

## BOARD OF SELECTMEN

### MINUTES

**June 26, 2013**

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  
Bret T. Murray  
James E. Nye

Jeff Chelgren, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes of June 20, 2013 and June 25, 2013. 4 voted in favor, Mr. Murray voted present.

**POLICE DEPARTMENT. Police Details.** Chief Robert Picariello appeared before the Board as it relates to establishing regulations regarding Police Details. After review motion made and seconded to approve the Police Detail regulations as presented and to authorize Chief Picariello and the Town Administrator to work with the utility companies to implement the regulations. All in favor.

**RESERVE FUND TRANSFER. Police Department.** Motion made and seconded to authorize Chief Picariello to appear before the Finance Committee to request the transfer of the sum of one thousand five hundred dollars (\$1,500.00) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws. All in favor.

**PLANNING BOARD. Vacancy. Alternate Member.** The Board extended the deadline to submit applications for the Planning Board, Alternate Member, to August 9, 2013. Interviews will be conducted on August 14, 2013.

**RESERVE FUND TRANSFER. Public Buildings. Local Travel.** Motion made and seconded to authorize Robert Ives, Building Commissioner, to appear before the Finance Committee to request the transfer of the sum of one thousand one hundred and thirty two dollars (\$1,132.00) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws. All in favor.

**RESERVE FUND TRANSFER. Public Buildings. Traffic Lights.** Motion made and seconded to authorize Robert Ives, Building Commissioner, to appear before the Finance Committee to request the transfer of the sum of six hundred dollars (\$600.00) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws. All in favor.

**RESERVE FUND TRANSFER. Selectmen.** Motion made and seconded to authorize Jeff Chelgren, Town Administrator, to appear before the Finance Committee to request the transfer of the sum of sixty six dollars (\$66.00) for out of state travel (Harbormaster) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws. All in favor.

**HARBORMASTER. Transfer of Appropriations.** Motion made and seconded to transfer the sum of \$10,000.00 from the Harbormaster Salary account to the Harbormaster Expense account to cover payment of end of the year bills in accordance with Chapter 44; Section 33B of the Massachusetts General Laws. All in favor.

**RESERVE FUND TRANSFER. Tree Department.** Motion made and seconded to authorize Doug Gordon, Tree Warden, to appear before the Finance Committee to request the transfer of the sum of one thousand dollars (\$1,000.00) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws. All in favor.

**RESERVE FUND TRANSFER. Town Counsel.** Motion made and seconded to authorize Jeff Chelgren, Town Administrator, to appear before the Finance Committee to request the transfer of the sum of five thousand five hundred dollars (\$5,500.00) from the Reserve Fund in accordance with chapter 40, section 6 of the Massachusetts General Laws. All in favor.

**PERMISSION. Block Party.** Motion made and seconded to approve the request from Elizabeth Halbert to block Taft Street on July 4, 2013 from 2:00 p.m. – 8:00 p.m. for their 24<sup>th</sup> annual block party. All in favor.

**PERMISSION. Trailer on Public Way. Front Street.** Motion made and seconded to approve the request from Phil Devlin, General Manager, Boston Yacht Club, to place a trailer on Front Street from July 4 – 8, 2013 to facilitate transportation of cruising sails and equipment to Halifax subject to receipt of the required certificate of insurance. All in favor.

**PERMISSION. Breast Friends Walk.** Motion made and seconded to approve the request from Carol and Adam Smith to hold the 8<sup>th</sup> Annual Breast Friend's Walk on Sunday, October 6, 2013 starting at Devereux Beach at 9:00 a.m. subject to approval from Recreation and Parks, receipt of the required Certificate of Insurance and Police Detail. All in favor.

**NOTICE OF INTENT. Eminent Domain Takings: Execution of Notices of Intent to Take Properties In Connection with Landfill Closure and Remediation.** Motion made and seconded that the Board of Selectmen send out the Notices of Intent to take by eminent domain, as authorized by Article 36 of the May 2013 Annual Town Meeting, in connection with the landfill cleanup and hazardous material remediation for the following properties or portions thereof:

Property: 46 C Peach Highlands  
Owner: Richard and Linda Hamill  
46C Peach Highlands  
Marblehead, MA 01945-2516

Term: Two years  
Easement: 15,700 sq.ft +/-

Property: 12 Blueberry Road  
Owner: Christopher Caldwell  
12 Blueberry Road  
Marblehead, MA 01945-2516

