

BOARD OF SELECTMEN

MINUTES

December 8, 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
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 November 17, 2010. All in favor.

EAGLE SCOUT. Michael LeClair appeared before the Board to present his recent Eagle Scout Project at Robinson Farm. With the help of the Marblehead Conservancy and many volunteers, 17 tree seedlings were planted, invasive plants were removed, the trail was smoothed out and widened and a 60 foot boardwalk was built over wet areas. The Board congratulated Michael and expressed their appreciation for his service and commitment to the Town of Marblehead.

PARKING. Motion made and seconded to send a letter from Elinor Solit Stone to the Public Safety Committee for review of her request. All in favor.

PERMISSION. CCB Cycling Club. Motion made and seconded to approve the request from Goeff Hamilton, 318 Atlantic Avenue, to host the annual CCB Cycling Club bike race on Sunday, March 27, 2011 from 8:00am – 1:00pm subject to approval from the Police, Fire and Recreation and Parks Departments and receipt of the required Certificate of Insurance. The course will run clockwise around Marblehead Neck using Harbor and Ocean Avenue. Registration will be at Devereux Beach. All in favor.

PERMISSION. Use of Old Town House. Festival of Arts. Motion made and seconded to remove from the table the request from the Festival of Arts to use the Old Town House from Wednesday, May 18 – Wednesday, July 6, 2011. Motion made and seconded to approve the request from the Festival of Arts to use the Old Town House from Wednesday, May 18 – Wednesday, July 6, 2011 for Festival related activities. All in favor.

APPOINTMENT. Constable. Motion made and seconded to appoint David Andrew Deutsch as Constable to serve civil process for the Town of Marblehead with a term to expire in May 2011 subject to receipt of the proper bond on file at the Town Clerk's office. All in favor.

EXTENDED BUSINESS HOURS. Motion made and seconded to allow restaurants in the Town of Marblehead to remain open for business on Saturday, January 1, 2011 until 1:00 a.m., at their discretion. All in favor.

OVERNIGHT PARKING BAN. TEMPORARY MODIFIED TIME. Motion made and seconded to modify the parking ban on Saturday, January 1, 2011 from 12:00 midnight to 2:00 a.m.

LICENSING. 2011 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: Alan Taschner

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: Peter McMahon

All in favor.

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

Ataraxis Tavern
28 Atlantic Avenue
Manager: Dean Santamaria-Capetanelis

Boston Yacht Club
One Front Street
Manager: Robert Pescatore

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

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

Headers Club
62 Pleasant Street
Manager: Dincer Ulutas

Hurricane Restaurant
259 Washington Street
Manager: Peter McMahon

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

Rip Tide Lounge
116 Pleasant Street
Manager: George Ciampa

Sweeney's Retreat
18 Atlantic Avenue
Manager: Philip W. Sweeney

Tedesco Country Club
154 Tedesco Street
Manager: Gregg Lindsay

Chaplain Lyman Rollins Post 2005, V. F. W.
321 West Shore Drive
Manager: John R. Blaney

The Landing
81 Front Street

Manager: Robert Simonelli

All in favor.

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

165 Pleasant St., LLP
165 Pleasant Street
Manager: Richard Rockett

4 voted in favor, Mr. Rockett 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

Fred Finkel, Goldsmith
2 Darling Street
Manager: Fred Finkel

Gold Bug
Atlantic Avenue
Manager: Suzanne Green

Madam Had'am
160 Washington Street
Manager: Cheryl Maguire

Nuggets, Inc.
22 Atlantic Avenue
Sandra Burke

Lee Antiques
235 Washington Street
Manager: Jessica Lee

Sacks Antiques

38 State Street
Manager: Stanley Sacks

She Marblehead
86 Washington Street
Manager: Tiffany Gaddis

J. Martin Furnishings
139 Washington Street
Manager: Joanne Martin

Grace Sales Company
185 Pleasant Street
Laurence Howard

All in favor.

