

## BOARD OF SELECTMEN

### MINUTES

**December 11, 2013**

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

Jeff Chelgren, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from November 25, 2013. 3 voted in favor. Mrs. Jacobi voted present.

**PUBLIC HEARING. Carry-In Alcoholic Beverage License. Junji's, 114 Pleasant Street.** Junji Aoki, 6 Bellingham Court, Middleton, MA, and Ben Rhodes, 8 Mohawk Road, appeared before the Board seeking a Carry-In Alcoholic Beverage License at 114 Pleasant Street. No one spoke in favor or opposition of the applicant. Motion made and seconded to approve the request from Junji's, 114 Pleasant Street for a Carry-in Alcoholic Beverage License subject to receipt of the required forms, fees and departmental approvals and that such permit shall expire on an approval from the ABCC for any future transfer or application. Hours of operation are Sunday through Saturday 10:00 a.m. – 12 midnight, Seating Capacity = 33. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSE AMENDMENT. Carry-in Alcoholic Beverage License. Partial Fee.** Motion made and seconded that due to the lateness in the year the Board of Selectmen have determined that the permit fee for new applications for a Carry-in Alcoholic Beverage License shall be pro-rated over the year. Given that there is only less than one month left in the year, the permit fee should be paid for the remaining month, and as such the Applicant will be charged 1/12 of the Permit Fee if approved. For all permits issued to take effect in 2014 moving forward, regardless of when the application is made the Permit Fee shall be that which is set forth in the regulations. All in favor.

**PUBLIC HEARING. Transfer of Wine/Malt Beverage License w/cordials Junji's, 114 Pleasant Street.** Junji Aoki, 6 Bellingham Court, Middleton, MA, and Ben Rhodes, 8 Mohawk Road, appeared before the Board seeking to transfer the Wine/Malt Beverage License w/ Cordials from Joey Dee's Restaurant Group, LLC. No one spoke opposed or in favor of the applicant. Motion made and seconded to approve the transfer of the Wine and Malt Beverage License w/Cordials permit from Joey Dee's Restaurant

Group, LLC d/b/a Joey Dee's Italian Grill, to Aoki LLC, d/b/a Junjis, 114 Pleasant Street, hours of operation Sunday through Saturday 10:00 a.m. – 12 Midnight., Seating Capacity = 33, subject to approval from the ABCC, receipt of all applicable inspection sign offs and all fees paid. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**PUBLIC HEALTH.** Todd Belfbecker, Chairman, Board of Health, and Andrew Petty, Public Health Director, appeared before the Board with the following updates:

**TOBACCO AND NICOTINE DELIVERY PRODUCTS.** On October 30, 2013 the Marblehead Board of Health voted to enact a regulation entitled "Tobacco and Nicotine Delivery Product Control". The regulation expands the current regulation to include "nicotine delivery products and nicotine delivery systems". The main purpose of the regulation amendment is to restrict sales of e-cigarettes to minors and restrict where people can use these products. This regulation is in effect now. **SOLID WASTE REGULATIONS.** The Board voted to amend the Solid Waste Regulations. The new regulations go into effect January 1, 2014. The main purpose of this regulation change is to mandate that all trash is to be placed in barrels with tight fitting covers. There is also a three barrel limit and they want to remind people that barrels cannot be placed on the curb for collection any earlier than 6pm on the day before the collection. There will be a notice in the census of the updates. **TRANSFER STATION.** All permits are in place and DEP approval is in. Bid openings for sub-contractors is December 18<sup>th</sup> and for general contractors on January 10, 2014. The project is expected to take 16 months to complete once construction begins. The Board and Mr. Petty will continue to update the Town as the project progresses.