Term: Two years  
Easement: 1,000 sq.ft +/-

Property: 24 Blueberry Road  
Owner: David and Susan Zoia  
24 Blueberry Road  
Marblehead, MA 01945-2516

Term: Two years  
Easement: 800 sq.ft. +/-

Property: 24 Tioga Way  
Owner: Whim & Impulse, LLC  
Charles Loutrell, Jr. Manager  
24 Tioga Way  
Marblehead, MA 01945

Term: Two years  
Easement: 2,640 sq.ft. +/-

Property: 80 Hoods Lane  
Owner: Lime Street Realty Limited Partnership  
P.O. Box 387  
8 Doak's Lane  
Marblehead, MA 01945

Term: Two years  
Easement: 2,805 sq.ft. +/-

Property: 32 Tioga Way  
Owner: Open Two Realty Trust  
Antonio Musso, Trustee  
32 Tioga Way  
Marblehead, MA 01945

Term: Two years  
Easement: 750 sq. ft. +/-

Property: 32 Tioga Way

Owner: Bob & Fred's Realty Trust  
Robert E. Hansen, Frederick Knowles, Trustees  
32 Tioga Way  
Marblehead, MA 01945

Term: Two years  
Easement: 750 sq.ft. +/-

Property: 40 Tioga Way  
Owner: Edward Moore, Trustee  
New Office Realty Trust of Marblehead  
8 Doak's Lane  
Marblehead, MA 01945

Term: Two years  
Easement: 4,015 sq.ft. +/-

Property: 204 Beacon Street  
Owner: Beacon Terrace Realty Trust  
Thomas P. Blackler, Trustee  
37 Puritan Road  
Marblehead, MA 01945

Term: Two years  
Easement: 1,300 sq.ft. +/-

Property: 165 Green Street  
Owner: Stephen Chaisson  
165 Green Street  
Marblehead, MA 01945

Term: Two years  
Easement: 1,000 sq.ft. +/-

Further, that the Chair of the Board, on behalf of the Board, be authorized to execute the Notices of Intent to Take. The Notices of Intent to Take will notify affected landowners of the Board's hearing to be scheduled for Wednesday, August 14, 2013, at 7:30 P.M. at which it will vote on the eminent domain takings and issue Orders of Taking for those approved properties. Moved by Mrs. Jacobi, seconded by Mr. Christensen. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

Motion made and seconded that the Board of Selectmen send out the Notices of Intent to take by eminent domain, as authorized by Article 36 of the May 2013 Annual Town Meeting, in connection with the landfill cleanup and hazardous material remediation for the following properties or portions thereof:

Property: 26 Blueberry Road  
Owner: John and Linda Quealy

26 Blueberry Road  
Marblehead, MA 01945-2516  
Term: Two Years  
Easement: 750 sq.ft. +/-

Property: 8 Woodfin Terrace  
Owner: P.F. Gallo and Sons, Inc.  
51 Shelton Road  
Swampscott, MA 01907  
Term: Two years  
Easement: 4,265 sq.ft. +/-

Further, that the Chair of the Board, on behalf of the Board, be authorized to execute the Notices of Intent to Take. The Notices of Intent to Take will notify affected landowners of the Board's hearing to be scheduled for Wednesday, August 14, 2013, at 7:30 P.M. at which it will vote on the eminent domain takings and issue Orders of Taking for those approved properties. Moved by Mrs. Jacobi, seconded by Mr. Christensen. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Christensen, present; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**NOTICE OF TAKINGS. Eminent Domain Takings: Execution of Notices of Intent to Take Properties In Connection with Landfill Closure and Remediation.** Motion made and seconded that the Board of Selectmen send out the Notice of Intent to take by eminent domain, as authorized by Article 37 of the May 2013 Annual Town Meeting, in connection with the landfill cleanup and hazardous material remediation for the following property or portion thereof:

Property: 151 Green Street  
Owner: Green Street Realty Trust  
Susan Muldoon, Trustee  
2 Walnut Street  
Marblehead, MA 01945  
Term: Two years  
Easement: 59,440 sq.ft. +/-

Further, that the Chair of the Board, on behalf of the Board, be authorized to execute the Notice of Intent to Take. The Notice of Intent to Take will notify affected landowner of the Board's hearing to be scheduled for Wednesday, August 14, 2013, at 7:30 P.M. at which it will vote on the eminent domain takings and issue Orders of Taking for the approved property. Moved by Mr. Nye, seconded by Mrs. Jacobi. On a polled vote the Board voted as follows: Mr. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor; Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. One Day Liquor License. Corinthian Yacht Club.** Motion made and seconded to approve the request from the Corinthian Yacht Club for a one day liquor license, beer and wine only, on Thursday, July 4, 2013 7:00 p.m. – 10:00 p.m. at 1

Nahant Street, *poolside*, for a 4<sup>th</sup> of July Celebration for members and their guest subject to the following conditions:

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. Alcohol is to be served and consumed at poolside only

The Pool will be closed during this function

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

**FESTIVAL OF ARTS. Trash Barrels.** Motion made and seconded to approve the request from Greg Triplett, Festival of Arts, to have trash barrels placed in various locations on lower Washington Street on Sunday, July 7, 2013 for the Street Festival and to have the Town Administrator and Brendan Egan, Recreation and Parks Superintendent, determine the location of the barrels. All in favor.

**ZONING BOARD OF APPEALS. Conflict Waiver/Permission.** Correspondence was received from Alan E. Lipkind as it relates to his service on the Zoning Board of Appeals and participation in hearings in which a Counsel for applicants also makes outside referrals to a colleague at Mr. Lipkin's firm. These referrals have nothing to do with the Zoning Board of Appeals and Mr. Lipkind has no communication with Counsel handling these cases. Motion made and seconded that there is not conflict of interest so long as Mr. Lipkind has filed the appropriate disclosure with the Town Clerk's office. All in favor.

**FIRE DEPARTMENT. Fill the Boot Drive.** Notice was received from Jeffrey R. Martin, MDA Director Local 2043, that the Marblehead Fire Fighters Local 2043 on the International Association of Fire Fighters will conduct their annual "Fill the Boot" drive on Saturday, July 6, 2013 at entrances to Devereux Beach and on Washington Street. The annual boot drive across the country raises money for the Muscular Dystrophy Association.

**FORT SEWALL. Grant. Massachusetts Preservation Projects Fund.** Notice was received from the Massachusetts Historical Commission that the Town has been selected for a matching allocation of \$12,350.00 from the Commission's Round 19: Massachusetts Preservation Projects Fund. The funds are allocated for the preparation or a pre-development study to include an overall building conditions assessment with treatment recommendations; plans and specifications addressing building needs, accessibility, and code compliance.

**MARBLEHEAD FOREVER COMMITTEE. Old Town House Celebration.**

**Donation Account.** Kyle Wiley, Marblehead Forever Committee Chair, appeared before the Board on behalf of the committee to advise the Board on the various activities planned for the re-dedication of the Old Town House. A special Commemorative Book is being published and anyone wishing to contribute, \$25 or more, will have their names listed in this book. Motion made and seconded that a donation account be established for receipt of Old Town House contributions. All in favor. Checks should be made out to the Town of Marblehead, note Old Town House in the Memo line, and sent to the Selectmen's Office, Abbot Hall, 188 Washington Street

**OLD TOWN HOUSE. Voting.** Motion made and seconded that precinct 1 voting be restored at the Old Town House after completion of the renovations. All in favor.

**CONGRATULATIONS. Volunteer of the Year.** Motion made and seconded to send a letter of congratulations to Don Kuszmar on recently being named "Volunteer of the Year" at the Northeastern Conference Annual Coaches Banquet. All in favor.

Chair Belf-Becker thanked the voters of Marblehead for supporting the 2 ballot questions at the polls on June 25, 2013.

**OLD TOWN HOUSE. Rules & Regulations. Proposed Uses.** Mr. Chelgren reviewed with the Board proposed uses for the Old Town House. The Board will discuss and make recommendations on the proposed uses at their meeting on July 10, 2013.

**OLD TOWN HOUSE. Parking Restrictions.** Motion made and seconded to revise the current parking restrictions in place at the Old Town House, due to the renovation project, to NO PARKING, Monday through Friday, 7:00 a.m. – 5:00 p.m. (instead of 7:00 a.m. – 7:00 p.m.) All in favor.

Motion made and seconded to adjourn at 8:20 p.m. All in favor.

Kyle A. Wiley  
Administrative Aide