

BOARD OF SELECTMEN

MINUTES

August 12, 2009

Board met in session at 12:00 noon in the Selectmen's Meeting Room at Abbot Hall.

Present (constituting a quorum):

Jackie Belf-Becker, Chairman
Harry C. Christensen, Jr.
Judith R. Jacobi
James E. Nye

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from July 22, 2009. All in favor.

MARBLEHEAD HISTORICAL COMMISSION. Presentation. Wayne Butler, Chairman, appeared before the Board to update them on current Historical Commission projects. Mr. Butler presented the Board with the Bell from the USS Mugford, donated by the Orne family, along with the hatchet used to cut the last line that held the Mugford tied up before its launching, and the remains of the bottle that was broken on the bow. Mr. Butler informed the Board that the dedication of the Pedrick's plaque at the Harbormasters office is tentatively scheduled for Saturday, September 12, 2009. Lastly, Mr. Butler showed the Board a letter from Elbridge Gerry dated 1775 that was found in the cellar of Abbot Hall, addressed to the Board of Selectmen regarding his accepting the appointment to the Continental Congress. Motion made and seconded to accept as a gift to the Town and place in the care of the Historical Commission the USS Mugford Bell and to send a letter of thanks to the Orne family. All in favor.

FINANCE. Bond/Bond Anticipation Notes. John McGinn, Finance Director, and Patricia Murray, Tax Collector/Treasurer, appeared before the Board. Motion made and seconded that the sale of the \$6,500,000 General Obligation Seawall Bonds of the Town dated August 1, 2009 (the "Bonds"), to Fidelity Capital Markets, a division of National Financial Services LLC at the price of \$6,708,067.45 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2010	\$815,000	2.00%
2011	\$815,000	2.00
2012	\$815,000	2.00
2013	\$815,000	2.00
2014	\$810,000	2.00
2015	\$810,000	3.00

2016	\$810,000	3.75
2017	\$810,000	2.50

All in favor.

Motion made and seconded to approve the sale of a \$14,400,000 1.50 percent General Obligation Bond Anticipation Note of the Town dated August 14, 2009, and payable August 12, 2010 (the "Note"), to Eastern Bank at par and accrued interest plus a premium of \$141,195.20. All in favor.

Motion made and seconded that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 23, 2009, and a final Official Statement dated August 4, 2009, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. All in favor.

Motion made and seconded that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 23, 2009, and a final Official Statement dated August 4, 2009, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. All in favor.

Motion made and seconded that the consent to the financial advisor bidding for the Bonds and Note as executed prior to the bidding for the Bonds and Note, is hereby confirmed. All in favor.

Motion made and seconded that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and material events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Note, as applicable, for the benefit of the holders of the Bonds and Note from time to time. All in favor.

Motion made and seconded that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. All in favor.

HARBORS AND WATERS BOARD. Interview. Appointment. Spencer Moore appeared before the board as it relates to serving on the Harbors and Waters Board. Motion made and seconded to appoint Spencer Moore to the Harbors and Waters Board, alternate position, with a term to expire in May 2010. All in favor.

FORT SEWALL OVERSIGHT COMMITTEE. General John Glover. Dedication. Rebecca L. Curran, Town Planner, and Judy Anderson, 31 Orne Street, Fort Sewall Oversight Committee, appeared before the Board seeking permission to initiate a dedication project to design and prepare a plaque in honor of General John Glover at Fort Sewall. Motion made and seconded to give the Fort Sewall Oversight Committee permission to raise funds for the Fort

Sewall Donation Account to be used for the dedication and placement of a plaque for General John Glover. The wording of the plaque shall be approved by the Board of Selectmen at a later date with the placement of the plaque to be determined by the Fort Sewall Oversight Committee. All in favor.

