

**BOARD OF SELECTMEN
MINUTES**

December 13, 2006

Board met in Regular Session at 7:30 p.m. in its Meeting Room in Abbot Hall.

Present (constituting a quorum):

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

Anthony M. Sasso, Town Administrator.

MINUTES. Motion made and seconded to approve the minutes of November 29, 2006. All in favor.

APPOINTMENT - CONSTABLE – Civil Process. David Scott Jackson, 7 Carol Road was interviewed. Motion made and seconded to appoint Mr. Jackson to a term to expire May 2007 subject to the proper bond being filed with the Town Clerk.

LICENSING. Entertainment. License Modification. Robert Powers, manager of Maddie's Sail Loft was present to request permission to amend the entertainment license currently issued to Maddie's Enterprises, Inc., d/b/a Maddie's Sail Loft. Karaoke to be added as a form of entertainment on Thursday nights from 8:00 p.m. to 11:00 p.m. Motion made and seconded to approve subject to no music to be heard from the street. All in favor.

GIFT. Marblehead Historical Commission. Wayne Butler, member of the Historical Commission appeared to present a framed and matted print of the U.S.S. Marblehead (C-11) to the Town of Marblehead. The print was received from National Public Policy Research Institute. Motion made and seconded to accept the gift and send a letter of appreciation to the donor. All in favor.

MARBLEHEAD FIREWORKS COMMITTEE. 4th of July 2007 Fireworks. Mike Mentuck and Rufus Titus were present in connection with his request to continue planning for the town's annual Fourth of July Harbor Illumination and Fireworks Display in the same location as last year. Additionally, Mr. Mentuck requested approval to include a fundraising letter, to pay for fireworks, with a mailing from the Town Clerk's

Office. Motion made and seconded to approve the fireworks display and the inclusion of the letter in a town-wide mailing. All in favor.

LICENSING. One Day Entertainment. Request from Andrew Kramer, manager of Jack-Tar American Tavern for a one day entertainment license for Sunday, December 31 up to 1:00 a.m. Motion made and seconded to approve. All in favor.

LICENSING. Extended Business Hours. Motion made and seconded to allow restaurants in the Town of Marblehead to remain open for business on Sunday, December 31 until 1:00 a.m., at their discretion. All in favor.

OVERNIGHT PARKING BAN. Temporary Modified Time. Motion made and seconded to modify the parking ban on Sunday, December 31 from 12:00 midnight to 2:00 a.m. All in favor.

PERMISSION. Road Race. Request from Jeanne Smith, Marblehead Swampscott YMCA, Health & Wellness Director and Race Director to hold the YMCA's 28th Annual "Ring Around the Neck" Road Race on Sunday, April 29, 2007. Motion made and seconded to approve subject to no permanent markings being made on the street, police department approval and receipt of requisite insurance. All in favor.

CONTRACT AWARD. Pavement Markings. Rescission. Motion made and seconded to rescind the vote taken on October 25, 2006 to award a contract to Hi-Way Safety Systems Inc. of Hanover, MA for yellow thermoplastic pavement markings. All in favor.

LICENSING. One Day Liquor License. Request from Donald W. Grant, Secretary North Shore Shrine Club for a liquor license to serve alcohol on Sunday evening February 25, 2007 at the Philanthropic Lodge, 62 Pleasant Street between 6:00 p.m. and 10:30 p.m. Motion made and seconded to approve subject to payment of the requisite fee. All in favor.

MARBLEHEAD CONSERVATION COMMISSION. Marblehead Snow Policy. Walt Haug, Commission Chairman was present to reiterate that the disposal of snow must be in compliance with federal, state and town environmental laws. The policy is available for review at the Conservation Commission Office located at the Mary Alley Building, Widger Road.

LIME RICKEY'S. Devereux Beach Concession. Alterations to Property. Paul Petersiel, President of Devereux Beach Corp., d/b/a Lime Rickey's, the new tenant at the concession was present to discuss his plans to make some changes, at his sole cost to the leased premises. The changes will be reviewed by the Zoning Board and the Conservation Commission and will be subject to all required permits being obtained. None of the Selectmen expressed opposition the proposed changes.

