

BOARD OF SELECTMEN

MINUTES

January 27, 2010

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
Harry C. Christensen, Jr.
Judith R. Jacobi
William L. Woodfin, II

Anthony M. Sasso, Town Administrator

APPOINTMENT. Chairman Pro- Tem. Motion made and seconded to appoint Mr. Nye as Chairman for this meeting. All in favor.

MINUTES. Motion made and seconded to approve the minutes from January 13, 2010. All in favor.

RESERVE FUND TRANSFER. Fire Department. Motion made and seconded to authorize Fire Chief Jason R. Gilliland to appear before the Finance Committee to request the transfer of the sum of six thousand five hundred dollars (\$6500.00) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws. All in favor

PERMISSION. Use of Abbot Hall. Eagle Scout Court of Honor. Motion made and seconded to approve the request from Scott Freeto, Scoutmaster, Troop 11, to use Abbot Hall on Saturday, March 20, 2010 from 11:00 a.m. to 4:30 p.m. (Rehearsal, Ceremony and Reception) for an Eagle Scout Court of Honor and to have pictures taken in front of the Spirit of '76 painting, subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor. Motion made and seconded to invite Tyler Freeto, Kevin Joyce and Connor Sullivan to a future Selectmen's meeting to present their Eagle Scout projects. All in favor.

PUBLIC HEARING. All Alcoholic Beverage License/Transfer. Common Victualler License. Thomas Egan, Counsel for 165 Pleasant Street, LLC and Richard Rockett, 15 Coolidge Road, Manager for 165 Pleasant Street, LLC appeared before the Selectmen seeking a transfer of the All Alcoholic Beverage License at 165 Pleasant Street from John J. Aquino, Chapter 7 Trustee for the estate of Jhikka, Inc. After discussion a motion was made and seconded to approve the request from 165 Pleasant Street, LLC for a Common Victualler License at 165 Pleasant Street. Hours of Operation will be Monday through Sunday 9:00 a.m. to 12:00 midnight. All in favor. Motion made and seconded to approve the transfer of the All Alcoholic Beverage License from, pursuant to 11USC8363, John Aquino, Chapter 7 Trustee for the estate of Jhikka, Inc. to 165 Pleasant Street, LLC, 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. Woodfin, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mr. Nye, in favor.

PARKING REGULATIONS. Handicap Parking. 26 Pleasant Street. Motion made and seconded to create a Handicapped Parking space on the north side of Pleasant Street in front of 26 Pleasant Street and described as follows: Beginning at a point three feet west from the easterly end of the existing granite curb in front of 26 Pleasant Street, thence run westerly for 20' and is 8' wide, and to advertise such notice in the paper. All in favor.

LICENSING. One Day Liquor License. Motion made and seconded to approve the request from Andrew Stossel, Rector, St. Michael's Church, for a one day liquor license on Saturday, February 6, 2010 from 6:00 p.m. – 10:00 p.m. for a fundraiser to support Esperanza Academy for Girls in Lawrence and to the Haiti Relief Fund subject to receipt of the required fee. On a polled vote the Board voted as follows: Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mr. Nye, in favor.

PERMISSION. Use of Abbot Hall. Motion made and seconded to approve the request from Nina Cullen-Hamzeh, Marblehead Community Charter Public School, to use Abbot Hall on Thursday, June 24, 2010 from 6:30 p.m. – 9:30 p.m. for their eighth grade graduation ceremony subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor.

MARBLEHEAD COMMUNITY ACCESS AND MEDIA INC. Amendment. Motion made and seconded to amend the previously signed "Cable Television Initial Ascertainment Findings" document to read as follows: "In the event the Town and Comcast do not resolve renewal matters through informal negotiations, this Ascertainment document shall be effective as a Request for Proposal as of *February 12, 2010*", and to have the Chairman sign on behalf of the Board. All in favor.

