

BOARD OF SELECTMEN

MINUTES

December 10, 2008

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

Anthony M. Sasso, Town Administrator

MINUTES. Motion made and seconded to approve the minutes from November 19, 2008. All in favor.

MASS MUNICIPAL ASSOCIATION. Annual Business Meeting. Motion made and seconded to appoint Mrs. Jacobi to represent the Board of Selectmen at the MMA Annual Business Meeting on Saturday, January 24, 2009 at the Hynes Convention Center. All in favor.

LICENSING. Extended Business Hours. Motion made and seconded to allow restaurants in the Town of Marblehead to remain open for business on Wednesday, December 31st 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 Wednesday, December 31st from 12:00 midnight to 2:00 a.m. All in favor.

LICENSING. Second Hand Dealer. Motion made and seconded to approve the application for the following business for a Second Hand Dealer License subject to receipt of the required forms, fees and CORI approval:

Marblehead Used Books
59B Atlantic Avenue
Marblehead, MA
Manager: Joel M. Netsky

All in favor.

MARBLEHEAD HISTORICAL COMMISSION. Contract. Motion made and seconded to approve the request from Wayne T. Butler to have the Chairman of the

Board sign a contract with Murray Studios to renovate and protect the stained glass windows between the first and second floors at the south end of Abbot Hall. The Commission has requested, and received, \$30,000 from the Trustees of the Shattuck Fund to pay for this work. All in favor.

REGIONAL EMERGENCY COMMUNICATION CENTER. Motion made and seconded to send a letter to Frank Pozniak, Executive Director, State 911 Department to notify him that the Town of Marblehead has agreed to participate with several municipalities in Essex County in the planning and forming of a Regional Emergency Communication Center; as set forth in the application for State 911 Department Development Grant funding submitted by the Essex County Sheriff's Department and to have the Chairman of the Board sign on behalf of the Board. Any financial or legally binding commitment by the Town of Marblehead is subject to Town Meeting approval. All in favor.

PUBLIC HEARING. Hurricane Restaurant. Jeffrey N. Shribman, Town Counsel, Officer Daigle, Peter McMahan, owner of Hurricane Restaurant and Zachory Norton, Head Bartender at Hurricane Restaurant appeared before the Board as it relates to Massachusetts General Laws, Chapter 138, and the town's rules and regulations with respect to Alcoholic Beverage Licenses. After discussion a motion was made and seconded that the Hurricane is guilty of violating the Massachusetts General Laws, Chapter 138 and to send a letter of reprimand to the Hurricane and to place this letter in their permanent file, any further infractions would result in the suspension of their license. On a polled vote the Board voted as follows: Mr. Nye, opposed; Mrs. Jacobi, opposed; Mr. Christensen, in favor; Mrs. Belf-Becker, opposed. Motion fails. Motion made and seconded to suspend the liquor license at Hurricane Restaurant for 2 nights, December 15th and December 16th. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Christensen, opposed; Mrs. Belf-Becker, in favor. Motion passes. After discussion, motion made and seconded to reconsider the dates in the previous motion. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, in favor. Motion passes. Motion made and seconded to suspend the liquor license at the Hurricane Restaurant for 2 consecutive days in December and to have Town Counsel negotiate the days with Mr. McMahan and to report back to the Board with the agreed upon dates. On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Christensen, opposed; Mrs. Belf-Becker, in favor. Motion passes.

CONTRACT. Town Cable Access Corporation. Jeffrey N. Shribman, Town Counsel, appeared before the Board as it relates to an agreement between the Town and Comcast. Motion made and seconded to sign the Agreement between the Town of Marblehead and Comcast of Massachusetts, Inc. regarding the creation of a Town Cable Access Corporation. All in favor.

FIRE CHIEF. Appointment. Chief Barry Dixey and Captain Jason Gilliland appeared before the Board. Chief Dixey requested the Board appoint Captain Gilliland as the next Fire Chief. Motion made and seconded to appoint Captain Jason Gilliland as Fire Chief

effective January 31, 2009. Motion made and seconded to recommend to the compensation committee that Jason be promoted to Step 5 of that grade level. All in favor.

LICENSING. All Alcoholic Beverage License. Motion made and seconded to set up a revocation hearing for the All Alcoholic Beverage License held by Sticky Rice, 26-28 Hawkes Street and to have Town Counsel determine the date for this hearing. All in favor.