MARBLEHEAD HISTORICAL COMMISSION. Applicant. Letter from John Gregory Attridge, 64 Beach Street, expressing an interest in serving on the commission. Letter to be kept on file as there are no vacancies on the Commission at this time.

MASSACHUSETTS WATER RESOURCES AUTHORITY (MWRA). Budget Cut FY07. Letter from Frederick A. Laskey, Executive Director of MWRA that the MWRA will be working closely with its Advisory Board and the Legislature to have the following reversed: Governor Romney's cut that provides debt service assistance to water and sewer agencies across the state. For Marblehead, this could force a rate increase for FY07 and mean an additional \$28,195.

Selectmen Shribman left the meeting.

KSS/LAFAYETTE TIDES. Updates.

Lisa Mead, Esq., Town Counsel was present to give an update on recent developments of the site proposed by 485 Lafayette Street Acquisitions, LLC, the "Developer".

Stephen Smith, principal of the Developer was present with Mike Binette member of the Developer's architectural team and Bob Mulcahy, landscape architect to present two options considered for the development:

One option is to construct 44 condominium units on the site under Chapter 40B of the MA General Laws. 11 of the 44 units will be affordable. A continued public hearing before the Zoning Board of Appeals on the application of the Developer for a comprehensive permit under Chapter 40B is scheduled for Monday, December 18 at 7:30 p.m. The hearing will be held at the Community Center, 2 Humphrey St.

Another option is to construct a thirty unit condominium style development on the site. This option would require an amendment to the town's zoning laws by town meeting action.

Selectmen Shribman re-entered the meeting.

CONDOLENCE. Motion made and seconded to send a letter of condolence to the family of Elizabeth ("Bunny") O'Neill Hannaway who recently passed away. All in favor.

Chairman Harry Christensen left the meeting.

APPOINTMENT. Interim Appointment. Motion made and seconded to appoint Selectmen Shribman as acting chair for purposes of this meeting. All in favor.

APPOINTMENT. Sole Assessment Center Procedure – Chief of Police. In accordance with the Board of Selectmen's vote to utilize the Sole Assessment Center procedure for fulfilling the position of Chief of Police, a motion was made and seconded

to appoint Selectmen Shribman as the authorized signatory of any and all documents from Civil Service or related thereto.

Chairman Harry Christensen re-entered the room for the balance of the meeting.

CONGRATULATIONS. Letter. Motion made and seconded to send a letter of congratulations to Harry Grossman, former Zoning Board of Appeals member on his recent appointment as a Land Court Judge. All in favor.

SCHEDULE. Selectmens' Meetings. The Selectmen will meet on December 19 at 6:30 p.m. in their meeting room. The meeting of December 27 is cancelled. Regular meetings will commence in 2007 starting with the second and fourth Wednesdays of each month.

LICENSES. Class I and Class II Auto Licenses. Motion made and seconded to renew the following license, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

CLASS II

Lab Motors Ltd.
14 Pond Street
Marblehead, MA 01945
Manager: Alan Taschner

All in favor.

LICENSES. Lodging House Licenses. Motion made and seconded to renew the following 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
Marblehead, MA 01945
Manager: Peter Conway, 58 Washington Street, Marblehead, MA 01945

Harbor Light Inn
58 Washington Street
Marblehead, MA 01945
Manager: Peter Conway, 58 Washington Street, Marblehead, MA 01945

264 Pleasant Street Manor Inn
d/b/a Marblehead Inn
264 Pleasant Street
Marblehead, MA 01945
J. Hilary Rockett, Jr., 264 Pleasant Street

All in favor.

LICENSES. Entertainment Licenses. Motion made and seconded to renew the following 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
Marblehead, MA 01945
Manager: Mark McMahon

Café Italia
10 School Street
Marblehead, MA 01945
Manager: Donna Oliviero

Corinthian Yacht Club
One Nahant Street
Marblehead, MA 01945
Manager: David H. Titus

Gerry No. 5, V. F. A., Inc.
240 Beacon Street
Marblehead, MA 01945
Manager: Joan Champlin

Headers Club
62 Pleasant Street
Marblehead, MA 01945
Manager: Dincer Ulutas

Hurricane
259 Washington Street
Marblehead, MA 01945
Manager: Peter McMahon

Maddie's Sail Loft
15 State Street
Marblehead, MA 01945
Manager: Robert M. Powers

Rip Tide Lounge
116 Pleasant Street
Marblehead, MA 01945 Manager: George Ciampa
Jhikka, Inc.