Motion made and seconded to renew the following **Automatic Amusement Device** licenses, 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 four (4) devices:

- Dynamo Pool Table (Serial Number 53678)
- 3D Golf Video Game (Serial Number 17216)
- CD Player by ROW AMI (Serial Number 4031277)
- Video Game – Mega Touch by Merit Industries (Serial Number 548142)

Chaplain Lyman Rollins Post 2005, V. F. W.
321 West Shore Drive -- Manager: John R. Blaney

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**, subject to all fees to the Town being paid and approval from the Commonwealth's Department of Public Safety for Sunday Entertainment:

Ataraxis Tavern
28 Atlantic Avenue
Manager: Dean Santamaria-Capetale

Boston Yacht Club
One Front Street
Manager: Robert Pescatore

Corinthian Yacht Club
Corinthian Lane
Manager: David H. Titus

Tedesco Country Club
154 Tedesco Street
Manager: Gregg Lindsay

The Hurricane Restaurant Inc.
d/b/a Hurricane
259 Washington St.
Manager: Peter McMahon

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

Rip Tide Lounge
116 Pleasant Street

Manager: George A. Ciampa

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

Chaplain Lyman Rollins Post
d/b/a 2005 Vets of Foreign War Inc.
321 West Shore Drive
Manager: John R. Blaney

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:

Ataraxis Tavern, 28 Atlantic Avenue, Manager: Dean Santamaria-Capetanelis
Atomic Café, 14 School Street – Manager: Andrew Mahoney
Barnacle, 141 Front Street – Manager: Jay L. Sahagian
Café Italia, 10 School Street – Manager: Donna Oliviero
Café Vesuvius, 18 Bessom Street – Manager: Bart Freddo
Coffey Ice Cream, 118 Washington Street – Manager: Sheila Coffey
Driftwood Restaurant, 63 Front Street – Manager: Colleen Galvin
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
Foodie’s Feast, 114 Washington Street - Manager: Paul Baker
Hurricane Restaurant, 259 Washington Street –Manager: Peter McMahon
Hooked Seafood and Grille, 114 Pleasant Street - Manager: H.G. B. Rhodes
Jack Tar American Tavern, 126 Washington Street – Manager: Scott Brankman
Java Sun, 35 Atlantic Avenue – Manager: Cheryl A. Burke
The Landing, 81 Front Street – Manager: Robert Simonelli
Le Bistro, One Atlantic Avenue – Manager: Ziad Nabbout
Lime Rickey’s, Devereux Beach -- Manager: Paul Petersiel
Maddie’s Sail Loft, 15 State Street – Manager: Loretta Lang
Marblehead House of Pizza, 7 Atlantic Avenue – Manager: Dimitri Zachariadis
Mino’s Roast Beef, 27 Atlantic Avenue - Manager: C. Travayiakis
Muffin Shop, 126 Washington Street - Manager: Celeste Capasso
Pellino Inc. 261 Washington Street - Manager: Frank Pellino
Rip-Tide Lounge, Inc., 116 Pleasant Street – Manager: George A. Ciampa
Shube’s Liquors, 16 Atlantic Avenue – Manager: George Shube
Starbucks, 89 Pleasant Street – Manager: Miki Schach
Sweeney’s Retreat, 18 Atlantic Avenue – Manager: Philip W. Sweeney
Terry’s Olde Fashion Ice Cream, 6 School Street – Manager: Carlos Rocha
Tony’s Pizza, 1 School Street – Manager: Antonio Brogna

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:

Dunkin' Donuts, 161 Pleasant Street – Manager: Claudio Santos
Imperial Mandarin, 165 Pleasant Street --. Manager: Tak L. Chow
Manhattan Sandwich Company, 10 Bessom Street – Manager: Michael Goodman
Marblehead Café and Chowder Company, One Bessom Street – Manager: Susan Brewer
Romano's Pizzeria, 8 Bessom Street – Manager: Anthony Paone
Three Cod Tavern, 141 Pleasant Street - Manager: Minot Percy
Village Roast Beef & Seafood, 6 Bessom Street - Manager: Enkelejda Gjorga
165 Pleasant Street, LLC, 165 Pleasant Street – Manager: Richard Rockett

4 voted in favor, Mr. Rockett 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 Vignette

DJ Colbert, Inc.
d/b/a Shubie's Liquor Store
16 Atlantic Avenue
Manager: George H. Shube

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.

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:

D N Liquors Corp.
d/b/a Village Liquors
22 Bessom Street
Manager: Thanhtram T. Nyugen

On a polled vote the Board voted as follows: Mr. Rockett, present; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, 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
Marblehead, MA 01945
Manager: James G. Crosby

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.

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:

Ataraxis Tavern
28 Atlantic Avenue
Manager: Dean Santamaria-Capetalenis

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

The Hurricane Restaurant Inc.
d/b/a Hurricane
259 Washington St.
Manager: Peter McMahon

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

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

Pellino's Inc.
d/b/a Pellino's
261 Washington Street
Manager: Frank Pellino

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

ZYX LLC
d/b/a Sweeney's Retreat
18 Atlantic Avenue
Manager: Philip W. Sweeney

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.

