

## BOARD OF SELECTMEN

### MINUTES

**August 8, 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 25, 2012. All in favor.

**COLUMBIA PICTURES.** Mark Fitzgerald, Location Manager, appeared before the Board as it relates to the filming of Grown Ups 2 in Marblehead. Mr. Fitzgerald thanked the Town for all their support during the production. Over \$4,364,000.00 has been spent in the Town relating to the movie; rental of Town Properties, housing rentals for crew and actors, purchases at local stores, restaurants and more.

**FINANCE. Bond/Bond Anticipation Notes.** John McGinn, Finance Director, and Patricia Murray, Tax Collector/Treasurer, appeared before the Board seeking approval on recent Bond and BAN sales.

Motion made and seconded that the sale of the \$9,171,000 General Obligation Municipal Purpose Loan of 2012 Bonds of the Town dated August 10, 2012 (the "Bonds"), to PNC Capital Markets at the price of \$9,740,278.58 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2013	\$276,000	2.00%	2023	\$420,000	2.00%
2014	410,000	2.00	2024	425,000	2.00
2015	420,000	3.00	2025	440,000	2.125
2016	440,000	3.00	2026	450,000	2.25
2017	450,000	3.00	2027	455,000	2.375
2018	460,000	3.00	2028	470,000	2.50
2019	475,000	3.00	2029	480,000	3.00

2020	495,000	4.00	2030	495,000	3.00
2021	515,000	5.00	2032	1,045,000	3.00
2022	550,000	5.00			

All in favor.

Motion made and seconded to approve the sale of a \$14,911,000 1.25 percent General Obligation Bond Anticipation Note of the Town dated August 10, 2012, and payable August 9, 2013 (the "Note"), to Eastern Bank at par plus a premium of \$154,346.25. All in favor.

Motion made and seconded that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 17, 2012, and a final Official Statement dated August 1, 2012 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. All in favor.

Motion made and seconded that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 17, 2012, and a final Official Statement dated August 1, 2012, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. All in favor.

Motion made and seconded that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement. All in favor.

**PUBLIC HEARING. Verizon New England Inc. Request.** Joseph Gleason, Verizon New England Inc., Dracut, MA, Verizon Right of Way Agent, appeared before the Board seeking permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by the petitioners, along and across the following public way or ways: - CORNELL ROAD, remove one (1) pole, place one (1) Pole. Locations approximately as shown on VERIZON PLAN NO. 1, Dated 6-12-2012, and on file in the Selectmen's Office. No one spoke in favor or against the petition. Motion made and seconded to approve Verizon Plan No. 1 from Verizon New England Inc. as presented subject to Verizon hiring Police details as required by the Chief. All in favor.

#### **FINANCE. Bond/Bond Anticipation Notes. CONTINUED**

Motion made and seconded that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Note, as applicable, for the benefit of the holders of the Bonds and Note from time to time. All in favor.

Motion made and seconded that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Note. All in favor.

Motion made and seconded that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. All in favor.

**TOWN PLANNER/CHIEF PROCUREMENT OFFICER. Disposition of Property.**

**57 Green Street.** Rebecca L. Curran, Town Planner, Chief Procurement Officer, appeared before the Board as it relates to property at 57 Green Street. The Town acquired this property through a tax lien foreclosure in January 2011 and it is now ready to dispose of. The property which consists of three bedrooms, one bath, six room half house and 2439 square feet of land. The Marblehead Assessor has determined the fair market value to be one hundred and thirty seven thousand five hundred dollars (\$137,500) which the Town must set as the minimum price. A Request for Proposal has been drafted and once the property is declared surplus it will be advertised in the Central Register on September 12, 2012 and the Marblehead Reporter on September 13 & 20, 2012. Motion made and seconded to declare the property at 57 Green Street (Assessor Map 146 Lot 7) not needed for municipal purpose and available for disposition. All in favor.

