

## **BOARD OF SELECTMEN**

### **MINUTES**

**July 25, 2012**

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  
Bret T. Murray  
James E. Nye

Jeff Chelgren, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from July 11, 2012. 4 voted in favor, Mr. Christensen voted present.

**MARBLEHEAD FOR TEENS. Presentation.** Molly Williams, Executive Director, appeared before the Board to present her plan to launch a teen center. Nearly six years of planning have gone into this effort. The center would provide a safe and nurturing environment for teens to develop their skills, participate in meaningful activities involving decision making, planning, coping with adversity, self control and helping others. Community support, financial and volunteering, is needed to move forward. Motion made and seconded to support the Marblehead for Teens statement of support and to have the Chair sign on behalf of the Board. All in favor. The Board of Directors for Marblehead for Teens include: Gene Cornfield, Sally Schreiber-Cohn, Paul Crosby, Ellen Peterson and Beth Finkelstein. For more information please visit Marblehead for Teens on Facebook or call Molly Williams at 978-998-0285.

**PLANNING BOARD JOINT MEETING. Interviews.** The following members of the Planning Board were present: Kurt James, Jim Bishop, Ed Nilsson, Russell Beck and Phil Helmes. The following candidates were interviewed by the Board of Selectmen and the Planning Board as it relates to a vacant position on the Planning Board: Robert J. Schaeffner, 30 Casino Road, and Kristin Simonson Carlson, 3 Pilgrim Road. Motion made and seconded to place both names into nomination. All in favor.

On a polled vote the Planning Board and Selectmen voted as follows:

Mr. Bishop: Robert Schaeffner

Mr. Nilsson: Kristin Carlson

Mr. Helmes: Robert Schaeffner

Mr. Beck: Robert Schaeffner

Mr. James: Kristin Carlson

Mr. Murray: Robert Schaeffner

Mr. Christensen: Robert Schaeffner  
Mrs. Jacobi: Robert Schaeffner  
Mr. Nye: Robert Schaeffner  
Mrs. Belf-Becker: Robert Schaeffner

Marblehead Board of Selectmen and the Planning Board appoint Robert Schaeffner to the Planning Board with a term to expire in May 2015.

**CULTURAL COUNCIL. Interview. Appointment.** Louise Weber, 12 Grant Road, appeared before the Board as it relates to serving on the Marblehead Cultural Council. Motion made and seconded to appoint Louise Webber to the Cultural Council with a term to expire in May 2013. All in favor.

**COUNCIL ON AGING. Interviews. Appointment.** Clyde Elledge, Church of St. Andrew, and Dr. Robert Uhrich, 18 Maple Street, appeared before the Board as it relates to serving on the Council on Aging. Motion made and seconded to place both names into nomination. All in favor. On a polled vote the Board voted as follows: Mr. Murray, Clyde Elledge; Mr. Christensen, Clyde Elledge; Mrs. Jacobi, Clyde Elledge; Mr. Nye, Clyde Elledge; Mrs. Belf-Becker, Clyde Elledge. Clyde Elledge appointed to the Council on Aging with a term to expire in May 2015.

**HARBORS AND WATERS BOARD. Interviews.** Edward Crouch, 1 Lee Street, T. Clarke Smith, 5 Rose Avenue and Rick Williams, 80 Overlook Road, appeared before the Board as it relates to serving on the Harbors and Waters Board, alternate position. Douglas O'Leary, 48 Commercial Street, will be interviewed on August 8, 2012 at which time the Selectmen will make appointments.

**MARBLEHEAD DISABILITIES COMMISSION. Interviews. Appointments.** Peggy Blass, 5 Sandie Lane, Patricia Charbonnier, 35 Overlook Road, and Mark Horrigan, 27 Cloutmans Lane, appeared before the Board as it relates to serving on the Disabilities Commission. Motion made and seconded to place all names into nomination. On a polled vote the Board voted as follows: Mr. Murray, Patricia Charbonnier; Mr. Christensen, Patricia Charbonnier; Mrs. Jacobi, Patricia Charbonnier; Mr. Nye, Patricia Charbonnier; Mrs. Belf-Becker, Patricia Charbonnier. Patricia Charbonnier appointed to the Marblehead Disabilities Commission with a term to expire in May 2015. On a polled vote the Board voted as follows: Mr. Murray, Mark Horrigan; Mr. Christensen, Mark Horrigan; Mrs. Jacobi, Mark Horrigan; Mr. Nye, Mark Horrigan; Mrs. Belf-Becker, Mark Horrigan. Mark Horrigan appointed to the Marblehead Disabilities Commission with a term to expire in May 2013.