161 Pleasant Street
Marblehead, MA 01945
Manager: Kulwant Jhikka

Sticky Rice
26-28 Hawkes Street
Marblehead, MA 01945
Manager: Julie Hahnke

Sweeney's Retreat
18 Atlantic Avenue
Marblehead, MA 01945
Manager: Philip W. Sweeney

Tedesco Country Club
154 Tedesco Street
Marblehead, MA 01945
Manager: Glenn A. Crossman

All in favor.

LICENSES. Entertainment Licenses. Motion made and seconded to renew the following 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
Marblehead, MA 01945
Manager: John R. Blaney

The Landing
81 Front Street
Marblehead, MA 01945
Manager: Christopher Shea

Voted 4-0 in favor. Mr. Christensen voted present.

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

Lee Antiques
235 Washington Street
Marblehead, MA 01945
Manager: Jessica Lee
Sacks Antiques

38 State Street
Marblehead, MA 01945
Manager: Stanley Sacks

LICENSES. Automatic Amusement Devices. . Motion made and seconded to renew the following 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
Marblehead, MA 01945
Manager: Joan Champlin

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
Marblehead, MA 01945
Manager: Robert M. Powers

For the C.D. Player

Rip Tide Lounge
116 Pleasant Street
Marblehead, MA 01945
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
Marblehead, MA 01945
Manager: Philip W. Sweeney

For a shuffleboard game.

All in favor.

LICENSES. Automatic Amusement Devices. . Motion made and seconded to renew the following 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
Marblehead, MA 01945
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)
Omega (Serial Number 8135)
Players Choice (Serial Number 9470)

Voted 4-0 in favor. Mr. Christensen voted present.

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

Barnacle, 141 Front Street -- Manager: Jay L. Sahagian
Café Italia, 10 School Street -- Manager: Donna Oliviero
Café Appassionato, 13R Bessom Street -- Manager: Pamela Elden
Café Vesuvius, 18 Bessom Street -- Manager: Bart Freddo
Coffey Ice Cream, 118 Washington Street -- Manager: Sheila Coffey
Driftwood Restaurant, 63 Front Street -- Manager: Rocco J. Losano
Dunkin' Donuts, 161 Pleasant Street -- Manager: Claudio Santos
Fen Yang House II, 40A Atlantic Avenue -- Manager: Zhi Chen
Flynnie's on the Avenue, 28 Atlantic Avenue -- Manager: Jeffrey P. Flynn
Foodie's Feast, 114 Washington Street -- Manager: Paul Baker
Grossman's Deli, 252 Humphrey Street -- Manager: Barry Grossman
Hurricane, 259 Washington Street -- Manager: Peter McMahon
Imperial Mandarin, 165 Pleasant Street -- Manager: Tak L. Chow
Jack Tar American Tavern, 126 Washington Street -- Manager: Andrew Kramer
Java Sun, 35 Atlantic Avenue -- Manager: Cheryl A. Burke
Ladycakes, 2 School Street -- Manager: Blair Porter
Le Bistro, One Atlantic Avenue -- Manager: Cynthia Camillo
Maddie's Sail Loft, 15 State Street -- Manager: Robert M. Powers
Marblehead House of Pizza, 7 Atlantic Avenue -- Manager: Dimitri Zachariadis
Marblehead Munchies, 1 Bessom Street. Managers: Debora and Jessica Newman
Mino's Roast Beef, 27 Atlantic Avenue -- Manager: C. Travayiakis
Muffin Shop, 126 Washington Street -- Manager: Celeste Capasso
Ocean Restaurant, 33 Smith Street -- Manager: Mei E. Lin
Pellino Inc. 261 Washington Street -- Manager: Frank Pellino

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
TCBY, 27 Atlantic Avenue -- Manager: Mike Grubor
Terry's Olde Fashion Ice Cream, 6 School Street -- Manager: Carlos Rocha
Tony's Pizza, 1 School Street -- Manager: Antonio Brogna
Village Roast Beef & Seafood, 6 Bessom Street. Manager: Enkelejda Gjorga
Zaika, 161 Pleasant Street -- Manager: Kulwant Jhikka

All in favor.