BOARD OF HEALTH. Commercial Water Revolving Fund. Motion made and seconded to approve the request from Wayne O. Attridge, Director of Public Health, for a revolving fund dedicated to commercial waste disposal for FY 2011. Expenditures from the fund by the Board of Health will be for the cost of solid waste disposal and receipts of the fund will include commercial disposal receipts. The cap of said revolving funds is not to exceed \$450,000.00. The said revolving fund is jointly supported by the Board of Health and Finance Committee in an effort to stabilize payment of disposal costs to the Town. All in favor.

SNOW REMOVAL. Motion made and seconded that the Board of Selectmen consistent with Chapter 44, Section 31D approve expenditures for snow and ice removal in excess of the available appropriation from Town Meeting for snow and ice in the amount of \$150,000. All in favor.

PERMISSION. Marblehead Muster/Parade. Motion made and seconded to approve the request from David Martin to hold a parade and firemen's muster at Reynolds Playground on August 28, 2010 subject to approval from the Marblehead Police, Fire, Water and Sewer and

Recreation and Parks Department and receipt of the required Certificate of Insurance. All in favor.

HARBORS AND WATERS BOARD/CONSERVATION COMMISSION. Stramski Way. Proposed Fence. Agreement. Attorney Lisa L. Mead, Assistant Town Counsel, appeared before the Board to update them on the status of the settlement agreement between the Town and Jill Goodman, 25 Stramski Way, as it relates to the plan entitled "Stramski Way Proposed Fence". After discussion motion made and seconded to accept and sign the settlement agreement as presented. All in favor.

STONY BROOK ROAD. Tolling Agreement. Attorney Lisa L. Mead, Assistant Town Counsel, appeared before the Board as it relates to 57 Stony Brook Road. After discussion motion made and seconded that the Town enter into a Tolling Agreement, as presented, with the residents of 57 Stony Brook Road. This agreement is valid until December 2011. All in favor.

MASSACHUSETTS LAND COURT. Decision. Attorney Mark Bobrowski, Blatman Bobrowski & Mead, LLC, appeared before the Board to update them on the Massachusetts Land Court decision as it relates to 76 Bubier Road.

MARBLEHEAD HISTORICAL COMMISSION. Motion made and seconded to table accepting the letter of resignation from Wayne Butler. All in favor.

TRAFFIC AND SAFETY COMMITTEE. Bessom Street. Motion made and seconded to refer a letter from Bart Fredo, Café Vesuvius, to the Traffic and Safety Advisory Committee for further review. All in favor.

TAXES. A letter was read from Town Treasurer Patricia Kelly Murray as it relates to Third Quarter Real Estate Taxes being due on Monday, February 1, 2010. These bills may be paid on line through the Town's web site www.marblehead.org and clicking on On-Line Payments of Property Taxes.

CULTURAL COUNCIL. Applicant. A letter of interest was read from Joanne M. Wolf Tail as it relates to serving on the Cultural Council. Motion made and seconded to invite Joanne to a future Selectmen's meeting to discuss her intentions. All in favor.

WARRANT 2010. Sidewalk Article. After discussion by the Board a motion was made and seconded to place an article on the Warrant as it relates to repairing the area around the tree roots of existing sidewalks and, with the assistance of the appropriate Department Heads, prioritize the areas that will be addressed, and present to Annual Town Meeting. All in favor. Motion made and seconded to request a debt exclusion override of \$750,000 for the proposed sidewalk article. All in favor.

TRAFFIC AND SAFETY ADVISORY COMMITTEE. Leggs Hill Road. Motion made and seconded to forward letters from Jenny Naylor and Dan Bodenski to the Traffic and Safety Advisory Committee for further review. All in favor.

EXECUTIVE SESSION. Motion made and seconded to adjourn to Executive Session for the purpose of discussing pending litigation, 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. Woodfin, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mr. Nye, in favor.

Adjourned to Executive Session at 9:00 p.m.

Kyle A. Wiley
Administrative Aide