



Town of Swampscott

Select Board Meeting Minutes

Wednesday, December 18, 2019

Room B-129 Swampscott High School, 200 Essex St. Swampscott, MA

MEMBERS PRESENT

Peter Spellios (Chair), Naomi Dreeben (Vice Chair), Donald Hause, Polly Titcomb, Laura Spathanas

MEMBERS ABSENT: None

OTHER TOWN OFFICIALS PRESENT:

Sean Fitzgerald (Town Administrator), Allie Fiske (Assistant to the Town Administrator), Marzie Galazka (Director of Community Development), Ronald Madigan (Police Chief), Molly O'Connell, (Senior Planner), Jeff Blake (Town Counsel)

Mr. Spellios called the Select Board meeting to order at 6:09 pm.

PUBLIC COMMENT: None

APPROVAL OF SAINT JOHN THE BAPTIST 2020 ENTERTAINMENT LICENSE

Select Board Chair Peter Spellios asked Town Administrator Sean Fitzgerald for an overview of the current Entertainment License. The Town Administrator stated he had concerns about approving the license with its current end-time of 1:00AM. He added that this property is located in a heavily residential area and there had been concerns previously that the late-night entertainment disrupted the neighborhood. Though there have been no recent complaints he recommended the license end-time be 11:00pm.

Chairman Spellios suggested that if an event is planned to go beyond 11:00pm, that a licensee can request an exception from the Town Administrator.

On **MOTION** (Hause) and **SECOND** (Dreeben) it was **VOTED** (unanimous) to approve the Saint John the Baptist Entertainment License for 2020 and to amend the license to end at 11:00pm with any exception to be discussed and granted by the Town Administrator.

COMMON VICTUALLER LICENSE POLICY

All new food establishments with seating must obtain a Common Victualler License for their first year, and renew for following year. Spellios recommended that the Common Victualler fee be waived the first year a business opens. This would apply this year to Mexicali Cantina Grill, Tropical Smoothie Cafe, and Volo Craft Pizza.

On **MOTION** (Dreeben) and **SECOND** (Titcomb) it was **VOTED** (unanimous) to waive the first year business Common Victualler License fee and resume the \$100 fee for each renewal thereafter and that the Common Victualler License for Volo Craft Pizza, Mexicali Cantina Grill, and Tropical Smoothie Cafe be waived per calendar year 2019.

CONSENT AGENDA

On **MOTION** (Spathanas) and **SECOND** (Hause) it was **VOTED** (unanimous)

SHOW CAUSE HEARING FOR FOUR SEASONS

On **MOTION** (Dreeben) and **SECOND** (Titcomb) it was **VOTED** (unanimous) to open show cause hearing for Four Seasons Motor Group, LLC.

All witnesses were sworn in.

It is alleged that Four Seasons Motor Group has violated the terms of their Class II License which limits the number of vehicles to be sold to six (6). After an investigation, the Town determined there were more than 6 vehicles being sold at the location.

A copy of the current Class II License was submitted into evidence.

Attorney Tom Beatrice representing Four Seasons Auto Group, LLC filed a letter requesting a continuance of the hearing citing a lack of time to adequately prepare. Chairmen Spellios recommended that the request be taken under advisement and that Town Counsel continue the hearing. Town Counsel confirmed that if the Select Board did not take a vote related to the public hearing to modify or revoke the license, that they would instead be able to take a vote to renew under certain conditions.

Detective Ted Delano from the Swampscott Police Dept. spoke as a witness and read a memo he sent to Police Chief Madigan dated November 13 regarding an inspection of the premises where 58 vehicles were observed on the premises.

There was a request from Four Season Motor Group legal team that before January 8, a discussion occur in advance that addresses issues long-term. Spellios stated that these meetings will happen.

On **MOTION** (Dreeben) and **SECOND** (Hause) it was **VOTED** (unanimous) to continue this public hearing to January 8 at 6:30pm in Room B208 at the Medford Public High School.

Chairman Spellios requested that in advance of that meeting, Max Kasper, Building Commission for the Town of Swampscott, provide the Select Board with information about the property, uses, and tenants to help the Board contextualize the issues.

Two residents spoke in support of renewing the license for Four Seasons Motor Group.

On **MOTION** (Hause) and **SECOND** (Spathanas) it was **VOTED** (unanimous) to renew the 2020 Class II Dealership License for Four Seasons Motor Group, LLC. At 460 Humphrey Street subject to the conclusion of the January 8 public hearing and any potential enforcement action.

LIQUOR LICENSE RENEWALS PRESENTATION

Marzie Galazka, Director of Community Development provided a presentation on renewals for liquor licenses. This year, there are 24 licensees requesting renewal: 13 All Alcohol; 4 Club; 2 Wine & Malt Beverage; 3 Package Stores. No issues were reported with any of these establishments.

In regards to renewing fees for Swampscott in the future, Chairman Spellios asked Community Development to determine if Town Counsel was aware of any communities that changed fees based on square footage/capacity of establishment and if this was condoned.

On **MOTION** (Titcomb) and **SECOND** (Dreeben) it was **VOTED** (unanimous) to approve 2020 Liquor License Renewals with condition that the Saint John the Baptist license end-time be amended to 12:00am.

DRAFT RFI FOR FORMER SWAMPSCOTT POLICE STATION LOCATED AT 86 BURRILL ST.