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

The Landing, 81 Front Street. Manager: Christopher J. Shea

Voted 4-0. Mr. Christensen voted present.

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

Beach Bluff Liquors
260 Humphrey Street
Marblehead, MA 01945
Manager: Pamela Demoulas

Beacon Hill Imports
Woodfin Terrace
Marblehead, MA 01945
Manager: Peter C. Brown

Haley's Public Market.
116 Washington Street
Marblehead, MA 01945
Manager: John P. Kelley

Shubie's Liquor Store
16 Atlantic Avenue
Marblehead, MA 01945
Manager: George H. Shube

Village Liquors
22 Bessom Street
Marblehead, MA 01945
Manager: Thanhnam T. Nyugen

All in favor.

LICENSES. Wine and Malt-Package Stores. Motion made and seconded to renew the following 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

LICENSES. All-Alcoholic-Common Victualer. Motion made and seconded to renew the following 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
141 Front Street
Marblehead, MA 01945
Manager: Jay H. Sahagian

Café Italia
10 School Street
Marblehead, MA 01945
Manager: Donna Oliviero

Fen Yang House II
40A Atlantic Avenue
Marblehead, MA 01945
Manager: Zhi Chen

Flynnie's on the Avenue.
28 Atlantic Avenue
Marblehead, MA 01945
Manager: Jeffrey P. Flynn

Hurricane
259 Washington St.
Marblehead, MA 01945
Manager: Peter McMahon

Imperial Mandarin Restaurant

Village Plaza I
Marblehead, MA 01945
Manager: Tak L. Chow

Jack Tar American Tavern
126 Washington Street
Marblehead, MA 01945
Manager: Andrew Kramer

Maddie's Sail Loft LLC
15 State Street
Marblehead, MA 01945
Manager: Robert M. Powers

Pellino's
261 Washington Street
Marblehead, MA 01945
Manager: Frank Pellino

Rip Tide Lounge
116 Pleasant Street
Marblehead, MA 01945
Manager: George A. Ciampa

Jhikka Inc.
d/b/a Zaika
161 Pleasant Street
Marblehead, MA 01945
Manager: Kulwant Jhikka

Sticky Rice
26-28 Hawkes Street
Marblehead, MA 01945
Manager: Julie Hahnke

Sweeney's Retreat
18 Atlantic Avenue
Marblehead, MA 01945
Manager: Philip W. Sweeney

All in favor.

LICENSES. All-Alcoholic-Common Victualer. Motion made and seconded to renew the following 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 Landing
81 Front Street
Marblehead, MA 01945
Manager: Christopher J. Shea

Voted 4-0. Mr. Christensen voted present.

LICENSES. Wine & Malt-Common Victualer. Motion made and seconded to renew the following 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:

Le Bistro
One Atlantic Avenue
Marblehead, MA 01945
Manager: Cynthia Camillo

Ocean Restaurant
33 Smith Street
Marblehead, MA 01945
Manager: Mei E. Lin

All in favor.

LICENSES. All-Alcoholic-Club. Motion made and seconded to renew the following 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
Marblehead, MA 01945
Manager: Mark McMahon

Corinthian Yacht Club
Corinthian Lane
Marblehead, MA 01945
Manager: David H. Titus

Tedesco Country Club
154 Tedesco Street
Marblehead, MA 01945
Manager: Glenn A. Crossman

All in favor.

LICENSES. All-Alcoholic-Fraternal Club. Motion made and seconded to renew the following 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
Marblehead, MA 01945
Manager: Joan Champlin

Header's Club, Inc.
62 Pleasant Street
Marblehead, MA 01945
Manager: Dincer Ulutas

All in favor.

LICENSES. All-Alcoholic-Fraternal Club. Motion made and seconded to renew the following 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 #2005 VFW
321 West Shore Drive
Marblehead, MA 01945
Manager: John R. Blaney

Voted 4-0. Mr. Christensen voted present.

EMERGENCY MEDICAL SERVICES COMMITTEE. Motion made and seconded to appoint Mr. Christensen as a committee of one for the purpose of review the continuing need for the EMSC and report back to the Board. All in favor.

Motion made and seconded to adjourn at 8:40 p.m. All in favor.

Ursula M. Kretschman
Administrative Aide