VOTE. Disposition of Surplus Property (under \$5000). Rebecca L. Curran, Town Planner, appeared before the Board as it relates to disposition of surplus property. Motion made and seconded to accept the written procedure for disposition of tangible supply valued under \$5,000.00 in accordance with Chapter 30B, Section 15, Paragraph F. All in favor.

SMART GROWTH COMMITTEE. 40R Application. Rebecca L. Curran, Town Planner, Gordon King, Chairman of the Committee and Angus Jennings, Planner, Concord Square Development Group appeared before the Board to update the Board on the Smart Growth Study. They asked the Board for permission to schedule a public hearing before the Board on January 28, 2009.

AFFORDABLE HOUSING TRUST FUND. Appointment. Ann Arada appeared before the Board to be interviewed for a position on the Affordable Housing Trust Fund. Motion made and seconded to appoint Ann Arada to the at large position on the Affordable Housing Trust Fund with a term to expire in May 2009. All in favor.

FAIR HOUSING COMMITTEE. Litchman Terrace. Dirk Isbrandtsen and Kurt James appeared before the board to present a preliminary proposal for Housing at the Litchman Terrace Property. The Board suggested the committee go out and do some fact finding and come back to the Board on January 14, 2009.

PERMISSION. Old Town House. Motion made and seconded to approve the request from Jeff Kane, Marblehead Festival or Arts, to use the Old Town House for Festival Art Exhibits, including set up and breakdown on the following dates:

Art Exhibits Drop-Off

Saturday, May 23, 2009 8:30am – 12:30pm

Wednesday, May 27, 2009 5:30pm – 8:30pm

Saturday, May 30, 2009 8:30am – 12:30pm

Art Exhibits Judging

Saturday, June 6, 2009 8:30am – 12:30pm

Art Exhibits Non-Accepted Work Pickup

Saturday, June 13, 2009 8:30am – 12:30pm

Art Exhibits Setup

Saturday, June 27, 2009 9:00am – 5:00pm

Festival - Art Exhibits, Artisans' Marketplace, Model Boat Building

Wednesday, July 1, 2009	5:30am – 9:30pm
Friday, July 3, 2009	9:30am – 5:30pm
Saturday, July 4, 2009	9:30am – 5:30pm
Sunday, July 5, 2009	9:30am – 6:30pm
<u>Art Exhibits Breakdown & Clean up</u>	
Monday, July 6, 2009	9:00am – 2:00pm
<u>Art Exhibit Pick-up</u>	
Wednesday, July 8, 2009	5:30pm – 8:30pm
Saturday, May 23, 2009 through Wednesday, July 8, 2009	

All in favor.

TRANSPORTATION PLAN. Toll/Gas Tax Increase. Motion made and seconded to have the Board send a letter to Governor Deval Patrick encouraging him and the Legislature not to consider any toll or gas tax increase until a comprehensive transportation plan has been developed and to have the Chairman deliver this letter to a meeting on Monday, December 15, 2009. All in favor.

CONGRATULATIONS. Eagle Scout. Motion made and seconded to send a letter of congratulations to Brian Azor Orne for his achievement of the rank of Eagle Scout and to invite Brian to a future Selectmen’s meeting to present his Eagle Scout project. All in favor.

LICENSING. 2009 Renewals

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
 Marblehead, MA 01945
 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
 Marblehead, MA 01945
 Manager: Peter Conway

Harbor Light Inn
 58 Washington Street
 Marblehead, MA 01945
 Manager: Peter Conway

Marblehead Inn
264 Pleasant Street
Marblehead, MA 01945
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:

Boston Yacht Club
One Front Street
Marblehead, MA 01945
Manager: Mark McMahon

Café Italia
10 School Street
Marblehead, MA 01945
Manager: Donna Oliviero

Corinthian Yacht Club
One Nahant Street
Marblehead, MA 01945
Manager: David H. Titus

Flynnie's on the Avenue
28 Atlantic Avenue
Marblehead, MA 01945
Manager: Jeff Flynn

Gerry No. 5, V. F. A., Inc.
240 Beacon Street
Marblehead, MA 01945
Manager: Dirk Martin

Headers Club
62 Pleasant Street
Marblehead, MA 01945
Manager: Dincer Ulutas

Hurricane Restaurant
259 Washington Street
Marblehead, MA 01945
Manager: Peter McMahon

Maddie's Sail Loft

15 State Street
Marblehead, MA 01945
Manager: Loretta Lang

Rip Tide Lounge
116 Pleasant Street
Marblehead, MA 01945
Manager: George Ciampa

Jhikka, Inc.
161 Pleasant Street
Marblehead, MA 01945
Manager: Kulwant Jhikka

Sticky Rice
26-28 Hawkes Street
Marblehead, MA 01945
Manager: Julie Hahnke

Sweeney's Retreat
18 Atlantic Avenue
Marblehead, MA 01945
Manager: Philip W. Sweeney

Tedesco Country Club
154 Tedesco Street
Marblehead, MA 01945
Manager: Gregg Lindsay

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:

Chaplain Lyman Rollins Post 2005, V. F. W.
321 West Shore Drive
Marblehead, MA 01945
Manager: John R. Blaney

3 voted in favor. Mr. Christensen voted present.

