BOARD OF SELECTMEN

MINUTES

December 9, 2009

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, 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 December 3, 2009. All in favor.

HEALTH DEPARTMENT. Appointment. Motion made and seconded to appoint Jeffrey L. Roelofs, 30 Green Street, Newburyport, as Special Assistant Town Counsel. All in favor.

HEALTH DEPARTMENT. Influenza update. Wayne O. Attridge, Public Health Director, appeared before the Board to announce that the Town's first H1N1 flu clinic will be held Saturday, December 12, 2009 at the Community Center 10:00 a.m. to 1:00 p.m. The target eligible group is Marblehead residents 5 – 24 years of age, pregnant women and household contacts of pregnant women, household contacts of infants under the age of 6 months and healthcare workers with direct patient care. If you have a child under the age of 10 requiring their second dose you must bring documentation of the first dose received. Seasonal Flu Vaccine Clinic will be available the first of the year for everyone. For up to the date information and guidelines for the treatment and prevention of the flu go to www.marsblehead.org or www.mass.gov/dph/flu.

PUBLIC HEARING. The New Marblehead Landing. Jeffrey N. Shribman, Town Counsel, Officer Everett and Sergeant Decker, Marblehead Police Department, Attorney Paul Lynch and Dwight J. Grader, Managing Partner of the Landing appeared before the Board as it relates to Massachusetts General Laws, Chapter 138, Section 64 and the town's rules and regulations with respect to Alcoholic Beverage Licenses and an incident that occurred on November 9, 2009. Mr. Christensen recused himself from this portion of the meeting. After evidence was presented motion made and seconded that under Massachusetts General Laws, Chapter 138, Section 64 as it relates to the Landing there is no cause for any action by the Board of Selectmen. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacoby, in favor; Mrs. Belf-Becker, in favor.

The Board took a 2 minute recess at 8:35pm.

OLD BURIAL HILL OVERSIGHT COMMITTEE. Preservation Master Plan. Contract.

Rebecca L. Curran, Town Planner, and Zeke Peach, Chairman, Old Burial Hill Oversight Committee, appeared before the Board. The Town received a grant from Massachusetts Historic Commission for a preservation master plan for Old Burial Hill. The Town issued a Request for Proposal and upon their review the committee presented their recommendations for awarding a contract. Motion made and seconded to award the contract for the development of a Preservation Master Plan for Old Burial Hill to Building and Monument Conservation of Arlington, Massachusetts in the amount of eighteen thousand dollars (\$18,000.00) and to authorize the chairman to sign on behalf of the Board. All in favor. Motion made and seconded to approve the placement of a "Preservation Works" sign, required under the grant, at a location to be determined at Old Burial Hill. All in favor. The committee also asked the Selectmen to announce that there are a number of missing headstone fragments that the Committee would like to retrieve. Any information leading to the recovery of some of these missing pieces would be greatly appreciated. Please contact the Project Coordinator, Rebecca Curran, 781-631-0000, curranr@marblehead.org with any information.

ENTERTAINMENT LICENSE. Trattoria Sablone. Jessica Maffeo appeared before the Board requesting an annual entertainment license at Trattoria Sablone, 33 Smith Street. Motion made and seconded to approve the request for an annual entertainment license at Trattoria Sablone, 33 Smith Street, Monday through Saturday, 5:00 p.m. – 10:00 p.m. subject to receipt of the required fee. No amplified music is allowed and no music should be heard from the streets. All in favor.

APPRECIATION. On behalf of his family, Michael Rockett appeared before the Selectmen to offer his thanks to all the departments in Town that assisted his family in providing support for his father's, J. Hilary Rockett, wake and funeral. Motion made and seconded to send a letter of condolence to Mrs. Denise Rockett and family. All in favor.

VOTE. Stop Signs. Leggs Hill Road. Motion made and seconded to reaffirm the vote by the Board of Selectmen taken September 9, 2009 to relocate the stop sign on the driveway of the Legg's Hill YMCA to within the Town of Marblehead and install a stop sign on Londonderry Road at the intersection of Legg's Hill Road as shown on the plan prepared by Vanesse Hagen Brustlin Inc and dated September 1, 2009. All in favor.

