

BOARD OF SELECTMEN

MINUTES

February 13, 2019

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.
Judith R. Jacobi
James E. Nye

Jason Silva, Town Administrator

MINUTES. Motion made and seconded to approve the minutes of January 15, 2019.
All in favor. Motion made and seconded to approve the minutes of January 17, 2019.
All in favor. Motion made and seconded to approve the minutes of January 23, 2019.
All in favor. Motion made and seconded to approve the minutes of January 29, 2019.
All in favor.

LICENSING. Gerry #5 Veterans Fireman Association, Inc. Change of Officers/Directors. Arthur Dodge, 8 Franklin Street, appeared before the Board as it relates to an application from the Gerry #5 Veterans Fireman Association, Inc., 210 Beacon Street, to change the Officers/Directors on the All Alcoholic Beverage Club License. Motion made and seconded to approve the application as submitted by the Gerry #5 Veterans Fireman Association, Inc., 210 Beacon Street, to change the Officers/Directors on the All Alcoholic Beverage Club License subject to receipt of the required forms, fees and approval from the Alcoholic Beverage Control Commission (ABCC). On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor, Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

2019 ANNUAL TOWN MEETING. Warrant Article. Indigenous Peoples' Day. Leah Bokenkamp, 23 Rowland Street, Holly Jaynes, 3 Countryside Lane, Sherry Gagne, 5 Pleasant Street and appeared before the Board to present an article they have placed on the 2019 Annual seeking to change the name of the 2nd Monday in October to Indigenous Peoples' Day.

WATER & SEWER COMMISSION. Vacancy. The Board was notified, as required by MGL Chapter 41 §11, of a vacancy on the board. Motion made and seconded to convene a joint meeting of the Board of Selectmen and the Water & Sewer Commission on February 27, 2019 to interview applicants. Applications should be sent to the Board of Selectmen, Abbot Hall, 188 Washington Street, and the Water & Sewer Commission, Tower Way Office Building. Deadline to apply is Monday, February 25, 2019 at 5:00 p.m. All in favor.

HEARING. Dangerous Dog. The Town Administrator advised the Board that a public hearing on a dangerous dog was held on Wednesday, February 6, 2019 at 4:00 pm, in accordance with Mass General Laws, Chapter 140, section 157, to determine if the dog residing at 8 Trager Road is a nuisance dog or dangerous dog. Laura Consigliar, Animal Control Officer, was present at the hearing. Testimony was heard from Elena Siniava and the Animal Control Officer as well as from many neighboring residents. Based upon the evidence presented and the recommendations of the Animal Control Officer, the Town Administrator recommended that the Board of Selectmen approve the following conditions to be imposed on Chewie, the dog residing at 8 Trager Road:

- When removed from the premises, Chewie be securely and humanely muzzled and restrained by a three foot or less leash with a minimum of 300lb tensile strength. The muzzle will be worn at all times.
- The owner provide proof of insurance in an amount of, not less than, \$100,000.00 insuring the owner against any claim, loss damage or injury to person, pets or property, resulting from acts, whether intentional or unintentional, of the dog.
- The owner provides information by which Chewie can be identified for the rest of his life, including, but not limited to photos, microchip and a Veterinarian examination.
- Chewie is not allowed to be walked by anybody other than his owner or a certified dog trainer.
- Chewie must be evaluated and trained by a certified trainer.
- The owner of Chewie must go through training with a certified trainer.
- The owner of Chewie shall have him neutered, unless the owner provides evidence by a Veterinarian that the dog is unfit for altering due to a medical condition or upon evaluation by the certified trainer it is determined to be contraindicated.
- Chewie is to be securely confined indoors or confined outdoors in a securely enclosed and locked pen as defined by M.G.L. c.140 §157.
- Chewie cannot be kept in a crate in the garage.
- The Animal Control Officer shall work with the owner to insure these requirements are met.
- Chewie must stay at the Trainer evaluation facility until consent for Chewies release has been received from the Police Chief, Animal Control Officer and Hearing Authority.
- The Board shall notify the owner of the premises of these requirements.

The Board held a lengthy discussion and sought clarification from the Town Administrator and Animal Control Officer on the situation. The Board took public comment from many of the neighbors. The Board expressed their serious concerns regarding the safety of the neighborhood and will hold another meeting and invite the trainer in to review his report and recommendations.

Motion made and seconded to approve the recommendations as presented and to notify the dog's owner in writing. All in favor. Motion made and seconded to send written notification of these requirements to the homeowner. All in favor.

REVOLVING FUND ACCOUNTS. Motion made and seconded to reauthorize the following Revolving Fund Accounts for Fiscal Year 2020 in accordance with Mass General Laws Chapter 44, Section 53E ½ in the amounts below:

Animal Control Department	\$ 20,000
Council on Aging	\$250,000
Board of Health, commercial waste disposal	\$450,000
Board of Health, vaccines	\$ 8,000
Conservation Fines	\$ 75,000
Storm Water Bylaw	\$ 10,000
Highway, street opening fees	\$ 75,000
Historical Commission Gift	\$ 15,000
Recreation and Parks	\$600,000
Water & Sewer, sump pump improvement	\$ 25,000
Special Education	\$950,000

All in favor.

OLD TOWN HOUSE. Permission to Use. Festival of Arts. Motion made and seconded to approve the request from Rosanna Steinig, Marblehead Festival of Arts, to use the Old Town House May 17 – 19, 2019 for the Cod display during Art Walk subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance. All in favor.

LICENSING. One Day Liquor License. Temple Emanu-El. Motion made and seconded to approve the request from Jaime Friedman, Executive Director, Temple Emanu-El, for a 1 Day Liquor License on Thursday, April 4, 2019 from 7:00 p.m. – 11:00 p.m. at 393 Atlantic Avenue for a fundraiser subject to the following:

- Delivery of and receipt by the Licensing Authority of the required fee (\$50.)
- Delivery of and receipt by the Licensing Authority of Proof that the alcohol will be purchased from an authorized source.
- 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 G. L. c. 138.

Alcohol will be purchased from Kappy's Importing. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in

LICENSING. One Day Liquor License. Marblehead Arts Association. Motion made and seconded to approve the request from Patricia Baker, Executive Director, Marblehead Arts Association, for a 1 Day Liquor License on Thursday, March 14, 2019 from 7:30 p.m. – 10:00 p.m. at 8 Hooper Street for a jazz concert fundraiser 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 G. L. c. 138.

Alcohol will be purchased from MS Walker, Somerville. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

LICENSING. One Day Liquor License. Marblehead Arts Association. Motion made and seconded to approve the request from Patricia Baker, Executive Director, Marblehead Arts Association, for a 1 Day Liquor License on Saturday, February 23, 2019 from 6:30 p.m. – 9:00 p.m. at 8 Hooper Street for a scotch tasting fundraiser 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 G. L. c. 138.

Alcohol will be purchased from MS Walker, Somerville. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

LICENSING. One Day Liquor License. Marblehead Arts Association. Motion made and seconded to approve the request from Patricia Baker, Executive Director, Marblehead Arts Association, for a 1 Day Liquor License on Saturday, March 9, 2019 from 6:30 p.m. – 9:00 p.m. at 8 Hooper Street for a casino night fundraiser 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 G. L. c. 138.

Alcohol will be purchased from MS Walker, Somerville. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

LARZ ANDERSON TRUST. Indemnification. Motion made and seconded that the Board of Selectmen authorize the Chair to execute the Release and Indemnification of the Larz J. Anderson Living Trust in a form presented to the Board. All in favor.

MARBLEHEAD YACHT CLUB. Renovations. Motion made and seconded to approve the request from William Keyes, Marblehead Yacht Club, in accordance with the Lease with the Town, to perform renovations to the Marblehead Yacht Club, 4 Cliff

Street, subject to approval from the Harbors and Waters Board, Building Commissioner and securing all necessary building permits. All in favor.

LICENSING. One Day Liquor License. The Mugford Eatery. Motion made and seconded to approve the request from Ericka Ayube, Owner, The Mugford Eatery, 114 Washington Street, for a 1 Day Liquor License on Sunday, February 24, 2019 from 5:00 p.m. – 9:00 p.m. at 114 Washington Street for a Sunday Dinner Party 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 G. L. c. 138.

Alcohol will be purchased from Kappys Importing. On a polled vote the Board voted as follows: Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

APPOINTMENT. Animal Inspector. Motion made and seconded to appoint Daniel Proulx as Animal Inspector effective February 15, 2019 and subject to reappointment in April 2019. All in favor.

CONDOLENCE. Motion made and seconded to send a letter of condolence to Nancy Arata on the passing of her husband. All in favor.

Motion made and seconded to adjourn at 9:10 p.m. All in favor.

Kyle Wiley
Administrative Aide