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:

The Landing
81 Front Street
Marblehead, MA 01945
Manager: Robert Simonelli – HOLD --

The Selectmen will invite Robert Simonelli, The Landing Restaurant to the next Selectmen's Meeting, Thursday, December 18, 2008 to review his entertainment license.

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

Fred Finkel, Goldsmith
2 Darling Street
Fred Finkel

Nuggets, Inc.
22 Atlantic Avenue
Sandra Burke

The Paris Galerie
132 Washington Street
Carrie Kanosky

Lee Antiques
235 Washington Street
Marblehead, MA 01945
Manager: Jessica Lee

Sacks Antiques
38 State Street
Marblehead, MA 01945
Manager: Stanley Sacks

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
Marblehead, MA 01945

Manager: Dirk Martin

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

Marblehead, MA 01945

Manager: Loretta Lang

For a C.D. Player

Rip Tide Lounge

116 Pleasant Street

Marblehead, MA 01945

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)

Sweeney's Retreat

18 Atlantic Avenue

Marblehead, MA 01945

Manager: Philip W. Sweeney

For a shuffleboard game.

All in favor.

Motion made and seconded to renew the following **Automatic Amusement Devices** licenses, subject to all taxes and fees to the Town being paid and receipt of all applicable departmental approvals:

Chaplain Lyman Rollins Post 2005, V. F. W.

321 West Shore Drive

Marblehead, MA 01945

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)

3 voted in favor. Mr. Christensen voted present.

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:

Atomic Café, 14 School Street – Manger: 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
Dunkin' Donuts, 161 Pleasant Street -- Manager: Claudio Santos
Evan's New York Style Deli, 33 Smith Street - Manager: Evan Madoff
Fen Yang House II, 40A Atlantic Avenue -- Manager: Zhi Chen
Flynnie's on the Avenue, 28 Atlantic Avenue -- Manager: Jeffrey P. Flynn
Foodie's Feast, 114 Washington Street -- Manager: Paul Baker
Grossman's Deli, 252 Humphrey Street -- Manager: Barry Grossman
Hurricane, 259 Washington Street –Manager: Peter McMahon
Imperial Mandarin, 165 Pleasant Street --. Manager: Tak L. Chow
Jack Tar American Tavern, 126 Washington Street – Manager: Scott Brankman
Java Sun, 35 Atlantic Avenue – Manager: Cheryl A. Burke
Ladycakes, 2 School Street – Manager: Blair Porter
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
Manhattan Sandwich Company, 10 Bessom Street – Manager: Michael Goodman
Marblehead Chowder Company, One Bessom Street – Manager: Mitch Wondolowski
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
Romano's Pizzeria, 8 Bessom Street -- Manager: Anthony Paone
Shube's Liquors, 16 Atlantic Avenue – Manager: George Shube
Starbucks, 89 Pleasant Street -- Manager: Miki Schach
Sticky Rice, 26 – 28 Hawkes Street -- Manager: Julie Hahnke
Super Sub, 114 Pleasant Street – Manager: H.G.B. Rhodes
Sweeney's Retreat, 18 Atlantic Avenue -- Manager: Philip W. Sweeney
Three Cod Tavern, 141 Pleasant Street, Manager: Minot Percy
Terry's Olde Fashion Ice Cream, 6 School Street – Manager: Carlos Rocha
Tony's Pizza, 1 School Street – Manager: Antonio Brogna
Trattoria Sablone, 33 Smith Street - Manager: Jessica Sablone Maffeo
Village Roast Beef & Seafood, 6 Bessom Street. Manager: Enkelejda Gjorga
Zaika, 161 Pleasant Street -- Manager: Kulwant Jhikka

All in favor.