PERMISSION. Abbot Hall. Motion made and seconded to approve the request from Myriam Zuber, Sister City Liaison, Grasse, to use Abbot Hall on Thursday, May 20, 2010 for the Marblehead-Grasse Sister City Partnership ceremony from 6:30 p.m. to 8:00 p.m. subject to the usual rules and regulations. All in favor.

PERMISSION. Annual Marblehead/Swampscott YMCA 5 Mile Road Race. Motion made and seconded to approve the 31st Annual Marblehead/Swampscott YMCA's 5 mile certified Road Race on Sunday, April 25, 2010 subject to approval of the Marblehead Police and Fire and receipt of the required Certificate of Insurance. Registration will begin at 12:00 p.m. at the

Masonic Hall with the race starting at 2:00 p.m. at 10 Atlantic Avenue. The route is as follows: start at 10 Atlantic Avenue, continue on Atlantic, take a left on Ocean Avenue, continue across the Causeway and take right onto Ocean Avenue, go around the neck and take a left onto Harbor Avenue, back on to Causeway, right on Atlantic and finish at 10 Atlantic Avenue. There will also be Children's Fun Run Races at Seaside Park at 1:00 p.m. All in favor.

PERMISSION. Road Race. Citizens Scholarship Fund. Motion made and seconded to approve the request from Henry Pratt, a junior at Marblehead High School, to hold a ½ mile race on the Causeway on Sunday, June 13, 2010 to benefit the Citizen's Scholarship Fund subject to approval from the Marblehead Police, Fire and Recreation and Parks Department and receipt of the required Certificate of Insurance. All in favor.

MARBLEHEAD CONSERVANCY TRAILS COMMITTEE. Trail Entrance. Motion made and seconded to approve the request from Don Morgan, Trails Committee, to put a trail entrance to the Litchman Terrace ConCom property through the 40 foot piece of land which is under the custody of the Board of Selectmen. All in favor.

LICENSING. Second Hand Dealer. Motion made and seconded to approve the application from the following business for a Second Hand Dealers License subject to receipt of the required forms, fees and CORI approval:

Pleasant Street Antique Cooperative 130 Pleasant Street Marblehead, MA 01945 Faye Ginsberg All in favor.

ANNUAL TOWN MEETING MAY 2010. Motion made and seconded to place on the warrant the article prepared by Assistant Town Counsel Lisa Mead as it relates to "Traffic offenses/driving while distracted". All in favor.

LICENSING. 2010 Renewals for Businesses in the town of Marblehead

Motion made and seconded to renew the following **Class II Auto License**, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Lab Motors Ltd. 14 Pond Street Manager: Alan Taschner

All in favor.

Motion made and seconded to renew the following **Lodging House Licenses**, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Harbor Light Inn 54 Washington Street Manager: Peter Conway

Harbor Light Inn 58 Washington Street Manager: Peter Conway

Marblehead Inn 264 Pleasant Street

Manager: Peter McMahon

All in favor.

Motion made and seconded to renew the following **Entertainment Licenses** subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Boston Yacht Club One Front Street Manager: Jon Reither

Café Italia 10 School Street

Manager: Donna Oliviero

Corinthian Yacht Club One Nahant Street Manager: David H. Titus

Flynnie's on the Avenue 28 Atlantic Avenue Manager: Jeff Flynn

Gerry No.5, V. F. A., Inc. 240 Beacon Street Manager: Art Dodge Headers Club 62 Pleasant Street Manager: Dincer Ulutas

Hurricane 259 Washington Street Manager: Peter McMahon

Imperial Mandarin Village Plaza 1 Manager: Tak L. Chow Maddie's Sail Loft 15 State Street

Manager: Loretta Lang

Rip Tide Lounge 116 Pleasant Street

Manager: George Ciampa

Zaika

161 Pleasant Street

Manager: Kulwant Jhikka

Sweeney's Retreat 18 Atlantic Avenue

Manager: Philip W. Sweeney

Tedesco Country Club 154 Tedesco Street Manager: Gregg Lindsay

All in favor.

Motion made and seconded to renew the following **Entertainment Licenses** subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Chaplain Lyman Rollins Post 2005, V. F. W. 321 West Shore Drive Manager. John R. Blaney

The Landing 81 Front Street

Manager: Robert Simonelli

3 voted in favor. Mr. Christensen voted present.

