

BOARD OF SELECTMEN

MINUTES

October 28, 2009

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, Chairman
Harry C. Christensen, Jr.
Judith R. Jacobi
James E. Nye
William L. Woodfin, II

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from October 28, 2009. 4 voted in favor, 1 voted present.

VETERANS' AGENT. Veterans' Day Celebration. Dave Rodgers, Veterans' Agent, appeared before the Board to announce that the Town will hold its traditional Veterans' Day celebration on Wednesday, November 11, 2009 in Abbot Hall Auditorium at 10:30am. Doors to Abbot Hall will open at 9:45am. Chaplain Lyman Rollins Post, #2005 will be hosting this event. The Marblehead High School Choral Group, under the direction of Amanda Roeder will perform. Commander Stephen V. Burke, USN, a native of Marblehead, will be the guest speaker. Breakfast will be served immediately following the ceremony at the VFW, 321 West Shore Drive. All are welcome.

PUBLIC HEARING. Comcast. Public Ascertainment Proceeding. William August, Epstein & August, LLP, General Counsel, and Paul Rabin, 2 Foss Terrace, Cable Television Oversight Committee appeared before the Board. Mr. Rabin and Attorney August reviewed the process as it relates to cable television license renewal and the possible Comcast renewal license. Attorney August emphasized that resident's comments and feedback are welcome and will be accepted by the Cable Television Oversight Committee throughout the negotiation process. The following people spoke in reference to this: Jane Lyman, Comcast; Chris Connelly, 23 Birch Street; Amy Drinker, 30 Gregory Street; Patricia Williams, Hawkes Street, read into the record a letter from Fraffie Welch, 189 Beacon Street; Pam Peterson, 21 Lincoln Park; Edward Bell, 5 Elmwood Road, read a letter into the record from Robert F. Peck, Jr., 22 Tidewinds Terrace, President of the Board of Directors of the Marblehead Community Access and Media, Inc.; Anne Marie Casey, Director of the Chamber of Commerce; Phyllis Smith, 159 Atlantic Avenue; Tom Gale, 16 Manataug Trail; Henry Christensen, 297 West Shore Drive; Kerry Breyman, 23 State Street; Stan Usovicz, Verizon and Peter Lazarus, 3 Beacon Heights Lane. Letters from the following individuals were also submitted; Nancy Marrs; Paul Crosby; Mike Plansky; David Howells; Ginny Morton; Mike Lane and Lt. Dave Millett. Attorney August noted a letter received from John McGinn, Finance Director, expressing the importance of network interconnecting

municipal buildings and schools (INET). Additional funds will be required to ensure that all these buildings are interconnected. This hearing is continued.

PUBLIC HEARING. ALL ALCOHOLIC BEVERAGE LICENSE. Transfer, Flynnie's Inc. Dean Santamaria-Capetanelis, Santamaria Realty & Restaurant, LLC d/b/a Ataraxis Tavern Paul Riccardi, 23 Orchard Street, Salem, and Jeff Flynn, Flynnie's Inc., d/b/a Flynnie's on the Avenue appeared before the Board seeking a transfer of the All Alcoholic Beverage License and Common Victualler License at 28 Atlantic Avenue, single ground floor dining room, service bar, kitchen, office, two restrooms and two exits. This same applicant has also applied for a Common Victualler license. Hours of operation will be 9:00am – 12:00 midnight, Monday through Sunday. The current owner of the license is Flynnie's Inc., d/b/a Flynnie's on the Avenue. Motion made and seconded to approve the application for the Common Victualler License. All in favor. Motion made and seconded to approve the transfer of the All Alcoholic Beverage License from Flynnie's Inc. to Santamaria Realty & Restaurant, LLC, d/b/a Ataraxis Tavern subject to receipt of all applicable inspection sign offs and fees paid. The All Alcoholic Beverage License will be pledged to Flynnie's Inc., Jeff Flynn. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor, Mrs. Belf-Becker, in favor.

ASSISTANT TOWN COUNSEL. Assistant Town Counsel, Marc Miller, appeared before the Board as it relates to a previous motion by the Selectmen to convene a meeting on Thursday, October 29, 2009 with Chief Robert Picariello as it relates to the investigation of the fatal accident on August 24, 2009. After discussion motion made and seconded to cancel tomorrow night's meeting (October 29, 2009) and allow the current investigation to continue without the Board's involvement, affirming our support for our Police Chief, Robert Picariello. All in favor. Motion made and seconded to appoint Assistant Town Counsel, Marc Miller, to be the Town's conduit with residents seeking specific information related to the investigation of the fatal accident of August 24, 2009. 4 voted in favor, 1 voted present.

CONTRACT. Mary Alley Building. Motion made and seconded to award a contract for interior electrical lighting and ceiling work at the Mary Alley Building to the lowest responsive and responsible bidder Ronald Seaboyer of Melrose, Massachusetts in the amount of twenty six thousand and twenty four dollars (\$26,024.00) and authorize the Chairman to sign a contract on behalf of the Board. All in favor.

FORT SEWALL OVERSIGHT COMMITTEE. Appointment. Motion made and seconded to appointment Lloyd H. Caswell as the Disabilities Commission member of the Fort Sewall Oversight Committee with a term to expire in May 2010. All in favor.

PERMISSION. One Day Liquor License. The Phoenix School. Motion made and seconded to approve the request from Betsye Sargent and Barbara McFall, The Phoenix School, for a one day liquor license on Saturday, November 14, 2009 from 6:30 pm to 10:30pm subject to receipt of the required fee. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mr. Woodfin, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, in favor.

TAXES. A letter was read from Town Treasurer Patricia Kelly Murray as it relates to 1st Quarter Real Estate Taxes being due on Monday, November 2, 2009. 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.

MAIL. Executive Office of Health and Human Services. Department of Health. A letter was read from the Executive Office of Health and Human Services, Department of Health, as it relates to the status of both the seasonal and H1N1 vaccines. Certain delays in developing the H1N1 vaccine were anticipated, since it is a novel virus. The dual goal of producing two types of flu vaccines has affected the availability of the seasonal flu vaccine. Additional shipments are expected over the course of the next 4-6 weeks. For up to the date information and guidelines for the treatment and prevention of the flu go to www.marblehead.org or www.mass.gov/dph/flu.

CEMETERY COMMISSION. Applicants. A letter of interest was received from David M. Cashman as it relates to filling the vacancy on the Cemetery Commission. The Board of Selectmen is receiving letters of intent with the deadline for submitting letters Friday, November 13, 2009 at 12:00noon. The Board of Selectmen will hold a joint convention with the Cemetery Commission on Wednesday, November 18, 2009 to interview all applicants.

FINANCE COMMITTEE. Applicants. Letters of interest were received from Robert A. Lieberman and Matthew E. Herring as it relates to serving on the Finance Committee.

CONDOLENCES. Motion made and seconded to send a letter of condolence to the family of John Ziergiebel, former Marblehead High School Principal. All in favor.

APPRECIATION. Fort Sewall Oversight Committee. Motion made and seconded to send a letter of appreciation to the Fort Sewall Oversight Committee for the wonderful bench dedication ceremony that was held at Fort Sewall on Sunday, October 25, 2009. All in favor.

APPRECIATION. Pulaski Dedication. Motion made and seconded to send a letter of appreciation to the Polish Cultural Foundation for hosting the recent rededication ceremony honoring General Casimir Pulaski held at Fort Sewall on October 18, 2009. All in favor.

Motion made and seconded to adjourn at 9:28 p.m. All in favor.

Kyle A. Wiley
Administrative Aide