SCENIC BYWAY LOCAL ADVISORY BOARD. Advisory Group. Rebecca L. Curran, Town Planner, appeared before the Board seeking permission to form an ad hoc committee as requested by the Essex Heritage Scenic Byway Corridor Advisory Group. The Essex County scenic byway is a designated 64 mile route that runs through Lynn, Swampscott, Marblehead, Salem, Beverly, Manchester-by-the-Sea, Gloucester, Essex, Ipswich, Rowley, Newbury, and Newburyport. The committee will meet over the next 10 months and give input on the roadway as it passes through Marblehead on Rt. 114 and Rt. 129. Motion made and seconded to form a Scenic Byway Local Advisory Group as requested by the Essex Heritage Commission to include a member of the Board of Selectmen, the Town Planner and persons from the historic community, local merchants and others to be assembled under the direction the Town Administrator. All in favor.

ABBOT HALL. Vote. Masonry Work. Motion made and seconded to award the contract for Abbot Hall masonry work to Dibara Enterprises of Fitchburg, MA in the amount of thirty eight thousand six hundred and fifty dollars (\$38,650) and authorize the chairman to sign the contract on behalf of the Board. All in favor.

PERMISSION. Use of Sidewalk. Motion made and seconded to approve the request from Peter McMahon of the Hurricane Restaurant to use a portion of the public sidewalk at 259 Washington Street for a “Kid’s Day” from 11:00 a.m. to 4:00 p.m. September 5-7, 2009 with the condition that no food or beverages be served on public property and that the minimum egress width for ADA compliance be maintained and receipt of the required Certificate of Insurance. All in favor.

PERMISSION. Block Party. Motion made and seconded to approve the request from Andrew Tripodi to block Glendale Road from Humphrey Street to Brook Road on Saturday, August 29, 2009 from 1:00 p.m. - 7:00 p.m., rain date Sunday, August 30th, for a block party. All in favor.

PERMISSION. Staging. Motion made and seconded to approve the request from Ethan Dow, General Contracting, to place staging on the sidewalk in front of 137 Washington Street for a two week period commencing on August 17, 2009 and ending on August 31, 2009 in order to re-point the existing front brick façade subject to receipt of the required Certificate of Insurance and proper lighting and safety precautions in place. All in favor.

OLD AND HISTORIC DISTRICTS COMMISSION. Resignation. A letter was read from Pat Patrick as it relates to his resigning from the commission. Motion made and seconded to accept his resignation and send a letter of appreciation. All in favor.

REQUEST. Gate. Clark Lane. Motion made and seconded to deny the request from Krisha and Matthew Plauche’ and Elizabeth and Earl Munroe to put a gate at the bottom of Clark Lane. All in favor.

DIVISION OF MARINE FISHERIES. Notice of Public Hearings. Under the provisions of M.G.L. Ch. 30A and pursuant to the authority found in M.G.L. Ch. 130 ss.17A & 80 Division of Marine Fisheries (DMF) and the Marine Fisheries Advisory Commission (MFC) have scheduled public hearings for August 24th, 25th and 26th, 2009. Copies of proposed regulations may be obtained by contacting Melanie Griffin by email Melanie.griffin@state.ma.us or phone 617-626-1528.

AMERICAN RED CROSS. Blood Drive. The American Red Cross will host a blood drive on Thursday, August 20, 2009 from 1:00 p.m. – 7:00 p.m. at Temple Emanu-El, 393 Atlantic Avenue.

MARBLEHEAD PUBLIC SAFETY DAY. The Marblehead Police Department, with cooperation from the Marblehead Fire Department, is hosting a Public Safety Day and an open house of the police headquarters on Saturday, August 22, 2009 from 10:00 a.m. to 2:00 p.m. at Seaside Park featuring displays of equipment, response vehicles and mobile command posts from various local, state and federal public safety agencies. The Governor's Auto Theft Strike Force will be on hand to provide their Vehicle Identification Number program to the public for a small fee (\$10.00 per vehicle). This event is free and open to the public.

MARBLEHEAD HISTORICAL COMMISSION. Interview. Appointment. Harry C. Christensen, Jr. appeared before the Board seeking a position on the Historical Commission. Motion made and seconded to appoint Harry C. Christensen, Jr. to the Historical Commission with a term to expire in May 2010. All in favor. Mr. Christensen voted present.

EXECUTIVE SESSION. Motion made and seconded to adjourn into Executive Session for the purpose of determining the value of real property, 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. Nye, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, in favor. Adjourned to Executive Session at 12:45 p.m.

Kyle A. Wiley
Administrative Aide