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:

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

Seaside Restaurant Group, LLC
d/b/a Three Cod Tavern
141 Pleasant Street
Manager: Minot Percy

165 Pleasant Street, LLC
165 Pleasant Street
Manager: Richard Rockett

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

Motion made and seconded o 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:

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

Marblehead Super Foods Enterprises, Inc.
d/b/a Hooked Seafood and Grill
114 Pleasant Street
Manager: H.G. B. Rhodes

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.

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. Rockett, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor; Mr. Nye, 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: Robert Pescatore

Corinthian Yacht Club
Corinthian Lane
Manager: David H. Titus

Tedesco Country Club
154 Tedesco Street
Manager: Gregg Lindsay

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.

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

Chaplain Lyman Rollins Post
d/b/a 2005 Vets of Foreign War Inc.
321 West Shore Drive
Manager: John R. Blaney

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.

147 FRONT STREET. Construction and repairs. A letter was received from Bruce Greenwald Architects updating the Selectmen on the construction project at 147 Front Street. A comprehensive meeting was held with appropriate Department Heads and all requirements set forth by the Selectmen at their November 17th meeting have been met.

MASSACHUSETTS DRUG REFORM COMMUNITY. A letter was received from Carl Caswell, 174 Pleasant Street, requesting monthly meetings be allowed in Marblehead for the Massachusetts Drug Reform Community.

CAR INSURANCE ORDINANCE. A letter was read from Ray Bates, 15 Trinity Road, as it relates to an ordinance in Dallas, Texas that requires drivers to provide proof of insurance to law enforcement officials.

COMMUNITY GOLF DAY. Tedesco Country Club. A letter was received from Virginia Burke, Tedesco Country Club, confirming that Monday, May 9, 2011 to be designated as “Marblehead Day”. Tedesco will provide the course and use of golf carts free of charge for the event. Motion made and seconded that the Board will accept letters from any non-profit interested in using the facilities. Deadline to submit letters is January 12, 2011. All in favor.

POLICE DEPARTMENT. A letter was received from Robert P. Davis as it relates to a criminal citation.

Mr. Rockett recused himself from the meeting.

MARBLEHEAD POLICE DEPARTMENT. Assessment. Chief Robert O. Picariello appeared before the Board to address the recommendations made in the recent Review and Assessment Report prepared by Strategic Policy Partners and to present his outline for implementation. The Chief stated he agreed with most of the recommendations in the report. The Board discussed the need for specific timelines, cost analysis and regularly scheduled updates from the Chief at the Selectmen’s meeting. Motion made and seconded that the Chief present a formal implementation plan and precise guide, vetted by the Town Administrator that can be tracked by the Selectmen. This plan should be received by January 21, 2011 at 12:30 p.m. and the Chief should appear before the Selectmen at their January 26, 2011 meeting to present this plan. All in favor. Motion made that the implementation be completed in the next 9 months with the exception of accreditations and those items that clearly have a budget constraint. Motion was not seconded. Motion made that the implementation be completed in the next 12 months with the exception of accreditations and those items that clearly have a budget constraint. 3 voted in favor, Mr. Woodfin opposed.

POLICE REVIEW AND ASSESSMENT REPORT. Julie Castner, 7 Cottage Street, appeared before the Board to make comment as it relates to the Police Assessment Report and specifically the accident of August 24, 2009.

POLICE REVIEW AND ASSESSMENT REPORT. Chris Castner, Risley Road, appeared before the Board to make comment as it relates to the Police Assessment Report and specifically the accident of August 24, 2009.

PUBLIC PARTICIPATION. The following people addressed the Board on issues related to the Marblehead Police Department: Will Gallien, 3 Gerald Road, read a

prepared statement calling for the Board to go into Executive Session and relieve the Chief of his duties. No action was taken by the Board. Andrew Chapman; Daniel Brayton, 36 Front Street; Pat Healey, 7 Cottage Street and Raquel Moscarelli, 61 Bayview Road made statements to the Board. A letter for the record was received from Joan Brennan, Endicott Avenue.

Mr. Rockett returned to the meeting.

BOARD OF SELECTMEN. Meeting. The Board of Selectmen will not meet on December 22, 2010.

Motion made and seconded to adjourn at 9:55 p.m. All in favor.

Kyle A. Wiley
Administrative Aide