

BOARD OF SELECTMEN

MINUTES

March 9, 2011

Board met in session at 7:30 p.m. in the Selectmen's Meeting Room at Abbot Hall.

Present (constituting a quorum):

James E. Nye, Chairman
Jackie Belf-Becker
Judith R. Jacobi
T. Michael Rockett
William L. Woodfin, II

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from February 23, 2011. All in favor.

ANNUAL ENTERTAINMENT LICENSE. Hungry Betty's Bar & Grille. Patricia Johnson, 6 Oakledge Road, Swampscott, appeared before the Board seeking an Annual Entertainment License at Hungry Betty's Bar & Grille, 161 Pleasant Street. Motion made and seconded to approve the request for an Annual Entertainment License from PJ Foods, LLC, d/b/a Hungry Betty's Bar & Grille, 161 Pleasant Street, Monday through Saturdays 7:00 p.m. – 11:00 p.m. and Sundays 1:00 p.m. - 5:00 p.m. subject to receipt of the required fees and approval from the Mass Department of Public Safety. No music is to be heard from the streets. All in favor.

PUBLIC HEARING. Shade Tree Removal. Lauren Lautner, For Seasons Ecological Landscape Design, and Doug Gordon, Tree Warden, appeared before the Selectmen. Ms. Lautner, representing her client Lynn Breed, was seeking approval to remove (1) Kwanzan Cherry Tree, with an approximate diameter of 12" located at 14 Crestwood Road. Motion made and seconded to approve the request from the homeowner to remove the (1) Kwanzan Cherry Tree located at 14 Crestwood Road, at the homeowners expense, and in accordance with the Shade Tree Regulations provide four (4) replacement trees, at the homeowner's expense and subject to approval from the Tree Warden. Approval is subject to receipt of the required Certificate of Insurance. All in favor.

MARBLEHEAD FIREWORKS COMMITTEE. Alexander Falk, 9 Fox Run Lane, appeared before the Board as it relates to the July 4, 2011 Fireworks display. Motion made and seconded to hold the annual Fireworks Display at the mouth of the Harbor on Monday, July 4, 2011, rain date Tuesday, July 5, 2011. Harbor Illumination starts at 8:45 p.m., Fireworks display at 9:00 p.m. All in favor. Motion made and seconded to approve the contract with Atlas PyroVision Productions Inc. to provide the Fireworks display and

authorize the Chairman to sign on behalf of the Board. All in favor. Residents and business owners are encouraged to keep sending their tax deductible donations to the Selectmen's office and put "Fireworks" on the memo line. Mr. Falk thanked all those who have made donations.

FIRE DEPARTMENT. Project Lifesaver. Timothy Doane, Firefighter, appeared before the Board to present "Project Lifesaver" a tracking device program designed for the special needs population. The small watch like device is able to track someone up to a one mile radius with a 90% efficiency rate. The device can also be activated in many other states that have also implemented this program. For more information please contact the Marblehead Fire Department at 1-781-639-3427.

MUSCULAR DYSTROPHY ASSOCIATION. Cooking for a Cure. Hosted by Marblehead Firefighters Local 2043, the 3rd MDA Cooking for a Cure will be held on Saturday, March 19, 2011 at the Danversport Yacht Club, 116 Elliot Street, Danvers, MA. Doors open at 6:00 p.m., food served 7:00 p.m. – 9:00 p.m. \$30 per person. Tickets available at the Marblehead Fire Department and available at the door.

MARBLEHEAD FIRE DEPARTMENT. Resignation. A letter was read from Chief Jason Gilliland notifying the Board that Eric Ridge has resigned from the Department effective March 5, 2011. Eric was appointed Permanent Full-Time Firefighter on September 23, 2007. Chief Gilliland thanked Eric for his 4 years of service.

ALL ALCOHOLIC BEVERAGE LICENSE. Ataraxis Tavern. Cancellation Hearing. Pledge of License. Dean Santamaria-Capetanelis, 3 Nicole Avenue, Beverly appeared before the Board as it relates to the All Alcoholic Beverage License at 28 Atlantic Avenue. Lisa L. Mead, Assistant Town Counsel was present also. The subject of the hearing is the cancellation of Liquor License #065600004 for nonuse under G.L. c. 138, § 77 and the Pledge of the License under G.L. c. 138, § 23.

Cancellation: The Board asked Mr. Santamaria-Capetanelis if his intentions were the same as he stated during the January 26, 2011 meeting (that he had no intentions of reopening the business). The options available to Mr. Santamaria-Capetanelis were (1) reopen the business and use the license; (2) file an application to transfer the license to a new location, open the business at the new location and exercise the license; or (3) file an application to transfer ownership of the license. Mr. Santamaria-Capetanelis stated he had nothing further to add to his January 26, 2011 statement. Motion made and seconded to cancel License #065600004, held by Dean Santamaria-Capetanelis, for nonuse in accordance with G.L. c. 138, § 77. On a polled vote the Board voted as follows: Mr. Rockett, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, in favor. Mr. Santamaria-Capetanelis was advised in accordance with G.L. c. 138, § 65 he must deliver the cancelled license to the Board within 7 days. The Board is currently in receipt of License #065600004.