Motion made and seconded to renew the following **Second Hand Dealers** licenses, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Carmen's Jewelry 164 Pleasant Street Carmen Pugliese

Coin Specialist 139 Pleasant Street Manager: Vance Likin Crimson & Clover 232 Washington Street Manager: Chris Meninno

Finders Keepers 92 Washington Street

Manager: Alison Washburn

Fred Finkel, Goldsmith 2 Darling Street Manager: Fred Finkel

Gold Bug Atlantic Avenue Manager: Suzanne Green

Madam Had'am 160 Washington Street Manager: Cheryl Maguire

Marblehead Used Books 59B Atlantic Avenue Manager: Joel Netsky

Nuggets, Inc. 22 Atlantic Avenue Sandra Burke

The Paris Galerie 132 Washington Street Carrie Kanosky

Lee Antiques 235 Washington Street Manager: Jessica Lee

Sacks Antiques 38 State Street Manager: Stanley Sacks

She Marblehead 86 Washington Street Manager: Tiffany Gaddis

All in favor.

Motion made and seconded to renew the following **Automatic Amusement Device** licenses, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Gerry No. 5, V. F. A., Inc.

240 Beacon Street

Manager: Art Dodge

For the following four (4) devices:

A6 Stacker Super PKR PCB (Serial Number 24625)

A6 Stacker Super PKR PCB (Serial Number 24627)

A6 Stacker Super PKR PCB (Serial Number 24616)

A6 Stacker Super PKR PCB (Serial Number 24615)

Maddie's Sail Loft

15 State Street

Manager: Loretta Lang

For a C.D. Player

Rip Tide Lounge

116 Pleasant Street

Manager: George Ciampa

For the following four (4) devices:

Dynamo Pool Table (Serial Number 53678)

3D Golf Video Game (Serial Number 17216)

CD Player by ROW AMI (Serial Number 4031277)

Video Game – Mega Touch by Merit Industries (Serial Number 548142)

Sweeney's Retreat

18 Atlantic Avenue

Manager: Philip W. Sweeney

For a shuffleboard game.

All in favor.

Motion made and seconded to renew the following **Automatic Amusement Device** licenses, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Chaplain Lyman Rollins Post 2005, V. F. W.

321 West Shore Drive -- Manager: John R. Blaney

For the following five (5) video game devices:

Cherry '96 (Serial Number M2653)

Cherry '96 (Serial Number 8135)

Omega (Serial Number 6257)

Bugs Fever (Serial Number 7947

Players Choice (Serial Number 9470)

3 voted in favor. Mr. Christensen voted present.

Motion made and seconded to renew the following **Common Victualler** licenses, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Atomic Café, 14 School Street – Manger: Andrew Mahoney