**OLD TOWN HOUSE. Contract Amendment.** Rebecca L. Curran, Town Planner, Chief Procurement Officer, appeared before the Board as it relates to the Old Town house accessibility project. Motion made and seconded to amend the contract for the Old Town House accessibility project between the town of Marblehead and Mills Whittaker Architects LLC to include design development, construction documents, bidding and negotiation and construction administration and to increase the amount of the contract by eighty seven thousand dollars (\$87,000.00) subject to the final review and approval of Assistant Town Counsel Lisa Mead on the contract language and authorize the chair to sign on behalf of the Board. All in favor.

**OLD TOWN HOUSE. Oversight Committee.** Motion made and seconded to establish an ad hoc committee to oversee the Old Town House project and to include a member of the Board of Selectmen, Old and Historic Districts Commission, Marblehead Museum and Historical Society, Disabilities Commission, Finance Committee, and the Town Planner, Building Commissioner and Town Administrator to serve as ex-officio members. All in favor. Motion made and seconded to appoint Judith R. Jacobi the Selectmen's member to the Old Town House Oversight Committee. All in favor.

**PERMISSION. Muscular Dystrophy Association. Annual Halloween Witch Ride.**

Vanessa Malfitano, Executive Director MDA Boston North Chapter, and Doug Knowles, Pitman Road, appeared before the Board seeking permission for the annual MDA ride to come through Marblehead. After brief discussion motion made and seconded to approve the request to hold the 24<sup>th</sup> annual Halloween Witch Ride on Sunday, October 14, 2012 with a rain date of Sunday, October 21, 2012. The ride will depart from Everett at 1:00 p.m., travel a coastal route through Revere, Lynn, Swampscott, into Marblehead and finish at Shetland Park in Salem. Riders should enter Marblehead at approximately 1:30 – 1:45 p.m. All in favor.

**HARBORS AND WATERS BOARD. Interview. Appointments.** Douglas O’Leary, 48 Commercial Street, appeared before the Board as it relates to serving on the Harbors and Waters Board, Alternate Member. T. Clark Smith, Edward P. Crouch and Rick Williams were interviewed by the Board on July 25, 2012. Motion made and seconded to place all four names into nomination. On a polled vote the Board voted as follows: Mr. Murray, Doug O’Leary; Mr. Christensen, Doug O’Leary; Mrs. Jacobi, Doug O’Leary; Mr. Nye, Doug O’Leary; Mrs. Belf-Becker, Captain O’Leary. Doug O’Leary appointed to the Harbors and Waters Board, Alternate Member, with a term to expire in May 2013. On a polled vote the Board voted as follows: Mr. Murray, Ed Crouch; Mr. Christensen, Rick Williams; Mrs. Jacobi, Rick Williams; Mr. Nye, Clark Smith; Mrs. Belf-Becker, Rick Williams. Rick Williams appointed to the Harbors and Waters Board, Alternate Member, with a term to expire in May 2013. On a polled vote the Board voted as follows: Mr. Murray, Clark Smith; Mr. Christensen, Clark Smith; Mrs. Jacobi, Ed Crouch; Mr. Nye, Clark Smith; Mrs. Belf-Becker, Clark Smith. Clark Smith appointed to the Harbors and Waters Board, Alternate Member, with a term to expire in May 2013.

**SIGN REQUEST. 134 Washington Street.** Vytas Barsauskas, Mackimmie Co., appeared before the Board seeking permission to place an overhanging sign at his business, Mackimmie Co. at 134 Washington Street. Motion made and seconded to approve the request for an overhanging sign at 134 Washington Street subject to approval from the Old and Historic Districts Commission, proper insurance and sign permit. All in favor.

**PERMISSION. POD. 2 Sunset Road.** Motion made and seconded to approve the request from Regan Walker, 2 Sunset Road, to place a POD container in front of their home at 2 Sunset Road starting August 17, 2012 for one month subject to receipt of the required insurance and placement of the POD as specified by Chief Picariello. All in favor.

**SURPLUS EQUIPMENT.** Motion made and seconded to declare various items no longer needed for municipal purpose and available for disposition. Items include a wooden office desk, a metal office desk, a black metal three shelf bookcase, a “wooden” 2 shelf bookcase, a computer desk and a portable tape recorder/radio. All in favor.