**PUBLIC HEARING. Carry-In Alcoholic Beverage License. Haley's Market Café, 114 Washington Street.** Julie Vinette, 42 Elm Street, appeared before the Board seeking a Carry-In Alcoholic Beverage License at 112 Washington. No one spoke in favor or opposition of the applicant. Motion to approve the request from Haley's Market and Café, 114 Washington Street, for a Carry-in Alcoholic Beverage License subject to receipt of the required forms, fees and departmental approvals and that such permit shall expire on an approval from the ABCC for any future transfer or application. Hours of operation are Sunday through Saturday 10:30 a.m. – 10:00 p.m., Seating Capacity = 24. A separate entrance to 114 Pleasant Street must be open at all times. A divider must be installed between Haley's Wines and Spirits and Haley's Market Café and signage posted that no Carry-in may be consumed at Haley's Wines and Spirits. Patrons may not enter Haley's Wines and Spirits, 112 Pleasant Street, with Carry-in beverages from the outside, they must enter directly to Haley's Market Café. Beverages for Carry-in may be purchased from Haley's Wines and Spirits and transported to Haley's Market Café, by entering through the main entrance on the street of 114 Washington Street, Haley's Market Café. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**THEATRE LICENSE ANNUAL ENTERTAINMENT. Warwick Entertainment LLC.** David Zion, Managing Member, appeared before the Board seeking a Movie Theatre License and an Annual and Sunday Entertainment License and a Movie Theatre

License for Warwick Entertainment LLC, 123 Pleasant Street. Motion made and seconded to approve the request from David Zion, Managing Member, for a Movie Theatre License at Warwick Entertainment LLC, 123 Pleasant Street 7 days a week from 9:00 a.m. – 11:30 p.m. subject to receipt of the required fee. All in favor. Motion made and seconded to approve the request from David Zion, Managing Member, for an Annual and Sunday Entertainment License for Warwick Entertainment LLC, d/b/a Palmers at the Warwick, 123 Pleasant Street, Monday through Friday 6:00 p.m. – 11:30 p.m. and Saturday and Sunday 12:00 noon – 11:30 p.m. subject to receipt of the required fees and approval from the Department of Public Safety for the Sunday License and that no noise shall be heard from the street. All in favor.

**LICENSING. 2014 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: David Lantych

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: Richard Cooper

All in favor.

Motion made and seconded to renew the following Entertainment Licenses, except those on HOLD, 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: Phil Devlin

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

Eastern Yacht Club  
47 Foster Street  
Manager: Jeff Wargo

Gerry No.5, V. F. A., Inc.  
240 Beacon Street  
Manager: Art Dodge

Headers Club  
62 Pleasant Street  
Manager: Dincer Ulutas

The Barrelman  
259 Washington Street  
Manager: Benjamin Newman

Imperial Mandarin:  
8 Bessom Street  
Manager: Tak L. Chow

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

Rip Tide Lounge  
116 Pleasant Street  
Manager: George Ciampa

Tedesco Country Club  
154 Tedesco Street  
Manager: Julie Aquino

Chaplain Lyman Rollins Post 2005, V. F. W.  
321 West Shore Drive  
Manager: Walter Fader

The Landing  
81 Front Street  
Manager: Robert Simonelli                      HOLD

Terry's Olde Fashion Ice Cream  
22 Atlantic Avenue

Manager: Carlos Rocha

Warwick Entertainment LLC  
d/b/a Palmers at the Warwick  
123 Pleasant Street  
Manager: John Ingalls

All in favor.

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

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

Gold Bug  
Atlantic Avenue  
Manager: Suzanne Green

Lucky Elephant  
231 Washington Street  
Manager: Megan Holst

Madam Had'am  
160 Washington Street  
Manager: Cheryl Maguire

Nuggets, Inc.  
22 Atlantic Avenue  
Manager: Sandra Burke

Lee Antiques  
235 Washington Street  
Manager: Jessica Lee

She Marblehead  
86 Washington Street  
Manager: Tiffany Gaddis

J. Martin Furnishings  
118 Washington Street  
Manager: Joanne Martin

Step by Step Carpet & Interiors  
75 Washington Street  
Manager: Kathy Sasso

DeeZigns  
237 Washington St  
Manager: Denise Singley

Inspire  
128 Pleasant Street  
Manager: Christine Schena

Flora Tailoring  
183 Humphrey Street  
Manager; Papazian Mkrititch

All in favor.