Barnacle, 141 Front Street -- Manager: Jay L. Sahagian

Café Italia, 10 School Street -- Manager: Donna Oliviero

Café Vesuvius, 18 Bessom Street -- Manager: Bart Freddo

Coffey Ice Cream, 118 Washington Street -- Manager: Sheila Coffey

Driftwood Restauant – Colleen Galvin

Dunkin' Donuts, 161 Pleasant Street -- Manager: Claudio Santos

Evan's New York Style Deli, 33 Smith Street - Manager: Evan Madoff

Fen Yang House II, 40A Atlantic Avenue -- Manager: Zhi Chen

Flynnie's, 28 Atlantic Avenue -- Manager: Jeffrey P. Flynn

Foodie's Feast, 114 Washington Street -- Manager: Paul Baker

Hurricane, 259 Washington Street -Manager: Peter McMahon

Imperial Mandarin, 165 Pleasant Street --. Manager: Tak L. Chow

Jack Tar American Tavern, 126 Washington Street – Manager: Scott Brankman

Java Sun, 35 Atlantic Avenue – Manager: Cheryl A. Burke

Ladycakes, 2 School Street – Manager: Blair Porter

Le Bistro, One Atlantic Avenue -- Manager: Ziad Nabbout

Lime Rickey's, Devereux Beach -- Manager: Paul Petersiel

Maddie's Sail Loft, 15 State Street -- Manager: Loretta Lang

Manhattan Sandwich Company, 10 Bessom Street – Manager: Michael Goodman

Marblehead Café and Chowder Company, One Bessom Street – Manager: Susan Brewer

Marblehead House of Pizza, 7 Atlantic Avenue – Manager: Dimitri Zachariadis

Mino's Roast Beef, 27 Atlantic Avenue -- Manager: C. Travayiakis

Muffin Shop, 126 Washington Street -- Manager: Celeste Capasso

Pellino Inc. 261 Washington Street -- Manager: Frank Pellino

Regis Deli, 252 Humphrey Street – Manager: Ehab Sadeek

Rip-Tide Lounge, Inc., 116 Pleasant Street -- Manager: George A. Ciampa

Romano's Pizzeria, 8 Bessom Street -- Manager: Anthony Paone

Shube's Liquors, 16 Atlantic Avenue – Manager: George Shube

Starbucks, 89 Pleasant Street -- Manager: Miki Schach

Sticky Rice, 26 – 28 Hawkes Street -- Manager: Julie Hahnke

Super Sub, 114 Pleasant Street – Manager: H.G.B. Rhodes

Sweeney's Retreat, 18 Atlantic Avenue -- Manager: Philip W. Sweeney

Three Cod Tavern, 141 Pleasant Street, Manager: Minot Percy

Terry's Olde Fashion Ice Cream, 6 School Street – Manager: Carlos Rocha

Tony's Pizza, 1 School Street - Manager: Antonio Brogna

Trattoria Sablone, 33 Smith Street - Manager: Jessica Sablone Maffeo

Village Roast Beef & Seafood, 6 Bessom Street. Manager: Enkelejda Gjorga

Zaika, 161 Pleasant Street -- Manager: Kulwant Jhikka

All in favor.

Motion made and seconded to renew the following **Common Victualler** license subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

The Landing 81 Front Street Marblehead, MA 01945 Manager: Robert Simonelli

3 voted in favor. Mr. Christensen voted present.

Motion made and seconded to renew the following **All-Alcoholic Package Store** licenses, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Central Plaza Liquors, Inc. d/b/a Beach Bluff Liquors 260 Humphrey Street Manager: Pamela Demoulas

Beacon Hill Import Co., Inc. Woodfin Terrace Manager: Peter C. Brown

Cheerful Package Store, Inc. d/b/a Haley's Wine and Spirits 116 Washington Street Manager: Julie Vignette

DJ Colbert, Inc. d/b/a Shubie's Liquor Store 16 Atlantic Avenue Manager: George H. Shube

D N Liquors Corp. d/b/a Village Liquors 22 Bessom Street Manager: Thanhtam T. Nyugen

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

Motion made and seconded to renew the following **Wine and Malt-Package Store** license, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Crosby's Market 118 Washington Street Marblehead, MA 01945 Manager: James G. Crosby

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

Motion made and seconded to renew the following **All-Alcoholic Common Victualler** licenses, subject to all taxes and fees to the Town being paid, receipt of all applicable departmental approvals and compliance with Chapter 304 of the Acts of 2004:

Barnacle Corporation 141 Front Street Manager: Jay H. Sahagian

Café Italia of Marblehead, Inc. d/b/a Café Italia 10 School Street Manager: Donna Oliviero

Fen Yang Restaurant Inc. d/b/a Fen Yang House II 40A Atlantic Avenue Manager: Zhi Chen

Flynnie's Inc. d/b/a Flynnie's 28 Atlantic Avenue

Manager: Jeffrey P. Flynn

The Hurricane Restaurant Inc. d/b/a Hurricane 259 Washington St. Manager: Peter McMahon

Zhu & Chen Inc. d/b/a/ Imperial Mandarin Village Plaza I Manager: Tak L. Chow

Hungry Cats Restaurant Group

d/b/a Jack Tar American Tavern 126 Washington Street Manager: Scott Brankman

Maddie's Sail Loft Inc. d/b/a/ Maddies Sail Loft 15 State Street Manager: Loretta Lang

Pellino's Inc. d/b/a Pellino's 261 Washington Street Manager: Frank Pellino

Rip Tide Lounge 116 Pleasant Street Manager: George A. Ciampa

Seaside Restaurant Group, LLC d/b/a Three Cod Tavern 141 Pleasant Street Manager: Minot Percy

Jhikka, Inc. d/b/a Zaika 161 Pleasant Street Manager: Kulwant Jhikka

ZYX LLC d/b/a Sweeney's Retreat 18 Atlantic Avenue Manager: Philip W. Sweeney

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

Motion made and seconded to renew the following **All-Alcoholic Common Victualler** license, subject to all taxes and fees to the Town being paid, receipt of all applicable departmental approvals and compliance with Chapter 304 of the Acts of 2004:

The New Marblehead Landing d/b/a The Landing 81 Front Street
Manager: Robert Simonelli

On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacoby, in favor; Mr. Christensen, present; Mrs. Belf-Becker, in favor.