**CHAMBER OF COMMERCE. Maritime Festival. One Day Liquor License(s).** Ann Marie Casey, Executive Director, and Dee Vigneron, Chamber Member, appeared before the Board seeking (2) one day liquor licenses during the Marblehead Maritime Festival.

**Tuckers Wharf.** Motion made and seconded to approve the request from the Ann Marie Casey, Chamber of Commerce, for a one day liquor license on Saturday, August 11, 2012

from 2:00 pm - 6:00 p.m. for an Ipswich Ale Tap Truck at Tucker's Wharf during the Maritime Festival activities subject to the following conditions:

Delivery of and receipt by the Licensing Authority of the required fee (\$50.)

1. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
2. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.
3. Police Detail
4. Liquor Liability Insurance
5. Designated area for serving and consuming alcohol roped off

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

**Fort Sewall.** Motion made and seconded to approve the request from Ann Marie Casey, Chamber of Commerce, for a one day liquor license on Sunday, August 12, 2012 from noon - 4:00 p.m. for an Ipswich Ale Tap Truck at Fort Sewall for a scheduled picnic during the Maritime Festival activities subject to the following conditions:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.
4. Police Detail
5. Liquor Liability Insurance
6. Designated area for serving and consuming alcohol roped off

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

For a complete schedule of the Marblehead Maritime Festival go to [www.marbleheadchamber.org](http://www.marbleheadchamber.org) and click on the Maritime Festival logo.

**COMMON VICTUALLER LICENSE. Tulamex Inc. 33 Smith Street.** Jose Brancamontes appeared before the Board seeking a common victualler license. Motion made and seconded to approve the application for a Common Victualler License for Tulemex Inc. d/b/a Casa Corona Mexican Restaurant, 33 Smith Street, applicant Jose Brancamontes. Hours of operation Sunday through Thursday 11:00am – 10:00 pm, Friday and Saturday 11:00 am – 11:00pm, subject to receipt of all applicable inspection sign offs and all fees paid. All in favor.

**PERMISSION. Use of Sidewalk. 125 Pleasant Street.** Motion made and seconded to approve the request from Timothy P. Costin, Project Manager, Groom Construction, to extend the temporary use of the sidewalk at 125 Pleasant Street for an additional 90 days subject of the proper insurance and Police approval. All in favor.

**TOLLING AGREEMENT. United States Army Corp of Engineers.** Motion made and seconded to approve the Tolling Agreement, as prepared by Town Counsel, between United State Army Corps of Engineers and the Town of Marblehead. All in favor.

**PERMISSION. Use of Abbot Hall. Symphony by the Sea.** Motion made and seconded to approve the request from Kincade Webb, Board Member, to change one of the dates previously approved to use Abbot Hall for Symphony by the Sea's concert season 2012-2013 as follow: Change the concert on September 27, 2012 to October 11, 2012 and change the rehearsal dates from September 24 – 25, 2012 to October 9, 2012. Approval is subject to the usual rules, regulations, rental fees, custodial fees and receipt of the required Certificate of Insurance. All in favor.

**PERMISSION. Blocking Street. 8 Washington Street.** Motion made and seconded to approve the request from Jay Avagianos, American Renaissance Inc., to cover the sidewalk and approximately 4 ft into the road at 8 Washington Street and to have a ladder on the road in order to scrape the house in compliance with EPA regulations subject to a Police Detail, proper insurance, Board of Health approval and the Town Administrator to work with the contractor to keep footage into the street at a minimum. All in favor.

**PERMISSION. Block Party.** Motion made and seconded to approve the request from Lynne DeVoe, 52 Rowland Street, to block Rowland Street from #55 to # 37 at western corner of Cross Street and Rowland for a block party on July 26, 2012 from 6:00 p.m. – 9:00 p.m. for a block party. All in favor.

**LICENSING. One Day Liquor License. Tedesco Country Club.** Motion made and seconded to approve the request from the Tedesco Country Club for (2) one day liquor licenses on Thursday and Friday, August 2 -3, 2012 from 12:00 noon – 5:00 pm on the 10<sup>th</sup> Tee Box of the Golf Course subject to the following conditions:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of G. L. c. 138.

Alcohol will be provided by Merrimack Valley Distributing and delivered directly to the 10<sup>th</sup> Tee. On a polled vote the Board voted as follow: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor, Mrs. Belf-Becker, in favor.