Motion made and seconded to renew the following Automatic Amusement Device licenses, except those on HOLD, 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 three (3) devices:  
Dynamo Pool Table (Serial Number 53678)  
3D Golf Video Game (Serial Number 17216)  
CD Player by ROW AMI (Serial Number 4031277)

Chaplain Lyman Rollins Post 2005, V. F. W.  
321 West Shore Drive - Manager: Walter Fader  
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)

All in favor.

Motion made and seconded to renew the following Sunday Entertainment Licenses, except those on HOLD, subject to all fees to the Town being paid and approval from the Commonwealth's Department of Public Safety for Sunday Entertainment:

Boston Yacht Club  
One Front Street  
Manager: Phil Devlin

Corinthian Yacht Club  
Corinthian Lane  
Manager: David H. Titus

Eastern Yacht Club  
47 Foster Street  
Manager: Jeff Wargo

Tedesco Country Club  
154 Tedesco Street  
Manager: Julie Aquino

The Barrelman  
259 Washington St.  
Manager: Benjamin Newman

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

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

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

Gerry #5 Veteran Fireman Association, Inc.  
240 Beacon Street  
Manager: Art Dodge

Warwick Entertainment LLC  
d/b/a Palmers at Warwick  
123 Pleasant Street  
Manager: John Ingalls

All in favor.

Motion made and seconded to renew the following Sunday Entertainment License, subject to all fees to the Town being paid and approval from the Commonwealth's Department of Public Safety for Sunday Entertainment:

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

3 voted in favor, Mr. Christensen voted present

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

Atomic Café, 14 School Street – Manager: Andrew Mahoney  
Barrelman, 259 Washington Street – Manager: Benjamin Newman  
Barnacle, 141 Front Street – Manager: Jay L. Sahagian  
Beach Bluff Market, 250 Humphrey Street, Manager: Azhar Ali  
Café Italia, 10 School Street – Manager: Donna Oliviero  
Café Vesuvius, 18 Bessom Street – Manager: Bart Freddo



Casa Corona, 33 Smith Street – Manager: Jose Bracamontes  
 Coffey Ice Cream, 118 Washington Street – Manager: Sheila Coffey  
 Comella's, Atlantic Avenue – Manager: Tierney Oslin  
 Driftwood Restaurant, 63 Front Street – Manager: 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  
 5 Corners Kitchen, 2-4 School Street – Manager: Barry Edelman  
 Haley's Wines & Spirits, 112 Washington Street – Manager: Julie Vinette  
 Haley's Market Café, 114 Washington Street – Manager: Julie Vinette  
 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  
 Junji's, 114 Pleasant Street – Manager: Junji Aoki  
 Soall Bistro, 10 Bessom Street, Manager: Mia Lunt  
 The Landing, 81 Front Street – Manger: Robert Simonelli                      HOLD  
 Le Bistro, One Atlantic Avenue – Manager: Ziad Nabbout  
 Lime Rickey's, Devereux Beach -- Manager: Anthony Marino  
 Maddie's Sail Loft, 15 State Street – Manager: Loretta Lang  
 Manhattan Sandwich Company, 10 Bessom Street – Manager: Michael Goodman  
 Marblehead House of Pizza, 7 Atlantic Avenue – Manager: Dimitri Zachariadis  
 Mino's Roast Beef, 27 Atlantic Avenue -- Manager: Lec Noci  
 Muffin Shop, 126 Washington Street -- Manager: Celeste Capasso  
 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  
 Terry's Olde Fashion Ice Cream, 22 Atlantic Avenue – Manager: Carlos Rocha  
 Thaimarket Inc. 26 Hawkes Street, Manager: Tom Kanchananaga  
 Three Cod Tavern, 141 Pleasant Street, Manager: Minot Percy  
 Tony's Pizza, 1 School Street – Manager: Antonio Brogna  
 Village Roast Beef & Seafood, 6 Bessom Street. Manager: Enkelejda Gjorga  
 Yannalfo's Restaurant, Washington Street – Manager: Brett Yannalfo

All in favor.

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:

The Landing, 81 Front Street – Manger: 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 Vinette

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. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, 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  
Manager: David Crosby

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

Motion made and seconded to renew the following All-Alcoholic Common Victualler licenses, except those on HOLD, 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

Food at Five, LLC  
d/b/a 5 Corners Kitchen  
2-4 School Street  
Manager: Barry Edelman

257 Washington Street  
d/b/a The Barrelman  
257 - 259 Washington St.  
Manager: Benjamin Newman

Hungry Betty's Bar and Grill  
165 Pleasant Street  
Manager: Jason Rakauskas

Hungry Cats Restaurant Group  
d/b/a Jack Tar American Tavern  
126 Washington Street  
Manager: Scott Brankman

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

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

The New Marblehead Landing  
d/b/a The Landing

HOLD

Manager: George A. Ciampa

Manager: Minot Percy

Manager: Jose Brancamontes

Manager: John Ingalls

Manager: Brett Yannalfo

On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, 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:

Manager: Robert Simonelli

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

Kitsen Table Inc.  
d/b/a Soall Bistro  
9 Bessom Street  
Manager: Mia Lunt

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

Joey Dee's Restaurant Group LLC  
d/b/a Joey Dee's  
114 Pleasant Street  
Manager: Joseph Costanzo

Junji's  
114 Pleasant Street  
Manager: Junji Aoki

Thai Market Inc.  
d/b/a Thai Market  
26 Hawkes Street  
Manager: Tom Kanchananaga

On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, 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. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, 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: Phil Devlin

Corinthian Yacht Club  
Corinthian Lane  
Manager: David H. Titus

Tedesco Country Club  
154 Tedesco Street  
Manager: Julie Aquino

Eastern Yacht Club  
47 Foster Street  
Manager: Jeff Wargo

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

Motion made and seconded to renew the following All-Alcoholic Veterans 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:

Chaplain Lyman Rollins Post  
d/b/a 2005 Veterans of Foreign War Inc.  
321 West Shore Drive  
Manager: Walter Fader

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

Motion made and seconded to renew the following Carry-In Alcoholic Beverage License, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Junji's  
114 Pleasant Street  
Manager: Junji Aoki

Haley's Market Café  
114 Washington Street  
Manager: Julie Vinette

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

Motion to renew the following Movie Theatre License, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Warwick Entertainment LLC  
123 Pleasant Street  
Managing Member: David Zion

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 Wednesday, January 1, 2014 until 1:00 a.m., at their discretion. All in favor.

**OVERNIGHT PARKING BAN. Temporary Modified Time.** Motion made and seconded to modify the start of the parking ban on Wednesday, January 1, 2014 from 12:00 midnight to 2:00 a.m. All in favor.

**FACILITY MAINTENANCE ADVISORY COMMITTEE.** Motion made and seconded to disband the Facility Maintenance Advisory Committee and that all impacted Boards, Committees and Departments revert back to using the original capital budgeting process in the development of the FY2015 budget. All in favor.

**POLICE PAID DETAIL/STREET OPENING PERMIT APPLICATION.** Motion made and seconded to reconsider the vote taken on June 26, 2013 regarding Police Department Paid Details. All in favor. Motion made and seconded that the Board of Selectmen rescind the Board's vote taken on June 26, 2013, at the Board's meeting, regarding Police Department, Police Details. All in favor. Motion made and seconded to reconsider the vote taken on September 11, 2013 regarding Street Opening Permit Applications. All in favor. Motion made and seconded that the Board of Selectmen rescind the Board's vote taken on September 11, 2013, at the Board's meeting, regarding the Street Opening Permit Application. All in favor.

