

**BOARD OF SELECTMEN  
MINUTES**

**October 25, 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., Chairman  
Jackie Belf-Becker  
Judith R. Jacobi  
James E. Nye  
Jeffrey N. Shribman

Anthony M. Sasso, Town Administrator.

**MINUTES.** Motion made and seconded to approve the Minutes of October 11, 2006. Four selectmen voted in favor with Mrs. Belf-Becker voting present.

**PROCLAMATION. Essex National Heritage Area.** Motion made and seconded to proclaim November 12, 2006 as Essex National Heritage Area Day in commemoration of their Tenth Anniversary. All in favor.

**PERMISSION. Use of Abbot Hall.** Motion made and seconded to approve the request of Aubrey Primason to use the Abbot Hall Auditorium for her wedding ceremony on Sunday, September 30, 2007 from 3:30 p.m. to 5:00 p.m. subject to the usual Rules and Regulations and the required insurance. All in favor.

**Marblehead Festival of Arts.** Motion made and seconded to approve the request of Marblehead Festival of Arts to use Abbot Hall on Saturday, December 2<sup>nd</sup> from 7 a.m. to 6 p.m., and Sunday, December 3<sup>rd</sup> from 9 a.m. to 7 p.m. for the Winter Artisans' Marketplace subject to the usual Rules and Regulations and the required insurance. All in favor.

**LICENSE – All Alcoholic Beverage. Ocean Restaurant.** The Legal Notice for the advertised public hearing for an application for an All Alcoholic Beverage License at 33 Smith Street – Ocean Restaurant - was read. Ricky H. Zou and Mei E. Lin of the Ocean Restaurant appeared before the Board as it relates to this application. They currently have a Wine and Malt License for this address. There is one other applicant for this license to appear later this evening. Hearing closed. No votes taken,

**PERMISSION. Sandwich Boards.** Motion made and seconded to approve the following requests for Sandwich Boards subject to the usual Rules and Regulations:

**Week of October 30<sup>th</sup>** – Mugford Street Players to promote the play “How I Learned to Drive:- Gatchell Green and Bailey Square

**Week of November 6<sup>th</sup>** –League of Women's Voters to promote forum on State's Affordable Housing Law – Chapter 40B – Beach and Ocean

**Week of November 13<sup>th</sup>** – Tower School to announce Open House on the 15<sup>th</sup> and 16<sup>th</sup> – Gatchell Green and Atlantic Avenue at Seaview Avenue

**Week of November 27<sup>th</sup>** –Old North Church Festival Concert -Gatchell Green and Atlantic Avenue at Seaview Avenue

**Week of November 27<sup>th</sup>** – Marblehead Summer Jazz – Holiday Jazz Concert – Gatchell Green

**Week of December 3<sup>rd</sup>** – Holiday Pops at Abbot Hall to be held on December 9<sup>th</sup>  
Tent's Corner, Gatchell Green, Corner of Atlantic and Seaview and the Chamber of Commerce Information Booth.

**December 2 and 3** – Marblehead Festival of Arts – Two sandwich boards outside Abbot Hall to direct foot traffic into the Winter Artisans' marketplace being held in Abbot Hall.

**Week of December 11<sup>th</sup>** – Friends of the Performing Arts of Marblehead High School to promote "King and I" Gatchell Green, Tent's Corner, Chamber of Commerce, Bailey Square, Beach and Ocean, and Atlantic at Seaview.

All in favor

**PERMISSION. Banners.** Motion made and seconded to approve the following request to place a Banner across Pleasant Street subject to the usual Rules and Regulations and receipt of the required Insurance Certificate:

**Week of December 11<sup>th</sup>** – Marblehead Youth Hockey – Boston Bruins Alumni vs. Marblehead Youth Hockey Coaches to benefit Penny Bear and Jason Garfield Charities on December 17<sup>th</sup> at Salem State College

All in favor.

**CONTRACT. Stand at Devereux Beach.** Motion made and seconded to award the lease of a portion of land and the concession stand at Devereux Beach for the operation of a seasonal concession/restaurant to Red Rock Realty LLC of Swampscott, MA effective December 1, 2006 for a five-year period in the amount of one hundred and seventy-six thousand one hundred and ten dollars (\$176,110) to be paid in annual increments of thirty-five thousand two hundred and twenty-two dollars (\$35, 222). Vote is subject to receipt of required insurances and a fully executed lease approved by Town Counsel. All in favor. Paul Petersiel of Red Rock Realty appeared before the Board with comments about his plans for the concession stand. All in favor.

**Thermoplastic Pavement Markings.** Motion made and seconded to award a contract for yellow thermoplastic pavement markings to Hi-Way Safety Systems, Inc. of Hanover, MA for a unit price of .679 per linear foot for an amount not to exceed forty-thousand seven hundred and forty dollars (\$40,740) and authorize the Chairman to sign on behalf of the Board. All in favor.

**GRANT APPLICATION. Marblehead Conservancy.** Motion made and seconded to write a letter of support for the Marblehead Conservancy's grant application to eradicate kudzu in the Wyman Woods conservation area and authorize the Chairman to sign on behalf of the Board. All in favor.

**PERMISSION – Parking.** Motion made and seconded to approve the request of Thomas C. Bembenek of 29 Heritage Way to place a 26-foot trailer on Heritage Way on the far side of the road opposite 29 Heritage Way beginning on November 10<sup>th</sup> and being removed on the morning of the 14<sup>th</sup> of November subject to Police Department approval and the required insurance. All in favor.