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

The Landing Restaurant
81 Front Street
Marblehead, MA 01945
Manager: Robert Simonelli

3 voted in favor. Mr. Christensen 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:

Beach Bluff Liquors
260 Humphrey Street
Marblehead, MA 01945
Manager: Pamela Demoulas

Beacon Hill Imports
Woodfin Terrace
Marblehead, MA 01945
Manager: Peter C. Brown

Haley's Wine and Spirits
116 Washington Street
Marblehead, MA 01945
Manager: Julie Vignette

Shubie's Liquor Store
16 Atlantic Avenue
Marblehead, MA 01945
Manager: George H. Shube

Village Liquors
22 Bessom Street
Marblehead, MA 01945
Manager: Thanhtam T. Nyugen

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

Barnacle
141 Front Street
Marblehead, MA 01945
Manager: Jay H. Sahagian

Café Italia
10 School Street
Marblehead, MA 01945
Manager: Donna Oliviero

Fen Yang House II
40A Atlantic Avenue
Marblehead, MA 01945
Manager: Zhi Chen

Flynnie's on the Avenue
28 Atlantic Avenue
Marblehead, MA 01945
Manager: Jeffrey P. Flynn

Hurricane Restaurant
259 Washington St.
Marblehead, MA 01945
Manager: Peter McMahon

Imperial Mandarin Restaurant
Village Plaza I
Marblehead, MA 01945
Manager: Tak L. Chow

Jack Tar American Tavern
126 Washington Street
Marblehead, MA 01945
Manager: Scott Brankman

Maddie's Sail Loft LLC
15 State Street
Marblehead, MA 01945
Manager: Loretta Lang

Pellino's
261 Washington Street
Marblehead, MA 01945
Manager: Frank Pellino

Rip Tide Lounge
116 Pleasant Street
Marblehead, MA 01945
Manager: George A. Ciampa

Three Cod Tavern
141 Pleasant Street
Marblehead, MA 01945
Manager: Minot Percy

Jhikka Inc.
d/b/a Zaika
161 Pleasant Street
Marblehead, MA 01945
Manager: Kulwant Jhikka

Sticky Rice
26-28 Hawkes Street
Marblehead, MA 01945
Manager: Julie Hahnke

Sweeney's Retreat
18 Atlantic Avenue
Marblehead, MA 01945
Manager: Philip W. Sweeney

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

Motion made and seconded to renew the following **All-Alcoholic Common Victualler** 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:

The Landing
81 Front Street
Marblehead, MA 01945
Manager: Robert Simonelli

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

Motion made and seconded to renew the following **Wine and Malt-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:

Le Bistro
One Atlantic Avenue
Marblehead, MA 01945
Manager: Ziad Nabbout

Trattoria Sablone
33 Smith Street
Marblehead, MA 01945
Manager: Jessica Sablone Maffeo

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

Motion made and seconded to renew the following **Wine and Malt-Innholders** 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:

Peter Conway
d/b/a Harbor Light Inn
58 Washington Street
Marblehead, MA 01945
Manager: Peter Conway

On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, 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
Marblehead, MA 01945
Manager: Mark McMahon

Corinthian Yacht Club
Corinthian Lane
Marblehead, MA 01945
Manager: David H. Titus

Tedesco Country Club
154 Tedesco Street
Marblehead, MA 01945
Manager: Gregg Lindsay

On a polled vote the Board voted as follows: Mr. Nye, in favor; Mrs. Jacobi, in favor; Mr. Christensen, in favor; Mrs. Belf-Becker, 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
Marblehead, MA 01945
Manager: Dirk Martin

Header's Club, Inc.
62 Pleasant Street
Marblehead, MA 01945
Manager: Dincer Ulutas

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

Motion made and seconded to renew the following **All-Alcoholic-Fraternal Club 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:

Chaplain Lyman Rollins Post #2005 VFW
321 West Shore Drive
Marblehead, MA 01945
Manager: John R. Blaney

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

HOLIDAY HOURS. Abbot Hall and Mary Alley. The following business hours will be observed at Abbot Hall and Mary Alley:

Monday, December 22, 2008	8:00am – 5:00pm
Tuesday, December 23, 2008	8:00am – 5:00pm
Wednesday, December 24, 2008	Closed
Thursday, December 25, 2008	Closed
Friday, December 26, 2008	8:00am – 1:00pm

Monday, December 29, 2008	8:00am – 5:00pm
Tuesday, December 30, 2008	8:00am – 5:00pm
Wednesday, December 31, 2008	Closed
Thursday, January 1, 2009	Closed
Friday, January 2, 2009	8:00am – 1:00pm

Motion made and seconded to adjourn at 9:45pm. All in favor.

Kyle A. Wiley
Administrative Aide