**PERMISSION. Ladders of Public Way.** Motion made and seconded to approve the request, nunc pro tunc, from Dan Smith, 12 Washington Square, to place ladders on the public way December 10, 2013 to hang shutters subject to receipt of the required Certificate of Insurance. All in favor.

**PERMISSION. YMCA. Road Race.** Motion made and seconded to approve the request from Jamie Block, Health & Wellness Director, Lynch/van Otterloo YMCA, to run the 34<sup>th</sup> annual Lynch/van Otterloo YMCA's 5 mile road race on Sunday, April 27, 2014 starting at 2pm at 10 Atlantic Avenue and continuing down to Ocean Avenue and the causeway subject to approval from Chief Picariello and receipt of the required Certificate of Insurance. All in favor.

**USE OF TOWN PROPERTY. Marblehead Festival of Arts.** Motion made and seconded to approve the request from the Marblehead Festival of Arts for the following events and venues from March 2014 through July 2014 subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance and all required Department approvals and that Fort Sewall shall remain open to the public at all times:

**Abbot Hall for the Annual Art Auction:**

Art Auction Drop-Off

Saturday, March 1st: 8:30AM to 12:30 PM

Thursday, March 6th: 5:30 PM to 8:30 PM

Art Auction Setup

Thursday, April 3rd: 9:00 AM to 5:00 PM

Friday, April 4th: 9:00 AM to 5:00 PM

Art Auction & Wine Tasting - Final Setup & Event

Saturday, April 5th: 9:00 AM to 11:00 PM

Art Auction Breakdown & Clean-Up

Sunday, April 6th: 12:00 PM to 4:00 PM

**Abbot Hall for Festival Art Exhibits and related events:**

Art Exhibits Drop-Off

Saturday, May 17th: 8:30 AM to 12:30 PM

Thursday, May 29th: 5:30 PM to 9:00 PM

Art Exhibits Judging

Saturday, May 31st: 8:30 AM to 12:30 PM

Art Exhibits Non-Accepted Work Pickup

Saturday, June 14th: 8:30 AM to 12:30 PM

Art Exhibits Setup



Saturday, June 28th: 8:30 AM to 5:00 PM

Art Exhibit's Awards Reception

Wednesday, July 2nd: 6:00 PM to 9:00 PM

Festival: Art Exhibits, Artisans' Marketplace, Model Boat Building

Thursday, July 3rd: 9:30 AM to 5:30 PM

Friday, July 4th: 9:30 AM to 5:30 PM

Saturday, July 5th: 9:30 AM to 5:30 PM

Sunday, July 6th: 9:30 AM to 5:30 PM

Art Exhibits Breakdown & Clean-Up

Monday, July 7th: 9:00 AM to 2:00 PM

Art Exhibits Pick-Up

Tuesday, July 8th: 5:30 PM to 8:30 PM

**Old Town House – Festival of Arts Exhibits -for storage, set-up and break down.**

Friday, June 27th through Tuesday, July 8th

**Fort Sewall for the Champagne Reception & Culinary Arts Tasting**

Sunday, June 29th: 9:00 AM to 9:00 PM

Monday, June 30<sup>th</sup> (Clean up) 8:00 AM to Noon

All in favor.

The Festival will also seek requests from the Recreation and Parks Department for the following:

Crocker Park for Performing Arts and Film Festival, including setup and breakdown:

Monday, June 30th, through Monday, July 7th

Devereux Beach for Sand Sculpture Competition and Kite Festival

Saturday, July 5th: 9:00 AM to 5:00 PM

**PERMISSION. Moving Van. Washington Street.** Motion made and seconded to approve, upon review of Chief Picariello, the request from Kelly Leighton to have a moving truck at 234 Washington Street on Thursday, December 12, 2013 from 8:00 a.m. – 2:00 p.m. subject to approval from Chief Picariello. All in favor.

**MARBLEHEAD CULTURAL COUNCIL. Resignation.** A letter was received from Linda Hall as it relates to her resigning from the Marblehead Cultural Council. Motion made and seconded to accept with regret and send a letter of appreciation. All in favor.

