

## BOARD OF SELECTMEN

### MINUTES

**July 18, 2018**

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.  
M. C. Moses Grader  
Judith R. Jacobi  
James E. Nye

John J. McGinn, Interim Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes of June 27, 2018. All in favor.

**GIFT TO THE TOWN. Firefighter apparatus/memorabilia.** Retired Fire Chief Charles F. Maurais, 230 Grassy Key Lane, Naples, Florida, appeared before the Board to donate fire department related items to the Town. Motion made and seconded to accept as a gift to the Town the following items from Retired Fire Chief Charles Maurais and to put in the care and custody of the Historic Commission:

- Framed Resolution for Nathaniel High, Chief Engineer Marblehead Fire Department, 1909
- Helmets (3)
- Belts (2)
- Buckets (2)
- Badges (7)
- Notebook; miscellaneous paper items:
- Associations tickets, invitations, programs, photos, negatives, Marblehead Messengers Newspapers and Marblehead Mirror Newspaper
- Additional loose-leaf notebook with 273 photos

All in favor.

**LICENSING. Marblehead Brewing Co., 124 Pleasant Street. Request to Amend Approval.** Father Andrew Bushell appeared before the Board requesting the Board revise the previously approved occupancy limit on the application submitted by Marblehead Brewing Co., 124 Pleasant Street, to alter the premises. The Board asked the applicant for a floor plan for the outdoor licensed area. The Board will meet again on this request at a future date. No votes were taken.

**JOINT MEETING. Library Board of Trustees. Interview. Appointment.** The Board of Selectmen met in a joint meeting with the following Library Trustees: Phyllis Smith, Anne McGreevy, Nancy Arata, Elizabeth Lutwak and David Ross. Gary Amberik, 213 Washington Street, was interviewed by both Boards. Motion made and seconded to appoint Gary Amberik to the Library Board of Trustees with a term to expire in May 2019. All in favor.

**TASK FORCE AGAINST DISCRIMINATION. Interview/Appointment.** Gabrielle Rabinovich, 3 Lafayette Street, appeared before the Board as it relates to serving on the Task Force against Discrimination, Student Representative. Motion made and seconded to appoint Gabrielle Rabinovich to the Task Force against Discrimination, Student Representative, with a term to expire in May 2019. All in favor.

**CONSERVATION COMMISSION. Interviews/Appointments.** The following applicants appeared before, and were interviewed by, the Board as it relates to two vacancies on the Conservation Commission: Bill Colehower, 2 Union Street, John McIver, 30 Pequot Road and Lindsey Serafin, 54 Longview Drive. Motion made and seconded to put all names in for consideration. All in favor. On a polled vote the Board voted as follows: Mr. Grader, Mr. Colehower; Mr. Christensen, Mr. Colehower; Mrs. Jacobi, Mr. Colehower; Mr. Nye, Mr. Colehower; Mrs. Belf-Becker, Mr. Colehower. Mr. Colehower appointed to the Conservation Commission with a term to expire in May 2019. On a seconded polled vote the Board votes as follows: Mr. Grader, Ms. Serafin; Mr. Christensen, Ms. Serafin; Mrs. Jacobi, Ms. Serafin; Mr. Nye, Mr. McIver; Mrs. Belf-Becker, Ms. Serafin. Ms. Serafin appointed to the Conservation Commission with a term to expire in May 2019.

**POLICE DEPARTMENT. Appointments.** Chief Picariello introduced the two individuals he is recommending to be appointed by the Board. Motion made and seconded, on recommendation from the Police Chief, to appoint Tyler Bates and Luke Peters as permanent full time police officers for the Town of Marblehead, effective September 10, 2018 and subject to successful completion of the Commonwealth of Massachusetts required physical abilities test. All in favor.

**LICENSING. The Mugford Eatery. 114 Washington Street. Common Victualler.** Ericka Ayube, 118 Bridge Street, Salem, appeared before the Board seeking a common victualler license. Motion made and seconded to approve the application for a Common Victualler License from the Mugford Eatery, LLC, 114 Washington Street, Manager, Ericka Ayube, subject to receipt of all the required forms, fees and inspection sign offs. Hours of operation Sunday – Saturday 7:00 am – 7:00 pm, seating capacity = 24. All in favor.

**LICENSING. Neck Run Café. 105 Ocean Avenue. Entertainment License.** Paul Broderick, 3 Santry Road, George Markos, 25 Winter Street, Lynn and Caroline Broderick, 3 Santry Road, appeared before the Board as it relates to the Entertainment License at the Neck Run Café. Kim Trudell, 75 Beach Street, addressed the Board with concerns that the Licensee was not following the terms of their Entertainment License which states *“live jazz/acoustic music 6 hours a week total: Thursday through Saturday 5:30 – 8:30 p.m. and Sundays 3:00 p.m. – 6:00 p.m. No recorded music is to be played outside.”* Ms. Trudell stated that music is played after 8:30 p.m. and that music can be heard off the premise and throughout the neighborhood. The Board reviewed with the Licensee the parameters of the Entertainment License granted for Neck Run Café. Motion made and seconded to put on record that this is a warning and if there are any further violations the Board will consider revoking the Entertainment License. All in favor.

**GIFT TO THE TOWN. Metal Pin/Dartmoor Prison.** Motion made and seconded to accept as a gift to the Town, a metal pin from the 2<sup>nd</sup> floor at HM Prison Dartmoor, donated by Marjorie Mace, and to put in the care and custody of the Marblehead Historic Commission. All in favor. American ships and crew were captured during the War of 1812 and imprisoned at HM Prison Dartmoor, in England. There were over 500 men from Marblehead held at Dartmoor during the war. On April 6, 1815, guards at Dartmoor were ordered to fire their muskets on inmates because of a suspected escape plot. This became an international incident and several men from Marblehead were wounded. A group from Marblehead went over to Dartmoor years ago. Ron Joyce, Principle Officer and Prison Historian pulled this pin right out of the rafters and gave it to Marjorie Mace while at the prison. It is #4 of 6 prisoner’s cocklofts, used to hang their hammocks. Motion made and seconded to send a letter of thanks for Marjorie Mace. All in favor.

**MARBLEHEAD HISTORICAL COMMISSION.** Motion made and seconded to support the request from the Chris Johnston, Chair, Marblehead Historical Commission, to create a permanent exhibit of Marblehead’s History, in the basement area of Abbot, tentatively called “Museum of Marblehead History”. All in favor.

**FIREFIGHTER UNION. IAFF, Local 2043. Sick Leave.** Motion made and seconded that the Marblehead Board of Selectmen advance Firefighter Brent Tarasuik fifteen (15) sick leave tours in accordance with the terms and conditions set forth in the Agreement between the Town of Marblehead, IAFF, Local 20142, and Brent Tarasuik. 4 voted in favor. Mr. Christensen voted present.

**PERMISSION. Muscular Dystrophy Association. Annual Halloween Witch Ride.** Motion made and seconded to approve the request from Leslie Crossen, Muscular Dystrophy Association, to hold the 30<sup>th</sup> annual Halloween Witch Ride on Sunday, October 14, 2018, rain date Sunday, October 21, 2018 subject to approval of the route by Chief Picariello and receipt of the required Certificate of Insurance. The ride will depart from Revere at 11:00 a.m. travel a coastal route through Revere, Lynn, Swampscott, into

Marblehead and finish at Shetland Park in Salem. Riders should enter Marblehead at approximately 12:00 noon. All in favor.

**PERMISSION. JCC Dreidel Dash. Revise date.** The request from Andrew Dalton, JCC of the North Shore, to revise the date of the previously approved Annual Dreidel Dash Fun Runs to Sunday, December 2, 2018 instead of Sunday, December 9, 2018 subject to approval from the Police Chief and the usual rules and regulations. All in favor.

**LICENSING. One Day Liquor License. Creative Spirit.** Motion made and seconded to approve the request from Peyton Pugmire for a 1 Day Liquor License on Saturday, August 4, 2018 from 6:00 p.m. – 8:00 p.m. at 80 Washington Street, subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
2. Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
3. Proof that the applicant can receive proper delivery; provide proper storage and disposal of all alcoholic beverages purchased all in accordance with the requirements of M. G. L. c. 138.

Alcohol will be purchased from Merrimack Valley Distributing. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**APPOINTMENT. Constable.** Motion made and seconded to appoint Julio Carrasquillo, 274 Washington Street, Quincy, as Constable for the purpose of serving civil process for the Town of Marblehead subject to receipt of the required bond filed in the office of the Town Clerk. All in favor.

**APPOINTMENT. Constable.** Motion made and seconded to appoint Yeimi Reynoso, 31 Cherry Street, Swampscott, as Constable for the purpose of serving civil process for the Town of Marblehead subject to receipt of the required bond filed in the office of the Town Clerk. All in favor.

**HEARING. Dangerous Dog.** The Interim Town Administrator advised that Board that a public hearing on a dangerous dog(s) was held on Monday, July 16, 2018 at 4:00 pm, in accordance with Mass General Laws, Chapter 140, section 157, to determine if the dogs residing at 18 Countryside Lane are nuisance dogs or dangerous dogs. Betsy Cruger, Animal Control Officer, was present at the hearing. Testimony was heard from the complainant, the dog's owner and the Animal Control Officer. Based upon the evidence presented and the recommendations of the Animal Control Officer, I recommend that the Board of Selectmen approve the following conditions to be imposed on the two K-9's named Vinny and Nino:

1. Each K-9 to wear a basket muzzle when off the property at 18 Countryside Lane;
2. Both Vinny and Nino to be walked separately and with no other dogs;

3. Both K-9's to be walked with a leash that meets Mass General Laws criteria "chain or tethering device with a minimum tensile strength of 300 lbs., not to exceed 3 feet in length;
4. The owner of the K-9's shall provide proof of insurance in accordance with Mass General Law, in an amount of no less than \$100,000, insuring the owner against any claim, loss, damage or injury to persons, pets or property resulting from the acts, whether intentional or unintentional of the dog(s), or that proof of reasonable efforts to obtain such insurance were made, if a policy has not been issued;
5. Vinny and Nino are to be micro chipped and a copy of the receipt shall be put on record with the Animal Control Officer with numbers of said dogs to be scanned by the Animal Control Officer with department scanner to insure that the number appears and matches;
6. Pictures of Vinny and Nino are to be supplied to the Animal Control Officer;
7. Vinny and Nino are not to be kept unattended in any area unless in compliance with Mass General Law as a safe, humane and secure area.

Motion made and seconded to approve the recommendations as presented and to notify the dog's owner in writing. All in favor.

**TRUST FUND. Larz J. Anderson.** Motion made and seconded that the Board of Selectmen accept the gift from the Larz J. Anderson Living Trust in the approximate amount of \$1,900,000 +/- to be used as follows:

1. The purpose of the Fund is to be decided by a majority vote of the Board of Selectmen and the Marblehead Recreation and Park Commission; and
2. The Fund is to be administered by the Marblehead Recreation and Park Commission, subject to monthly reviews by the Board of Selectmen.

The Board acknowledges that the donor's desires but not directive for using the funds in relationship to winter sports. All in favor.

**SUPREME COURT. Elbridge Gerry. Gerrymandering.** A letter was received from the Chief Justice in response to a letter received from the Board regarding the pronunciation of Gerry when referring to Elbridge Gerry and Gerrymandering. The letter stated that they tend very carefully to their Gerry collection, and pronounce it with a hard "G". Motion made and seconded to forward a copy of the letter, along with the Board's appreciation, to Carolyn Stanton, for bringing this matter to the Boards attention. All in favor.

**HARBORS & WATERS BOARD.** A letter was received from Brenden and Amy Sheehan asking the Board to find an acceptable candidate for the vacancy on the Harbors & Waters Board that has ties to Marblehead's West Shore.

**OLD AND HISTORIC DISTRICT COMMISSION. Letter of Interest.** A letter of interest was received from Bob Bragdon, 4 High Street, as it relates to serving on the Old & Historic Districts Commission, Alternate Member. Letters of interest will be received by the Board until Friday, August 10, 2018 at 12:00 noon. Applicants will be interviewed on Wednesday, August 22, 2018 at 7:30 p.m. at Abbot Hall.

**HARBORS & WATERS. Letters of Interest.** The following letters of interest were received as it related to serving on the Harbors & Waters Board: Chris Hood, Matthew Plauche, Rich Cuzner and Clark Smith. The Board will interview these applicants at their meeting on August 22, 2018 at 7:30 p.m. at Abbot Hall.

**BOND RATING.** The Interim Town Administrator advised the Board that notification was received that the Town has been reaffirmed at AAA bond rating by Standard and Poor's for the 10<sup>th</sup> year in a row.

Motion made and seconded to adjourn at 10:00 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide