

**BOARD OF SELECTMEN  
MINUTES  
April 12, 2017**

Board met in session at 7:30 p.m. in the Selectmen's Office at Abbot Hall  
Present (constituting a quorum):

Jackie Belf-Becker, Chair  
Harry C. Christensen, Jr.  
Judith R. Jacobi  
Bret T. Murray  
James E. Nye

John J. McGinn, Town Administrator

**MINUTES.** Motion made and seconded to approve the minutes from March 6, 2017.  
All in favor. Motion made and seconded to approve the minutes from March 22, 2017.  
All in favor. Motion made and seconded to approve the minutes from March 27, 2017.  
All in favor.

**EXECUTIVE SESSION. Release Minutes.** Motion made and seconded, on advice from Town Counsel, after review of our Executive Session minutes, the Board shall make public the following Board of Selectmen Executive Session minutes: February 13, 2013, February 12, 2014, January 21, 2015, July 10, 2015, December 9, 2015, March 16, 2016, March 30, 2016, May 25, 2016, June 8, 2016 and August 8, 2016. All in favor.

**CARNIVAL. Marblehead High School. Devereux Beach.** Sarah Peach, MHS Senior, appeared before the board on behalf of Marblehead High School, seeking permission for the annual MHS Carnival. Motion made and seconded to approve the request from Bethan Jones, MHS Senior Class Advisor, to hold the annual Marblehead Senior/Junior Class Carnival at Devereux Beach May 4 - 7, 2017 subject to approval from the Recreation and Parks Department, receipt of the required Certificate of Insurance and all necessary permits. All in favor.

**2017 ANNUAL TOWN MEETING. Article 32. Transparency in Political Donations.** Bonnie Grenier, 17 Sagamore Road, appeared before the Selectmen as it relates to Article 32, Transparency in Political Donations, which is on the Warrant for 2017 Annual Town Meeting. This is a Citizens Petition article sponsored by Ms. Grenier and others. If approved by Town Meeting it is a non-binding action expressing the view of Town Meeting as it relates to campaign and political finance on the state and federal levels. The article would require notification of the Town's action to all of its state and Federal level legislators.

**CHAMBER OF COMMERCE. Donation Account. Holiday Decoration Fund.** Beth Ferris, Executive Director, appeared before the Board requesting a donation account be set up for holiday decorations in the retail districts. Motion made and seconded to

establish a “Holiday Donation Fund” to be used to aesthetically enhance the retail districts (Historic District, Atlantic Avenue and Pleasant Street) with the spirit of the holiday season. Donations, cash or checks, may be submitted to the Selectmen’s Office, Abbot Hall, 188 Washington Street with checks payable to the Town of Marblehead and noting “Holiday Donation Fund” in the memo line. All in favor.

**LICENSING. Gerry #5 Veterans Fireman Association, Inc. Change of Officers/Directors.** Art Dodge, 9 Cowell 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. Murray, in favor; Mr. Christensen, in favor; Mrs. Jacobi, in favor, Mr. Nye, in favor; Mrs. Belf-Becker, in favor.

**LICENSING. Common Victualler License. Neck Run Café. Devereux Beach Concession Stand.** Paul Broderick, 3 Santry Road, Erica Petersiel, 11 Humphrey Terrace, Swampscott and Carolyn Broderick, 3 Santry Road appeared before the Board seeking a Common Victualler License for 105 Ocean Avenue. Motion made and seconded to approve the application for a Common Victualler License from George Markos, 25 Winter Street, Nahant for The Neck Run Café, 105 Ocean Avenue subject to receipt of the required forms, fees, departments sign offs and the required Certificate of Insurance. Hours of operation will be 7 days a week 7:00 A.M. to 11:00 P.M. All in favor.

**OLD AND HISTORIC DISTRICTS COMMISSION. Alternate Member. Interview. Appointment.** Gary Canner, 76 Beacon Street, appeared before the Board as it relates to the vacancy on the Old and Historic Districts Commission, Alternate Member. Motion made and seconded to appoint Gary Canner to the Old and Historic Districts Commission, Alternate Member, with a term to expire in May 2017. All in favor.

**EAGLE SCOUT. Project.** Chief Jason Gilliland appeared before the Board with Cooper Konz, 3 Fader Place, Eagle Scout Candidate, Troop 11, to present Cooper’s Eagle Scout project to the Board. Stickers will be place on any out of service fire alarm box in town, noting they are out of service and to call 911. Many of these out of service boxes are peeling paint and have corroded metal and will be properly prepared before applying the stickers. There are an estimated 100 – 150 such boxes throughout the Town.

**LICENSING. Renewal. Seasonal Renewals. All Alcoholic Beverage Licenses.** Motion made and seconded to renew the following **All Alcoholic Seasonal Club Licenses** subject to all taxes and fees to the Town being paid, receipt of all applicable departmental approvals, CORI approval and compliance with Chapter 304 of the Acts of 2004:

Dolphin Yacht Club, 17 Allerton Place, Manager: Darryl Knight  
Eastern Yacht Club – Pool License, 42 -44 Foster Street, Manager: Jeffrey Wargo  
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. Local and Sunday Entertainment License.** Motion made and seconded to renew the following **Local Entertainment** license, subject to all taxes and fees to the Town being paid: Dolphin Yacht Club, 17 Allerton Place. All in favor. Motion made and seconded to renew the following **Sunday Entertainment** License subject to all fees to the Town being paid and approval from the Commonwealth’s Department of Public Safety for Sunday Entertainment: Dolphin Yacht Club, 17 Allerton Place. All in favor.

**RESERVE FUND TRANSFER. Police Expense.** Motion made and seconded to authorize Chief Robert Picariello to appear before the Finance Committee to request the transfer of the sum of \$5,000 from the Reserve Fund in accordance with Chapter 40, Section 6 of the Massachusetts General Laws for Police Expense. All in favor.

**RESERVE FUND TRANSFER. Fire Expense.** Motion made and seconded to authorize Chief Jason Gilliland to appear before the Finance Committee to request the transfer of the sum of \$15,000 from the Reserve Fund in accordance with Chapter 40, Section 6 of the Massachusetts General Laws for Fire Expense. All in favor.

**RESERVE FUND TRANSFER. Zoning Board Legal Fees.** Motion made and seconded to authorize Town Administrator John J. McGinn to appear before the Finance Committee to request the transfer of the sum of \$15,000 from the Reserve Fund in accordance with Chapter 40, Section 6 of the Massachusetts General Laws for Zoning Board legal fees.. All in favor.

**RESERVE FUND TRANSFER. Veterans Benefits.** Motion made and seconded to authorize David Rodgers, Veterans Agent, to appear before the Finance Committee to request the transfer of the sum of \$6,000 from the Reserve Fund in accordance with Chapter 40, Section 6 of the Massachusetts General Laws for Veteran Benefits. All in favor.

**COMMUNITY GOLF DAY. Community Counseling Center.** A letter of interest was received from the Marblehead Counseling Center to host the Community Golf Day. Motion made and seconded to award the Marblehead Community Golf Day at Tedesco Country Club to the Marblehead Counseling Center. 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 20, 2017 from 10 a.m. – 12 Noon and to set up a table outside Abbot Hall to facilitate registration. This event is free and open to the public. Registration begins at 9:00 a.m. All in favor.

**ARTICLE 32. Annual Town Meeting 2016. Sale of Property. Colgate Road.**

Motion made and seconded that pursuant to the vote of Town Meeting in Article 32 May 2016, the Town sell to the *Tower School in Marblehead, Inc.*, a nonprofit educational corporation, incorporated in the Commonwealth of Massachusetts, having a principal place of business at 75 West Shore Drive, Marblehead, Essex County, Massachusetts 01945, a certain parcel of land in said Marblehead shown as “Colgate Road (Portion to be Abandoned) 10,541 s.f.” on a plan entitled “Plan of Land in Marblehead, Mass.”, by Hayes Engineering, dated February 21, 2017, for the sum of \$50,000 and that the Chair be empowered to execute any and all documents necessary to effect said transaction. 4 voted in favor, Mr. Christensen voted present.

**LICENSING. One Day Liquor. Friends of Marblehead Public Schools.** Motion made and seconded to approve the request from Leanne Tirilok, Friends of the Marblehead Public Schools, for a One Day Liquor License on Saturday, June 17, 2017, 2016 from 5:30 p.m. – 8:00 p.m. at 28 Foster Street for their annual Summer Soiree 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 Kappy’s Importing. 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.

**PERMISSION. National Prayer Day. Abbot Hall Bell Ringing.** Motion made and seconded to approve the request from Donald Orne to ring Abbot Hall’s bell at noon on Thursday, May 4, 2017 for five minutes directly following the noon regular ringing, for National Prayer Day, and to meet for 10 minutes in the Selectmen’s Meeting Room to pray and meditate as one unified group. This event is open to the public. All in favor.

**ANIMAL INSPECTOR. Re-appointments.** Motion made and seconded to reappoint Dr. Jeffrey Rockwell, Mrs. Annie Rockwell and Sheena Sweeney as Animal Inspectors for the Town of Marblehead effective May 1, 2017. All in favor.

**ABBOT HALL. Permission to Use. Eagle Scout Ceremony.** Motion made and seconded to approve the request from Andy Barnett, Troop 79, BSA, to use Abbot Hall on Sunday, May 21, 2017 from 5:30 p.m. – 8:30 p.m. for an Eagle Scout Court of Honor subject to the usual rules, regulations, fees and receipt of the required Certificate of Insurance and to waive the rental fee for this event. All in favor.

**PERMISSION. Parade. Marblehead Youth Baseball.** Motion made and seconded to approve the request from Stephen Clay, Marblehead Youth Baseball, to hold the annual opening day parade in conjunction with Marblehead Girls Softball on Saturday, April 29, 2017 beginning at 9:00 AM at the Veterans Middle School and traveling to Gatchells

Park subject to approval from Chief Picariello, School Department and receipt of the required Certificate of Insurance. All in favor.