**PERMISSION. Filming** Motion made and seconded to grant permission to Hothaus Creative to do filming sequences for a new Channel 4 Boston News opening between October 24<sup>th</sup> and October 27<sup>th</sup> in and

around Lee, Washington and State Streets subject to the usual insurance and Police Department approval. All in favor.

**POLICE DEPARTMENT. Indemnification.** Motion made and seconded to indemnify Officer Chris Gallo for injuries sustained while on duty September 23, 2006. All in favor.

**Indemnification.** Motion made and seconded to indemnify Officer Dean Peralto for injuries sustained while on duty October 12, 2006. All in favor.

**PERMISSION. Parking.** Motion made and seconded to approve the request of Thomas L. Murray, Director of Public Works, to temporarily make Roundhouse Road as well as the One-Way upper portion of Anderson Street a No Parking – Tow Zone on the following dates: November 13, 2006 from 7 a.m. to 4 p.m.; November 14, 2006 from 7 a.m. to 4 p.m.; and November 15, 2006 from 7 a.m. to 4 p.m. All in favor.

**POLICE DEPARTMENT. Indemnification.** Motion made and seconded to approve the return of Officer Dean Peralta to full duty status on October 27, 2006. All in favor.

**FIRE DEPARTMENT. Appointments.** A letter was read from Chief Barry C. Dixey of the Marblehead Fire Department announcing the following appointments to the Marblehead Fire Department: Jeffrey Greenberg and John Lequin, Jr. appointed Permanent Full-time Firefighters effective October 1, 2006.

**DEATH.** The Chairman announced the recent passing of Robert F. Peck, Sr., the father of a former Selectmen and current member of the Retirement Board. Motion made and seconded to send a letter of sympathy to his family. All in favor.

**TAXES.** A letter was read from Town Treasurer Patricia Kelly Murray as it relates to Second Quarter Real Estate Taxes being due on Wednesday, November 1<sup>st</sup>. These bills may be paid on line through the Town's web site [www.marblehead.org](http://www.marblehead.org) and clicking on On-Line Payments of Property Taxes.

**RECREATION, PARKS & FORESTRY COMMISSION. Christmas Trees.** Notice was read that this department will pick up Christmas trees for the five business days following Christmas at residents' homes on their recycle day. Tree pick-up will begin on December 26<sup>th</sup> and end on January 2<sup>nd</sup>. Residents will be allowed to drop off their trees at Riverhead Beach until 3 p.m. on January 5<sup>th</sup>. After that date, residents will be on their own to dispose of trees.

**NOISE COMPLAINT.** Town Administrator Sasso presented a follow-up report as it relates to a complaint of deliveries being made between 4 a.m. and 5:30 a.m. at Ryan Marine Services. The vendor has changed his schedule so that deliveries will now be made around 1:30 in the afternoon.

**DEPARTMENT OF PUBLIC WORKS.** Town Administrator Sasso announced that as a result of the retirement of Thomas L. Murray, Director of Public Works on March 24, 2007. The Water and Sewer Commission has authorized, and Superintendent Dana Snow has agreed, to take on this additional responsibility of Director of Public Works. The Board requested Mr. Snow to appear before them to discuss this appointment.

**LICENSE – All Alcoholic Beverage. Seaside Restaurant Group, LLC d/b/a Three Cod Tavern.** The Legal Notice for this advertised public hearing for an application for an All Alcoholic Beverage License at 141 Pleasant Street was read. Minot Percy, III, along with Attorney Paul Lynch appeared before the Board as it relates to this application for an All Alcoholic Beverage License. Mr. Percy has been the Manager on an All Alcoholic Beverage License at Maddie's Sail Loft for several years. The following citizens spoke in favor of this license: Phil Sweeney, 26 South Street; Jeanine Camarda, 143 Tedesco Street; Sheila Duncan, 37 Gingerbread Hill. There was no opposition. There will be no pledge of the license and staff is TIPS trained. Motion made and seconded in best interests of the Town to award this license to Seaside Restaurant Group,

LLC d/b/a Three Cod Tavern. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Belf-Becker; Mrs. Jacobi, in favor; Mr. Shribman, in favor; and Mr. Christensen in favor.

**LICENSE. Common Victualer.** Andrew Mahoney appeared before the Board seeking a Common Victualer License for 14 School Street for the Atomic Café, hours of operation will be seven days a week from 7 a.m. to 11 p.m. Motion made and seconded to approve this application. All in favor.

**PERMISSION. Sign and Awning.** Andrew Mahoney appeared before the Board seeing permission for a sign overhanging the public way as well as awnings for his establishment at 14 School Street, the Atomic Café. Motion made and seconded to approve this application subject to the usual insurance as well as a permit from the Building Department. All in favor.

**PIPELINE.** Jon Bonsall of Algonquin Gas Transmission and Bill Leahy of Accelerated Energy appeared before the Board with an update on the process as it relates to the proposed pipeline to be put in Marblehead waters. Public hearings will be held as follows, November 8 in Gloucester and November 9 at the Salem Public Library.

Motion made and seconded to go into Executive Session to discuss strategies in regard to collective bargaining, votes may be taken, and if they are, votes will be released at a time deemed appropriate by counsel, not to resume in open session. On a polled vote, the Board voted as follows: Mr. Nye, in favor; Mrs. Belf-Becker, in favor; Mrs. Jacobi, in favor; Mr. Shribman, in favor; and Mr. Christensen, in favor. Meeting adjourned at 8:45 p.m.

Patricia D. Charbonnier  
Administrative Aide Pro Tem