The Select Board performed a first reading of a Request for Interest for the former Swampscott Police Station located at 86 Burrill St. This building is part of a municipal complex near Town Hall, the Fire Station, Library, and Reach Arts and the Town desires the building be re-activated by entities with uses that directly enhance the community. Spellios requested that this RFI is marketed creatively and suggested the response period be lengthened to allow groups to tour the facility.

Spellios requested that the Select Board submit comments to Community Development. A second reading of the document will be performed on January 8 at Select Board meeting.

RETAIL MARIJUANA ESTABLISHMENT RECOMMENDATION

Community Development presented a recommendation that the Select Board sponsor an article for Spring Town Meeting that limits the number of retail marijuana licenses to two (2), which is the minimum number required by the State. Community Development also shared that staff has preliminarily identified two potential companies and locations pending the required process by the Town and the State.

On MOTION (Dreeben) and SECOND (Titcomb) it was VOTED (unanimous) that the Select Board sponsor an article for Spring Town Meeting to limit the number of retail marijuana licenses to two.

DISCUSSION OF RFP RESPONSES RELEVANT TO NEW OCEAN STREET

The Town has leased Town-owned property at 16 New Ocean Street to C & L Package Store for 15 years. The lease has expired and a Request for Proposals to identify a company to occupy this space began in June of 2019. Three proposals were received but one applicant – Terpene Journey – has withdrawn their application. Comparative criteria included proof of financing; experience of operating, managing, and maintaining the proposed business; nature of building improvements, benefits to residents and visitors, use and compliance with zoning by-laws, and economic benefit.

Calyx Peak Companies received the highest score. The next steps as outlined by Community Development would be for the Select Board to authorize the Town Administrator to enter into lease negotiations, then approve lease terms, then begin the retail marijuana process as required by the Cannabis Control Commission.

Chairman Spellios clarified that this is the first of four votes the Select Board will need to take in regards to a retail marijuana establishments at this location: 1) The vote to enter into initial lease negotiations 2) a vote to enter into a lease 3) a vote following the required community meeting to allow the Town Administrator to enter into discussions with entity regarding the Host Community Agreement; 4) a vote to execute a Host Community Agreement.

A resident on New Ocean Street expressed concerns about how this business will impact traffic on the street.

On MOTION (Spathanas) and SECOND (Dreeben) it was VOTED (unanimous) that the Select Board authorize the Town Administrator and Director of Community & Economic Development to enter into lease negotiations with Calyx Peak Companies.

DISCUSSION OF PROPOSED RETAIL MARIJUANA ESTABLISHMENT AT 430 PARADISE RD.

Terpene Journey has applied to operate a Marijuana Retailer license in the Town of Swampscott at 430 Paradise Rd. There will be no cultivation or manufacturing at this site. The proposed hours of operation are 10am to 10pm Monday to Saturday, and 10am to 8pm on Sunday. Terpene Journey is a LGBT+ and Social Equity business.

Tom Bogaz, CEO of Terpene Journey; Justin Eppley, COO of Terpene Journey; Patricia Haley, Security Director; and Attorney James McMann were presented and provided a presentation about the establishment. All four shared extensive experience in their respective fields.

Ms. Haley reviewed the security protocols including video surveillance, access controls, panic buttons, and background checks. They also presented a major focus on prevention and diversion to minors. They explained the highly-regulated Seed to Sale tracking system in which every cannabis plant has a barcode and serial number and is tracked to final sale. They also addressed concerns about parking and traffic by presenting comparative peak hour data between a coffee shop, a convenience market, and the proposed patronage of Terpene Journey demonstrating that Terpene Journey will see substantially less traffic than other nearby entities.

On MOTION (Titcomb) and SECOND (Dreeben) it was VOTED (unanimous) that the Select Board authorize the Town administrator and Director of Community & Economic Development to enter into negotiations with Terpene Journey for a Host Community Agreement.

TOWN ADMINISTRATOR UPDATE

Town Administrator Sean Fitzgerald provided an update including: His attendance at the North Shore Mayors and Municipal Managers Coalition meeting in Hamilton to discuss proposal for regional bike sharing and receive presentation on 2020 census; upcoming holiday events; new initiatives from the Recreation Department; the receipt of a Massachusetts Office on Disability's Planning Grant; the FY 2021 Budget; Retirement Assessment/Valuation; Fire Department Promotions; and an update on the selection process for a designer for the Hadley Feasibility Study Project.

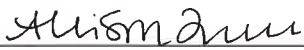
SELECTIMENS' TIME

- Ms. Spathanas requested that a call go out to remind people to clear sidewalks and what the regulations are regarding this. She also requested that there be follow-up on snow removal by Wholefoods.
- Chairman Spellios reported that a list of roads have been given to Highway Commissioner for this district with things they can do for improvements.
- Mr. Hause requested motion-activated lights on the fish house
- Ms. Titcomb as the liaison to the Open Space Committee. They are applying for a grant and asked if the board would support the grant.
- Ms. Titcomb asked about handicap ramps on the beach.
- Chairman Spellios noted the work by Joe Douillette regarding media upgrades in the Town and new Town Administrator Assistant Allie Fiske.

On **MOTION** (Titcomb) **SECONDED** (Spathanas) it was **VOTED** (unanimous) to adjourn.

Meeting adjourned 9:48pm

Respectfully submitted,


Allie Fiske, Assistant to the Town Administrator

Minutes APPROVED by vote of the Select Board xx/xx/2019