**CAT ISLAND. Fish Trap.** Motion made and seconded to approve the application from Douglas W. Heath, 2 Millets Lane for a fish trap license to be placed at latitude 42 30'33, longitude 70 48'48 off Cat Island. This is a five year license. All in favor.

**COMMONWEALTH OF MASSACHUSETTS DIVISION OF MARINE FISHERIES. Shellfish Beds.** Motion made and seconded, in accordance with the MA Division of Marine Fisheries, has closed until further notice the below-defined shellfish classification area, N21.2 Devereux and Tuckers Beaches, due to the bypass of sewage from the Sargent Road SSO. As a result, the status of the area has been changed to "Closed to Shellfishing". All in favor.

**OLD TOWN HOUSE. Permission to Use. Marblehead Museum.** Motion made and seconded to approve the request from Pam Peterson, Marblehead Museum, to use the Old Town House on Thursday, April 27, 2017 from 5:00 p.m. – 10:00 p.m. for their annual meeting and lecture subject to the usual rules, regulations, fees and receipt of the required Certificate of Liability and to waive the rental fee for this event. All in favor.

**CONTRACT. Bituminous Concrete.** Motion made and seconded to award a contract for furnishing and applying bituminous concrete to Bitcon Corporation of Danvers, MA in the amount of seven hundred and thirty five thousand five hundred dollars (\$735,500.00) and authorize the Chair to sign the contract on behalf of the Board. All in favor.

**PERMISSION. YMCA. Ring Around the Neck.** Motion made and seconded to approve the request from Tim Short, Road Race Director, to run the 37<sup>th</sup> Annual Lynch/van Otterloo YMCA's Ring around the Neck 5 Mile Road Race on Sunday, April 23, 2017 subject to approval from Chief Picariello, Recreation and Parks and receipt of the required Certificate of Insurance. The race will start at 12:30 p.m. at Devereux Beach, head around the Locust St./Goldthwait Road neighborhood, down the Causeway for a loop around the Neck and finish at Devereux Beach. NO permanent markings shall be made on the public way and any temporary markings should be removed at the conclusion of the event. All in favor.

**PERMISSION. Dumpster. Washington Street.** Motion made and seconded to approve the request from Barry Edelman, 5 Corners Kitchen, to place a dumpster on the public way, by 257 Washington Street/2 School Street, from April 24 – May 8, 2017 subject to approval from Chief Picariello, Chief Gilliland and the required permit from the Fire Department. All in favor.

**PARKING REGULATIONS. Widger Road.** Motion made and seconded to approve the following parking regulation as recommended by Chief Picariello: **PARKING REGULATION – Widger Road.** "No Parking on the southwest side of the center island

which is located directly in front of the main entrance to 7 Widger Road, for a distance of fifty feet (50) in a south westerly direction.” All in favor.

**CONTRACT. Central Fire Station. Ceiling Project.** Motion made and seconded to award a contract for the ceiling project at the Central Fire Station to Indoor Air Technologies Inc. of Victor, NY in the amount of fifty four thousand eight hundred dollars and authorize the Chair to sign on behalf of the Board. All in favor.

**PERMISSION. Use of Image. J.O.J. Frost, The Purchase of Marblehead.** Motion made and seconded to approve the request from Bethe Lee Moulton to use an image of the J.O.J. Frost painting, *The Purchase of Marblehead*, in a publication about J.O.J. Frost. All in favor.

**CONTRACT. Dental Insurance. Extend.** Motion made and seconded to extend the contract for voluntary dental insurance coverage between the Town of Marblehead and Altus Dental Insurance Co. Inc., until 6/30/2019 and authorize the Chair to sign the contract extension on behalf of the Board. All in favor.

**OVERNIGHT PARKING BAN.** The Overnight Parking Ban will end at 12:01 AM on April 15, 2017. You can park your vehicle on the street on Friday, April 14, 2017.

**ALCOHOLIC BEVERAGE CONTROL COMMISSION. Hearing Notification. Gerry 5.** Notification was received from the Alcoholic Beverage Control Commission that a hearing will be held on June 6, 2017 regarding gaming violations at the Gerry 5, 210 Beacon Street.

**CONGRATULATIONS.** Motion made and seconded to send letters of congratulations to the following Eagle Scout candidates and invite them to a future Selectmen’s meeting to present their Eagle Scout project: Garrett McKinnon, Jake Ostrovitz, George Kim, Michael Conlin and Brett Lipsky. All in favor.

**CONDOLENCE.** Motion made and seconded to send a letter of condolence to the family of Lloyd Caswell. All in favor.

**CONGRATULATIONS.** Shalane Flanagan. Motion made and seconded to send a letter of congratulations to Shalane Flanagan on being upgraded to the Silver Medal for her performance in the 10,000 meter race at the 2008 Beijing Olympics. All in favor.

**WEBSITE.** The Town of Marblehead will go live with a new Website on April 25, 2017 and maintain the current address: [www.marblehead.org](http://www.marblehead.org).

Motion made and seconded to adjourn at 8:35 p.m.

Kyle A. Wiley, Administrative Aide