Motion made and seconded to renew the following **Wine and Malt-W/ Cordials Common Victualler** licenses, subject to all taxes and fees to the Town being paid, receipt of all applicable departmental approvals and compliance with Chapter 304 of the Acts of 2004:

T & A Food Establishment, Inc. d/b/a Le Bistro Café & Grill One Atlantic Avenue Manager: Ziad Nabbout

Trattoria Sablone, Inc. d/b/a Trattoria Sablone 33 Smith Street Manager: Jessica Sablone Maffeo

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

Motion made and seconded to renew the following **Wine and Malt w/Cordials Innholders** license, subject to all taxes and fees to the Town being paid, receipt of all applicable departmental approvals and compliance with Chapter 304 of the Acts of 2004:

Peter Conway d/b/a Harbor Light Inn 58 Washington Street Manager: Peter Conway

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

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

Boston Yacht Club One Front Street Manager: Jon Reither

Corinthian Yacht Club Corinthian Lane Manager: David H. Titus

Tedesco Country Club

154 Tedesco Street

Manager: Gregg Lindsay

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

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

Gerry #5 Veteran Fireman Association, Inc.

240 Beacon Street Manager: Art Dodge

Header's Club, Inc. 62 Pleasant Street

Manager: Dincer Ulutas

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

Motion made and seconded to renew the following **All-Alcoholic-Fraternal Club License** subject to all taxes and fees to the Town being paid, receipt of all applicable departmental approvals and compliance with Chapter 304 of the Acts of 2004:

Chaplain Lyman Rollins Post d/b/a 2005 Vets of Foreign War Inc. 321 West Shore Drive Manager: John R. Blaney

On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacoby, in favor; Mr. Christensen, present; Mrs. Belf-Becker, in favor.

PUBLIC INFORMATIONAL MEETING. Pleasant Street Corridor. The Town is holding a public informational meeting on Monday, December 14, 2009 at 7:00pm at the Abbot Public Library Conference Room, Abbot Public Library, 235 Pleasant Street to present a project overview and presentation of the preliminary improvements being considered. Public input on the proposed measures is invited. Contact Rebecca Curran, Town Planner, 781-631-0000 with any questions.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION. A letter from Patricia Leavenworth, P.E., District Highway Director, was read as is relates to the Town's request for posting of a 25 MPH speed limit on Leggs Hill Road. After reviewing data submitted by the Town and conducting consecutive speed checks and trial runs on the roadway to confirm the data it was determined that posting of 25 MPH speed limits on this roadway is not warranted at this time.

CONGRATULATIONS. MHS Football Team. Motion made and seconded to send a letter congratulating the MHS Football Team on their great success in the conference this year. All in favor.

RETIREMENT BOARD. Applicants. The Board is now accepting letters of interest from anyone wishing to serve on the Retirement Board. Submit letters to the Board of Selectmen, Abbot Hall, 188 Washington Street by December 23, 2009 at 12:00 noon. All applicants will be interviewed on Wednesday, January 13, 2010. The Board unanimously thanked Mr. Sasso for his 10 years of service on this Board.

CANCELLATION OF MEETING. The Board of Selectmen will not meet on December 23, 2009.

NOTICE OF MEETING. State of the Town. Meeting to be held on Wednesday, January 6, 2010 at 6:00 p.m. in the Selectmen's Meeting room regarding the State of the Town. The public is invited.

EXECUTIVE SESSION. Motion made and seconded to adjourn to Executive Session for the purpose of discussing pending litigation and collective bargaining, 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. Jacoby, in favor; Mrs. Belf-Becker in favor.

Meeting adjourned at 9:17 p.m.

Kyle A. Wiley Administrative Aide