**VOTE. Contract.** Motion made and seconded to award a contract for Abbot Hall windows to Marvin Design Gallery of Middleton, MA in the amount of fifteen thousand seventy dollars and seventy /100 dollars (\$15,070.78) and authorize the Chair to sign the contract on behalf of the Board. All in favor.

**VOTE. Reject Bids.** DPW Truck. Motion made and seconded to reject all bids received for the DPW 2013 37,600 lbs Dump Truck in the best interest of the Town. All in favor.

**STONY BROOK ROAD. Settlement Agreement.**

**Unit 1.** Motion made and seconded to approve the attached Settlement Agreement by and between the Town of Marblehead and JOHN F. SULLIVAN and BARBARA L. SULLIVAN (“Owner”) for the purpose of resolving, settling and otherwise disposing of any and all potential claims the Owner has against the Town and any and all potential claims the Town has against the Owner, now existing or as may hereafter arise, relating in any way whatsoever to the release of hazardous materials at the Owner’s property at 52 Stony Brook Road in said Marblehead, specifically being Unit 1. All in favor.

**Unit 2.** Motion made and seconded to approve the attached Settlement Agreement by and between the Town of Marblehead and JOSEPH F. RYAN and NANCY RYAN (“Owner”) for the purpose of resolving, settling and otherwise disposing of any and all potential claims the Owner has against the Town and any and all potential claims the Town has against the Owner, now existing or as may hereafter arise, relating in any way whatsoever to the release of hazardous materials at the Owner’s property at 52 Stony Brook Road in said Marblehead, specifically being Unit 2. All in favor.

**OLD AND HISTORIC DISTRICTS COMMISSION. Letter of Interest.** A letter of interest was received by Gary J. Amberik, 213 Washington Street, as it relates to serving on the Old and Historic Districts Commission. The Board will receive letters of interest with a deadline of August 31, 2012 at 12:00 noon.

**OLD AND HISTORIC DISTRICTS COMMISSION/. ZONING BOARD OF APPEALS. Letter of interest.** A letter of interest was received from W. Lewis Barlow as it relates to serving on the Old and Historic Districts Commission or the Zoning Board of Appeals.

**TAXES.** A letter was read from Town Treasurer Patricia Kelly Murray as it relates to 1<sup>st</sup> Quarter Real Estate Taxes being due on Wednesday, August 1, 2012. 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.

**GRAND OPENING. Maritime Room. Abbot Hall.** An invitation was received from the Marblehead Historical Commission to the official opening of the newly renovated Dr. Raymond Cole Maritime Museum in Abbot Hall on Wednesday, August 1, 2012 from 6:00 p.m. – 7:30 p.m.

**CULTURAL COUNCIL. Letter of Interest.** A letter of interest was received from Jonathon Green, 27 Kenneth Road, as it relates to serving on the Cultural Council.

**THE DAMES. Grand Opening. Photography Exhibit.** An invitation was received from Sandra Winter and Holly Aloha Jaynes, to the grand opening of the photography exhibit: The Dames: Honoring the Good Women, on Saturday, August 4, 2012 from

1:00 pm – 3:00 pm in the Virginia Carten Gallery of the Abbot Public Library. The exhibit, part of The Dames Project, includes a book, The Dames, Honoring the Good Women of Farrell Court, Powder House Court and Roads School, photography exhibit and intergenerational experience with 6 students from the Marblehead Charter School. The “Dames” included in the exhibit are: Johanna Apostoloff, Carol Crook, Connie Fraser, Ethel Gansenberg, Mary Spelta, Betty Ann Downs, Zimfira Finarevskaya, Dora Kazachkova, Nancy Easterbroks, Blanche Kiechoff, Barbara Rafferty, Jean Lockerbie Ware, Ann Mitchell, Lois Fowler, Ruth Binder, Beverly Jessup. Charter School Students who volunteered on this project are: Alicia Linsky, Cole Patrick, Owen Fitzgerald, Deanna Buba, Kiki Sullivan, Sophia Spungin. Motion made and seconded to send a letter of appreciation to Sandra Winter and Holly Aloha Jaynes and all participants for their work on this project. All in favor.

**ASSISTANT HARBORMASTERS. Appointment.** The Chair notes that prior to actual implementation of the appointment of all Marblehead Police Officers as Assistant Harbor Masters the intention is to have Town Counsel and Labor Counsel review this matter concerning this potential change in operations.

Motion made and seconded to adjourn at 9:35 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide