

## BOARD OF SELECTMEN

### MINUTES

**April 24, 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  
Judith R. Jacobi  
M. C. Moses Grader  
James E. Nye

Jason Silva, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from April 4, 2019. All in favor. Motion made and seconded to approve the minutes from April 10, 2019. 3 voted in favor. Mrs. Belf-Becker voted present.

**LICENSING. Eastern Yacht Club. Change of Officers/Directors.** Jeff Wargo, General Manager, 42-44 Foster Street, appeared before the Board as it relates to an application from the Eastern Yacht Club to change the Officers/Directors on the Seasonal All Alcoholic Beverage Club License. Motion made and seconded to approve the application as submitted by the Eastern Yacht Club, 42-44 Foster Street, for Change of Officers and Directors on the Seasonal 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. Grader, in favor; Mr. Nye, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. Tedesco Country Club. Change of Officers/Directors.** Seth Fredus appeared before the Board as it relates to an application from the Tedesco Country Club to change the Officers/Directors on the All Alcoholic Beverage Club License. Motion made and seconded to approve the application as submitted by the Tedesco Country Club, 154 Tedesco Street, for Change of Officers and 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. Grader, in favor; Mr. Nye, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor.

**WATER AND SEWER COMMISSION. Warrant Articles. 2019 Annual Town Meeting.** Amy McHugh, Superintendent, appeared before the Board to review Article 35, Amend General Bylaw, Stormwater and Article 36 MWRA Local Water System Assistance Program, Interest Free Loan, Water Distribution Improvements. Motion made and seconded to support Article 35. All in favor. Motion made and seconded to support Article 36. All in favor.

**WALK, BIKE, ROLL TO SCHOOL DAY. BIKE RODEO.** Pat Milner, Bike Marblehead and Kate Hutchinson, Sustainable Marblehead, appeared before the Board to announce Massachusetts Walk, Bike and Roll to School Day on May 1, 2019 and Bike Rodeo on Sunday, April 28, 2019.

**LICENSING. Mookie's at Mugford, LLC. 114 Washington Street. Common Victualler.** Laetitia and Sean Ferguson, 1 Mitchell Road, Lynnfield, appeared before the Board seeking a common victualler license. Motion made and seconded to approve the application for a Common Victualler License from Laetitia Ferguson, Mookie's at Mugford, LLC, 114 Washington Street, Manager, Laetitia Ferguson, subject to receipt of all the required forms, fees and inspection sign offs. Hours of operation Sunday – Saturday, 6:30 am – 7:00 pm, seating capacity = 24. All in favor.

**OLD AND HISTORIC DISTRICTS COMMISSION. Appeal. 16 South Street.** The Board conducted a public hearing on an appeal by Liane D. Davis, 16 South Street, and the denial of a Certificate of Appropriateness dated January 7, 2019 for the installation of a ground-based air conditioning condenser and related piping attached to the exterior of the house for the property located at 16 South Street, which is located in the Old and Historic District. Attorney Paul Lynch represented Ms. Davis and Charles Hibbard, Chairman, represented the Old and Historic Districts Commission. Attorney Lynch addressed the Board and submitted documents for the record. Mr. Hibbard addressed the Board defending the Board's decision to deny the Certificate of Appropriateness. The Board asked questions of both Attorney Lynch and Mr. Hibbard and heard closing statements from both. After discussion by the Board a motion was made and seconded to uphold the decision of the Old and Historic Districts Commission and deny the appeal by Ms. Davis. All in favor.

**LICENSING. All Alcoholic Beverage License. Revocation Hearing.** The Board held a public hearing as it relates to the All Alcoholic Beverage License # 0065600046 issued to Two Apostles and a Saint, LLC d/b/a Superfine Restaurant, 126 Washington Street. This evidentiary hearing was held to give the Licensee an opportunity to present evidence and testimony as to why the license should not be cancelled. The Licensee was notified by Certified and US Postal Mail of this hearing. No one representing the Licensee was present at the hearing. The Licensee was notified as well by Certified and US Postal Mail on January 11, 2019 relating to a hearing scheduled for January 23, 2019 and on February 11, 2019 relating to a hearing scheduled for hearing scheduled for March 13, 2019, for the purpose of discussing the status of the License. No one representing the Licensee appeared at these hearings. The restaurant has been closed since mid-December. The Licensee did not notify the Board of the business closing. The Board reviewed the information and determined that the Licensee failed to meet the requirements to renew the alcoholic beverage license. Motion made and seconded to revoke the All Alcoholic Beverage License #0065600046, Two Apostles and a Saint, LLC d/b/a Superfine Restaurant, 126 Washington Street, for failure to meet the conditions put forth by the Town in their vote of December 12, 2019, specifically

*payment of fees*, and to notify the Licensee and the Alcoholic Beverage Control Commission in writing. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor.

**PARKING REGULATIONS. Memorial Day Parade.** Motion made and seconded to approve the request from Chief Picariello, in order to facilitate the safe movement of the Memorial Day Parade, to restrict parking in the vicinity of Memorial Park as needed on Monday, May 27, 2017, and to temporarily restrict or redirect traffic flow throughout the entire parade route. All in favor.

**PERMISSION TO USE. Festival of Arts. Various Venues.** Motion made and seconded to approve the request from Rosanna Steinig, Festival of Arts, to use the following venues for Festival functions and to erect a 10 x 20 ft. canopy tent at Abbot Hall and a Tent at Fort Sewall subject to the usual rules, regulations, fees, securing the required permits and receipt of the required Certificate of Insurance. Specific times and locations for Abbot Hall to be determined at a later date:

**Abbot Hall - Artisan's Marketplace / Logo Store**

Friday, July 5, 2019	9:00 am – 6:00 p.m.
Saturday, July 6, 2019	9:00 a.m. – 6:00 p.m.
Sunday, July 7, 2019	9:00 a.m. – 8:00 p.m. <i>includes breakdown</i>

**Street Festival – Washington Street, Sunday, July 7, 2019 – 11:30 a.m. – 3:30 p.m.** Subject to approval and coordination with Police Chief, the closure of Washington Street from Rockaway Street to Darling Street, allowing foot traffic only, for a family street party with performing arts and children's activities.

**Fort Sewall/Barracks - Champagne Reception. Sunday, June 30, 2019**

Saturday, June 29, 2019	9:00 am to 5:00 pm
Sunday, June 30, 2019	9:00 am to 9:00 pm
Monday, July 1, 2019	8:00 am until finished - breakdown

All in favor.

**LICENSING. 1 Day Liquor License. Festival of Arts.** Motion made and seconded to approve the request from Rosanna Steinig, Secretary, Marblehead Festival of Arts, for a one day liquor license on Sunday, June 30, 2019 at Fort Sewall from 4:30 p.m. – 7:30 p.m. 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.
4. Liquor Liability Insurance
5. No alcohol is allowed to be stored on the premises of the Fort overnight
6. The Fort is to remain open to the public at all times.

Alcohol will be purchased from Kappy's Distributors and North Shore Bartenders will be hired to serve the alcohol. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor.

**OLD TOWN HOUSE. Permission to Use. Festival Of Arts.** Motion made and seconded to approve the request from Rosanna Steinig, Festival of Arts, to use the Old Town House for the 54<sup>th</sup> Festival of Arts subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance.

Wednesday, June 26, 2019	1:30 pm – 4:30 pm and 5:30 pm- 8:30 pm
Thursday, June 27, 2019	1:30 pm – 4:30 pm and 5:30 pm – 8:30 pm
Saturday, June 29, 2019	8:30 am – 5:00 pm
Monday, July 1, 2019	9:00 am – 8:00 pm
Tuesday, July 2, 2019	9:00 am – 8:00 pm
Wednesday, July 3, 2019	5:00 pm – 8:30 pm
Thursday, July 4, 2019	9:30 am - 5:30 pm
Friday, July 5, 2019	9:30 am – 5:30 pm
Saturday, July 6, 2019	9:30 am – 5:30 pm
Sunday, July 7, 2019	9:30 am – 5:30 pm
Monday, July 8, 2019	9:00 am – 2:00 pm and 5:30 pm – 8:30 pm

All in favor.

**LICENSING. 1 Day Liquor License. Festival of Arts.** Motion made and seconded to approve the request from Rosanna Steinig, Secretary, Marblehead Festival of Arts, for a one day liquor license on Friday, May 17, 2019 at the Old Town House from 5:00 p.m. – 8:00 pm. and to serve light appetizers 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.
4. Liquor Liability Insurance
5. No alcohol is allowed to be stored on the premises of the Old Town House overnight

Alcohol will be purchased from Channel Marker Brewery, Rumson Rums and Kappy's Distributors. On a polled vote the Board voted as follows: Mr. Grader, in favor; Mr. Nye, in favor; Mrs. Jacobi, in favor; Mrs. Belf-Becker, in favor

**PROCLAMATION. Tree Warden.** Motion made and seconded to prepare a proclamation in honor of Doug Gordon's retirement as Tree Warden. All in favor.

**CONTRACT. Chip Sealing Services.** Motion made and seconded to award a contract for chip sealing services to All State Asphalt Inc. of Sunderland, MA in the amount of seventy six thousand seven hundred sixty six dollars (\$76,766.00) and to authorize the Chair to sign the contract on behalf of the Board. All in favor.

**CONTRACT. Crack Sealing Services.** Motion made and seconded to award a contract for crack sealing services to Sealcoating, Inc. d/b/a Indus of Braintree, MA in the amount of forty one thousand eight five dollars (\$41,085.00) and to authorize the Chair to sign the contract on behalf of the Board. All in favor.

**CONTRACT. Micro Surfacing Services.** Motion made and seconded to award a contract for micro surfacing services to Sealcoating, Inc. d/b/a Indus of Braintree, MA in the amount of eighty six thousand three hundred and seventy seven and 50/100 dollars (\$86,377.50) and to authorize the Chair to sign the contract on behalf of the Board. All in favor.

**CONTRACT. Permitting Software.** Motion made and seconded to award a three year contract for permitting software to Viewpoint Government Solutions Inc. of Boston, MA in the amount of forty four thousand four hundred and twenty dollars (\$44,420.00) and to authorize the Chair to sign the contract on behalf of the Board. All in favor.

**PERMISSION. Pam Lane Walk.** Motion made and seconded to approve the request from Cortney Cummings and Stephanie Lane to hold the Pam S. Lane Walk on Sunday, June 9, 2019 at 9:00 a.m. subject to approval from Chief Picariello, Recreation and Parks, Police Details and receipt of the required Certificate of Insurance. All in favor.

**PERAMBULATION.** Motion made and seconded to approve the request from Fred Madio, Trustee, Marblehead Conservancy, to hold the bi-annual perambulation of the Town's public pathways that are scattered throughout Old Town and the Neck sections of Marblehead on Saturday, May 25, 2019 from 10 a.m. – 12 Noon. This event is free and open to the public. Registration begins at 9:00 a.m. All in favor.

**LICENSING. One Day Liquor License(s). Marblehead Historical Commission.** Motion made and seconded to approve the request from Chris Johnston, Chairman, Marblehead Historical Commission, for (4) one day liquor licenses to serve wine, at no cost, at the Old Town House during the receptions for the Historical Commission's forthcoming exhibit "Mapping History" on

Friday, May 31, 2019 5:00 pm – 7:00pm

Thursday, June 6, 2019 5:00 pm – 7:00 pm

Thursday, June 13, 2019 5:00 pm – 7:00 pm

Thursday, June 20, 2019 5:00 pm – 7:00 pm

subject to the following:

1. Receipt of the required Liquor Liability
2. No alcohol is allowed to be stored on the premises of the Old Town House overnight

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

**APPOINTMENT. Interim Tree Warden.** Motion made and seconded to appoint Arthur Graves, DPW Director, as Interim Tree Warden effective May 1, 2019 with a term to expire in May 2020. All in favor.

**PARKING RESTRICTIONS. Roundhouse Road. Annual Clean up.** Motion made and seconded to approve the request from Arthur Graves, Public Works Director, to temporarily make the entirety of the Railroad Right of Way known as Roundhouse Road, from School Street through to Bessom Street, as well as upper Anderson Street from #10 Anderson through to Bessom Street a **NO PARKING/TOW ZONE** area for the following dates:

May 13, 2019 from the hours of 7:00 a.m. – 3:00 p.m.

Rain Date: May 14, 2019 from the hours of 7:00 a.m. - 3:00 p.m.

This is to facilitate the spring clean-up and repair of town property in this area. All in favor.

**LICENSING. 1 Day Alcoholic Beverage. Marblehead Little Theatre.** Motion made and seconded to approve the request from Andrew Barnett, Marblehead Little Theatre, for (2) 1 Day Liquor Licenses at Marblehead Little Theatre, 12 School Street, on the following days subject to the following:

1. Delivery of and receipt by the Licensing Authority of the required fee (\$50 per event)
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.

Saturday, June 1, 2019 7:00 p.m. – 11:00 p.m.

Saturday, August 17, 2019 7:00 p.m. – 11:00 p.m.

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

**PARKING. Abbot Hall.** Motion made and seconded to authorize the Town Administrator to temporarily restrict parking on Washington Street and Washington Square as needed to accommodate the set up and delivery for the Abbot Hall project beginning April 29, 2019. All in favor.

**CONDOLENCE.** Motion made and seconded to send a letter of sympathy to the family of Sgt. Rachel R. McKay. All in favor.

**TOWN CLERK.** A letter from Robin Michaud, Town Clerk, notified the Board of the following:

**ABSENTEE BALLOTS** are available for The May 14<sup>th</sup> Town Election. You can apply for an absentee ballot until 12:00PM on Monday, May 13<sup>th</sup>, 2019.

**TOWN MEETING. Electronic Poll Pads** will be used to check voters in at Town Meeting. This will accelerate the check in process. This is how it will work.

- Pick any line to check in
- Give your first and last name or present a Mass Driver's license for scanning to the checker

Scanning the Barcode on the back of the Driver's license matches the name and date of birth of the person on the voter list. No Information from the scanned license is retained by the Poll Pad. It is not mandatory to scan your license. If you have any questions please call the Town Clerk's Office at 781-631-0528.

Motion made and seconded to adjourn at 9:20 p.m. All in favor.

Kyle Wiley  
Administrative Aide