSE. Pleon Yacht Club.** Motion made and seconded to approve the request from Christina Pandapas and Lisa Gary-Seymour, Co-chairs, for a One Day Liquor License on Friday, July 1, 2011 at the Pleon Clubhouse, 42 Foster Street, from 6:30 p.m. – 11:00 p.m. for a fundraising dinner and auction subject to receipt of the required fee (\$50). On a polled vote the Board voted as follows: Mr. Rockett, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, in favor.

**TOWN CLERK. Dog License Renewals. 2011 Annual Town Meeting and Elections.** A letter was read from Robin A. Michaud, Town Clerk, reminding residents that 2010 Dog Licenses expired on December 31, 2010. The licensing period was changed to calendar year at the 2010 Town Meeting. Due to this change the late fee has not yet gone into effect. The late fee of \$25.00 a month per dog will be assessed starting on April 1, 2011.

**2011 Annual Town Meeting.** The last day to register to vote is Tuesday, April 12, 2011. The Town Clerk's office will be open on April 12, 2011 from 8:00 a.m. – 8:00 p.m. for voter registration. Please call the Clerk's office with any questions (781-631-0528)

**APPRECIATION. Cemetery/Tree Department.** A letter was read from Edward Cloutier Liaison, 4 Liberty Lane, and area homeowner, expressing thanks to the Cemetery for coordinating with the Tree Department the cleanup of discarded tree refuse, downed trees and general rubbish on Cemetery property bordering Liberty Road and Liberty Lane.

**SMART METERS.** A letter from Jean Oliphant, 229 Green Street, was received, as it relates to her concerns with the proposed installation of Smart Meters in Marblehead. The Board will refer this letter to the appropriate department.

**MADDIE'S SAIL LOFT.** Letters were received from Janice Hulsman, 9 State Street, Jessica Hall, 9 State Street and Rose Danner, 16 State Street as it relates to loud music and noise coming from Maddie's Sail Loft, 15 State Street. The Board requests that Loretta Lang appear before them at their next regularly scheduled meeting on April 13, 2011 to address their concerns.

**147 FRONT STREET. Continued.** Bruce Greenwald, Mark Driscoll and Jay Sahagian addressed the Selectmen stating they had reached a compromise. Motion made and seconded that Mr. Driscoll will remove the scaffolding on the left side of the building by April 13, 2011, remove the shrink wrap and jersey barriers on the left side and have the Trustees put signage in place that states the Barnacle Restaurant is open for business and clearly post where parking is available and allowed. Mr. Greenwald and Mr. Driscoll

will report back to the Board on April 13, 2011. The Building Commissioner shall receive written notice of these terms. The Board asked the Town Administrator to look at parking options in the area and report back to the Board. All in favor.

**CONGRATULATIONS. MHS Hockey Team.** Motion made and seconded to send a letter of congratulations to Bobby Jackson and the Marblehead High School Hockey Team on winning the first ever State Championship on March 20, 2011. All in favor.

**EXECUTIVE SESSION.** Motion made and seconded to go into Executive Session for the purpose of discussing strategies as it relates to collective bargaining with the Police Union where the public discussion on the same may have a detrimental effect on the negotiating position on 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. Rockett, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, in favor.

Adjourned to Executive Session at 8:30 p.m.

Kyle A. Wiley  
Administrative Aide