**HOLIDAY HOURS. Abbot Hall and Mary A. Alley.** The following holiday business hours will be observed at Abbot Hall and Mary A. Alley Building:

Monday, December 23, 2013 Regular Hours 8:00 a.m. – 5:00 p.m.

|                              |                                     |
|------------------------------|-------------------------------------|
| Tuesday, December 24, 2013   | CLOSED                              |
| Wednesday, December 25, 2013 | CLOSED                              |
| Thursday, December 26, 2013  | 8:00 am – 5:00 pm                   |
| Friday, December 27, 2013    | 8:00 am – 12:30 pm                  |
| Monday, December 30, 2013    | Regular Hours 8:00 a.m. – 5:00 p.m. |
| Tuesday, December 31, 2013   | CLOSED                              |
| Wednesday, January 1, 2014   | CLOSED                              |
| Thursday, January 2, 2014    | 8:00 am – 5:00 pm                   |
| Friday, January 3, 2014      | 8:00 am – 12:30 pm                  |

**MEETINGS.** The Board of Selectmen will not meet on Wednesday, December 25, 2013. The next regularly scheduled meeting is Wednesday, January 8, 2014.

**STATE OF THE TOWN.** The Annual State of the Town will take place on Thursday, January 16, 2014 at 5:00 p.m. in the Selectmen’s Meeting Room at Abbot Hall.

**OLD & HISTORIC DISTRICTS COMMISSION. Hearing Process.** Lisa L. Mead, Assistant Town Counsel appeared before the Board to discuss the application process in which a potential applicant is seeking to make “improvements” or “changes” to property which is owned by the Town of Marblehead. In order for an application to go before the Old & Historic Districts Commission the property owner must sign the application. In most instances the property owner and the applicant are one in the same. However if the applicant who owns land adjacent to Town owned land and that applicant wants to make improvements / changes to the town owned land as well as its own land it would require the Board of Selectmen, as owners of the town land, to sign the application and participate in the process. In the event that the Board of Selectmen determines they do not want to make any changes/improvements to the Town land, the applicant could not move forward to the Old & Historic Districts for the portion on the application which included the town owned land. The Board of Selectmen would make a determination on a case by case basis if they wish to participate or not. Attorney Mead walked the Board through the process to determine if they will participate or not and what recommended agreement provisions should be included in any cases that they choose to participate in.

**CHRISTMAS TREES. Curbside Pick up.** A letter was read from Doug Gordon, Tree Warden, notifying residents of Marblehead that Christmas trees will be picked up curbside on the following dates: Thursday, December 26, 2013 through Friday, January 17, 2014. Trees will not be picked up in plastic bags or with Christmas lights and ornaments on them. Wreaths and roping will also not be picked up as they contain metal wire which will damage our brush chipper. After January 17, 2014 it is responsibility of the residents to bring their trees to the transfer station.

**FIREFIGHTERS.** A letter was received from Jeff Martin, Marblehead Firefighters Local 2043, extending their appreciation for the Town’s support in their annual Muscular Dystrophy fundraiser.

**GIFT TO TOWN.** Mr. Christensen notified the Board that the Historical Commission received an anonymous gift donation, a cannon, and asks that the Board of Selectmen accept the gift. Motion made and seconded to accept, as a gift to the Town, a cannon, and place and in the care and custody of the Historical Commission. The Historical Commission in coordination with the Town Administrator shall determine where to place the cannon. All in favor.

**OLD TOWN HOUSE REOPENING.** Motion made and seconded to send a letter of appreciation to the Marblehead Forever Committee for sponsoring the opening events at the Old Town House. All in favor.

**EXECUTIVE SESSION.** Motion made and seconded to go into Executive Session under G.L. c. 30A, Sec. 21 for the purpose of discussing the value of real property where the public discussion of same may have a detrimental effect on the negotiating position of the public body.” 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. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

The Board convened to Executive Session at 9:00 p.m.

Kyle A. Wiley  
Administrative Aide