

BOARD OF SELECTMEN

MINUTES

February 24, 2010

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

William L. Woodfin, II

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from February 10, 2010. All in favor.

CONSTABLE. Appointment. Motion made and seconded to appoint Nathaniel Green as Constable to serve civil process for the Town of Marblehead with a term to expire in May 2010 subject to receipt of the proper bond on file at the Town Clerk's office. All in favor.

PERMISSION. Use of Abbot Hall. Motion made and seconded to approve the request from John Williams and Jodi Vigneron, Rotary Club of Marblehead Harbor, to use Abbot Hall on Saturday, December 11, 2010 for the 13th Annual Holiday Pops Concert and pre-concert reception subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor.

MASSACHUSETTS AVIATION HISTORICAL SOCIETY INC. Celebration. A yearlong celebration of New England's aviation centennial begins this month celebrating two events: a biplane designed and built by Marblehead yacht builder W. Starling Burgess and early aviation pioneer Augustus M. Herring, which made a successful flight from the frozen surface of Chebacco Lake in Hamilton, MA and the establishment of New England's first flying field in Newbury. A short ceremony commemorating the Chebacco Lake centennial, followed by a slide show, will be held on Saturday, February 27, 2010 at 2:00pm at the Hamilton-Wenham Public Library, 14 Union Street, S. Hamilton, MA. The Plum Island centennial will be commemorated with a fly-in on Saturday, April 17, 2010 at the Plum Island Airport, Plum Island Turnpike, Newbury/Newburyport, MA. Contact Ted Russell, tedrussell@comcast.net for further information.

PUBLIC HEARING. All Alcoholic Beverage License. Sergio Maffeo, Trattoria Sablones, 33 Smith Street, appeared before the Selectmen seeking an All Alcoholic Beverage License at 33 Smith Street. After discussion a motion made and seconded to approve the application from Trattoria Sablone Inc., d/b/a Trattoria Sablone, 33 Smith Street, Manager Jessica Maffeo, for an

All Alcoholic Beverage License as a Common Victualler License subject to approval from the ABCC, receipt of all applicable inspection sign offs and all fees paid. Hours of operation are Monday – Thursday 11:30am – 10:00 pm, Friday and Saturday 11:30am – 11:00pm and Sunday noon to 10:00pm. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, in favor.

CONDOLENCES. Motion made and seconded to send a letter of condolence to Bette Brown on the recent passing of her husband, Emerson Brown, a member of the Water and Sewer Commission for nearly 40 years. All in favor.

CONDOLENCES. Motion made and seconded to send a letter of condolence to the family of Charles R. Grader, former Finance Committee member. All in favor.

The Board took at 5 minute recess at 7:45 p.m.

PUBLIC HEARING. Wine and Malt Beverage License with Cordials Permit. H.G.B. Rhodes, 8 Mohawk Road, appeared before the Board seeking a Wine and Malt Beverage License w/ Cordials Permit as a Common Victualler License at 114 Pleasant Street. Kevin Callahan, Swampscott, spoke in favor of the applicant. After discussion a motion was made and seconded to approve the application from Marblehead Super Food Enterprises, Inc., d/b/a Hooked Seafood and Grill, manager H.G.B. Rhodes, for a Wine and Malt Beverage License w/ Cordials Permit subject to approval from the ABCC, receipt of all applicable inspection sign offs, all fees paid and the staff obtaining TIPS certification. Seating capacity is 30. Hours of operation are Monday – Sunday 11:00am – 11:00pm. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, in favor.

The Board took at 10 minute recess at 7:55 p.m.

Mr. Christensen recused himself from the meeting.

PUBLIC HEARING. Wine and Malt Beverage License with Cordials Permit. Common Victualler License. Barry J. Edelman, 50 Pleasant Street, appeared before the Board seeking a Wine and Malt Beverage License w/ Cordials Permit as a Common Victualler License at 2-4 School Street. After discussion motion made and seconded to approve the application from Food at 5, LLC, d/b/a 5 Corners Kitchen, 2-4 School Street for a Common Victualler License at 2-4 School Street. Hours of operation are Monday – Thursday 11:30am – 10:00pm, Friday 11:30am – 11:00pm, Saturday 10:00am – 11:00pm and Sunday 10:00am – 10:00pm. All in favor. Motion made and seconded to approve the application for a Wine and Malt Beverage License w/ Cordials Permit subject to approval from the ABCC, receipt of all applicable inspection sign offs, all fees paid and the staff obtaining TIPS certification. Seating capacity is 40. Hours of operation are Monday – Thursday 11:30am – 10:00pm, Friday 11:30am – 11:00pm, Saturday 10:00am – 11:00pm and Sunday 10:00am – 10:00pm. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, in favor.

Mr. Christensen returned to the meeting.

MARBLEHEAD POLICE DEPARTMENT. Findings from Disciplinary Hearing.

Chairman Belf-Becker stated that this is not a public hearing but is intended for the Board to discuss and deliberate the findings of fact from the hearings officer, Anthony M. Sasso.

Chairman Belf-Becker acknowledged that she and the Board received and reviewed the report from the hearings officer as it relates to a disciplinary hearing convened on February 12, 2010 in Abbot Hall to determine if Sergeant Marion Keating violated the Town's Sexual Harassment Policy by creating a hostile work environment, violation of Marblehead Police Department Policy Rules and Regulations, specifically Rule 4.02, Conduct Unbecoming an Officer, and Rule 13.2, Falsifying Records all related to Sgt. Keating's conduct on December 22, 2009. Sergeant Keating requested this discussion be held in open session. The report of the hearings officer was then read out loud. The Board held discussion on the report and a motion was made and seconded to accept the findings of the hearing officer. Mrs. Jacobi stated that the Board's role was to review the facts in this case only. All in favor. Sergeant Marion Keating, represented by Stephen Pfaff, Louison, Costello, Condon & Pfaff, LLP, made a statement to the Board. The recommendations of the hearing officer were then read aloud. Motion made and seconded to adopt the recommendations of the hearing officer as follows: 1) Suspended without pay for thirty (30) working days for violating Marblehead Police Rule 13.2, falsifying Records; All in favor. 2) Suspended without pay for an additional ten (10) working days with respect to her conduct on December, 22, 2009, in violation for rule 4.02, Conduct Unbecoming an Officer; All in favor. 3) Suspended without pay for an additional ten (10) working days with respect to her conduct on December 22, 2009, in that she violated the Town's Sexual Harassment Policy by creating a hostile work environment; All in favor. Motion made and seconded that the suspension shall be served effective immediately, February 25, 2010. All in favor. Motion made and seconded to put forth the Selectmen's decisions in a letter to Sergeant Keating within 7 days. All in favor.

Motion made and seconded to adjourn at 8:55 p.m. All in favor.

Kyle A. Wiley
Administrative Aide