Pledge: Jeff Flynn, 5 Haley Road, appeared before the Board. License #065600004 was pledged to Jeffrey P. Flynn, as the former License holder, in accordance with G.L. c. 138 § 23. Accordingly Mr. Flynn has the opportunity to foreclose on the Pledge and step into the position of Mr. Santamaria-Capetanelis, for the limited purpose of applying to renew

the License with him as the licensee or for transferring the License to a third party if he can provide the Board with the UCC Statement filed with the Secretary of the Commonwealth and the Forecloser Petition. Mr. Flynn stated he is in the process, through his lawyer, of filing the required forms and will be able to provide them to the Board shortly. Motion made and seconded to continue the hearing until March 23, 2011 at 7:35 p.m. All in favor.

OLD BURIAL HILL. Preservation Master Plan. Rebecca L. Curran, Town Planner, and Zeke Peach, 137 Atlantic Avenue, Chairman, Old Burial Hill Committee, appeared before the Board to present the Preservation Master Plan for Old Burial Hill. The Committee plans to meet with all the relevant Commissioners and Department Heads and then a specific timeline will be developed for implementation. Ms. Curran stated the Committee will continue to actively seek funding for the restoration of Old Burial Hill through fundraising and grant funds. Donations to the “Old Burial Hill Committee” may be sent to the Selectmen’s Office, Abbot Hall, 188 Washington Street. The entire report will be available on line shortly at www.marblehead.org.

ABBOT HALL. Permission to use. Motion made and seconded to table a request from Rachel McAlpine, Harborlight Montessori School, to use Abbot Hall on June 18, 2011. All in favor.

POLICE DEPARTMENT. Indemnification. Motion made and seconded to indemnify Officer Richard Alex for injuries sustained while on duty February 10, 2011. All in favor.

ABBOT HALL. Permission to Use. Motion made and seconded to approve the request from Don Puluse, Symphony by the Sea, to use Abbot Hall on April 9, 2011 for a Master Class, open to the public, given by Joel Krosnick, Chairman of the Cello Faculty at Juilliard School of Music subject to the usual rules, regulations, fees, receipt of the required Certificate of Insurance and custodial fees due. All in favor.

PERMISSION. Moving Truck. Motion made and seconded to approve the request from Christine and Adam Plouffe to have a moving truck at 15 Green Street on Thursday, March 31, 2011 from approximately 8:00 a.m. to 10:00 a.m. All in favor.

ABBOT HALL. Permission to Use. Motion made and seconded to table a request from Ian Morrison, Fleet Captain, Marblehead International One Design Fleet, to use Abbot Hall on June 11, 2011. All in favor.

ONE DAY ENTERTAINMENT LICENSE. Maddie’s Sail Loft. Motion made and seconded to approve the request from Loretta Lang, Maddie’s Sail Loft, 15 State Street, for a One Day Entertainment License on the following days: Thursday, March 10, 2011 from 8:00 p.m. – 11:00 p.m. and Thursday, March 17, 2011 from 8:30 p.m. – 11:30 p.m. subject to no music heard from the street. All in favor.

VOTE. Proclamation. Holocaust Awareness Week. Motion made and seconded to approve the request from Robert McAndrews, President of the Holocaust Center, Peabody, MA to proclaim the week of May 1 – 7, 2011 “Holocaust Awareness Week” and to authorize the chairman to sign on behalf of the Board. All in favor.

SPIRIT OF '76. Permission to Use. Motion made and seconded to approve the request from Edward Knight, Sergeant Major, 804th Medical Brigade, an Army reserve unit based in Devens, MA, currently deployed in Iraq, to use the likeness of the Spirit of '76 painting for their unit logo. Their unit provides command and control over all the medical units in Iraq. Each unit creates a unique logo that symbolizes its mission and history. Because this unit is based in Massachusetts they are calling themselves “Patriot Medics” to honor the tradition of the citizen-soldier and tell the story that their soldiers provide world-class medical care in a deployed environment. All in favor. The Selectmen requested Sergeant Knight send the Town a picture of the completed logo.

GERRY No. 5. 55th Anniversary. A letter was read from Paul E. Jalbert, Secretary, Gerry No. 5 V.F.A. inviting a representative from the Board of Selectmen and their guest to attend the Gerry's 55th Anniversary Banquet on Saturday, March 26, 2011.

DOLPHIN YACHT CLUB. A letter was received from William F. Quinn, representing the Board of Governors of the Glover Landing Condominium at Zero Brackett Place as it relates to negotiations with Dolphin Yacht Club and traffic congestion issues in the area. A letter is included from the Dolphin Yacht Club outlining the rules and guidelines the Dolphin has agreed to establish that address the concerns of the Glover Landing Condominium. The Glover Landing Condominium fully supports the upcoming renewal of the Dolphin Yacht Club's Seasonal All Alcoholic Beverage License as well as the entertainment license. This letter will be placed on file.

CONGRATULATIONS. Motion made and seconded to send a letter of congratulations to Sue Guertin and the Marblehead High School Swim Team on their recent State Title win. All in favor.

CONGRATULATIONS. Motion made and seconded to send a letter of congratulations to the Marblehead High School Ski Team on their successful season. All in favor.

OLD TOWN HOUSE. Rental Fee. Motion made and seconded to change the rental fee at the Old Town House to \$250.00 effective immediately. This will not affect events previously approved by the Board. All in favor.

Motion made and seconded to adjourn at 8:45 p.m.

Kyle A. Wiley
Administrative Aide