**PERMISSION. Blocking Public Way. 8 Washington Street.** Motion made and seconded to approve the request from Jay Avagianos, American Renaissance Inc., to

revise the previously approved dates to perform work at 8 Washington Street to August 9, 10, and 13, 2012 subject to receipt of required Certificate of Liability and Board of Health Permit. All in favor.

**HARBORS AND WATERS. Reconsideration. Appointments.** Motion made and seconded to reconsider the vote of July 11, 2012 to appoint the duly sworn officers of the Marblehead Police Department as Assistant Harbor Masters. 4 voted in favor, Mr. Christensen voted present. Motion made and seconded to approve the request from Chief Picariello and F. Webb Russell, Harbormaster, to appoint the duly sworn officers of the Marblehead Police Department as Assistant Harbor Masters with a term to expire in May 2013. 4 voted opposed, Mr. Christensen, voted present. Motion made and seconded not to move forward with this request but to have the Police Chief and the Harbor Master address the issues related to the coordination of law enforcement between their departments in a different manner and to report back to the Selectmen on their efforts. All in favor.

**PERMISSION. Moving Van. Maverick Street.** Motion made and seconded to approve the request from William Zimmerman, 66 Maverick Street, to have a moving van at their home at 66 Maverick Street from Friday, August 17 – Monday, August 20, 2012 subject to the tree on their property being trimmed back, neighbors informed, keeping a 10 ft. way clear and parking the van as close to the curb as possible. All in favor.

**CONTRACT. Pickett House.** Motion made and seconded to award a contract to National Abatement of Peabody, MA for the removal and disposal of asbestos pipe insulation at the Pickett House in the amount of nine hundred and eighty five dollars (\$985.00) and authorize the chair to sign a contract on behalf of the Board. All in favor.

**CONTRACT. Abbot Hall. Install Windows.** Motion made and seconded to award a contract to Stevenson services of Connecticut to install windows in Abbot Hall in the amount of eight thousand dollars (\$8,000.00) and authorize the chair to sign a contract on behalf of the Board. All in favor.

**APPRECIATION. Harbormaster/Fire Department.** A letter was received from Amy and Daniel Dragani expressing their appreciation to the Harbormaster and Fire Department as it relates to a fire on their boat on the Marblehead side of Salem Harbor on Wednesday, July 25, 2012. Motion made and seconded to forward the letter to the Harbormaster and Fire Department. All in favor.

**ZONING BOARD OF APPEALS. Letter of interest.** A letter of interest was received from Donald H. Rousseau as it relates to serving on the Zoning Board of Appeals.

**ZONING BOARD OF APPEALS. Resignation.** A letter was received from Robert J. Schaeffner, as it relates to resigning from the Zoning Board of Appeals. Mr. Schaeffner was appointed to the Planning Board by the Selectmen and the Planning Board on July

25, 2012. Motion made and seconded to send a letter of appreciation to Mr. Schaeffner. All in favor.

**2012 LONDON OLYMPICS.** Motion made and seconded to contact the Marblehead Forever Committee asking them to put together a plan for a celebration in Town for all Marblehead participants in the 2012 London Olympics. All in favor.

**APPRECIATION. Wounded Warriors Project.** Motion made and seconded to send a letter of appreciation to Chip Walcott and Matt Dolan for all their work on the Wounded Warriors Project on July 28, 2012. All in favor.

**MARINE CORP AVIATION 100<sup>th</sup> ANNIVERSARY. Appreciation.** Motion made and seconded to send letters of appreciation to the following for their participation in the Marine Corp Aviation 100<sup>th</sup> Anniversary Celebration: Don Humphreys, Andrew Ley, Don Macaulay, Dave Rodgers, Jenna Dolan, Buck Grader, Jack Attridge, 25<sup>th</sup> Marine Regiment, Captain Kevin J. Beckwith, MAG 49, 4<sup>th</sup> Marine Air Wing, Lynn English JROTS and Gloucester High School ROTC. All in favor. The Board thanked all Department Heads, employees and the Town Administrator for their collaborative efforts in preparing for all the events.

Motion made and seconded to adjourn at 8:35 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide