



**Town of Swampscott
Select Board Meeting Minutes**

Thursday, February 6, 2020

Swampscott High School, B208, 200 Essex Street Swampscott, MA 01907

MEMBERS PRESENT

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

MEMBERS ABSENT

None

OTHER TOWN OFFICIALS PRESENT

Sean Fitzgerald, Town Administrator; Allie Fiske, Assistant to the Town Administrator; Ron Mendes, Assistant Town Administrator of Administration and Finance; Max Kasper, Building Commissioner; Chief Ron Madigan, Police Department; Detective Ted Delano, Police Department; James Potts, Deputy Fire Chief; Attorney Jeff Blake, Town Counsel – KP Law

The meeting was called to order at 6:07pm

PUBLIC COMMENT:

Media Arts Instructor and Cable TV Coordinator Joe Douillette provided an announcement that the Blue Big Band will hold a concert on Saturday, February 8 at the First Church at 2:00pm. Admission is \$10.

SHOW CAUSE HEARING FOR FOUR SEASONS MOTOR GROUP, LLC

6:00pm Public Hearing: the Swampscott Select Board, acting as the Town's Licensing Board ("Board"), will hold a show cause hearing to hear the following charges regarding the Class II Car Dealer's license issued to you for the premises located at 460 Humphrey Street, Swampscott, MA: Exceeding the allotted number of cars on the premises for sale and repair in violation of the conditions of the Class II License.

On MOTION (Dreeben) and SECONDED (Spathanas) a roll call was performed (Spellios) Yes (Dreeben) Yes (Spathanas) Yes (Hause) Yes (Titcomb) Yes to open and table the Public Hearing.

DANGEROUS DOG HEARING

6:00pm Public Hearing: The Select Board and/or its designees will hold a continued public hearing in accordance with Massachusetts General Laws, Chapter 140, Section 157, to investigate, examine, and determine whether the dogs owned and/or kept by Glenn, Irene, and Rebecca Schwartz of 50 Puritan Lane in the Town of Swampscott are Nuisance Dogs or Dangerous Dogs as those terms are defined in said statute. Votes will be taken by the hearing authority.

On **MOTION** (Dreeben) and **SECONDED** (Spathanas) a roll call was performed (Spellios) Yes (Dreeben) Yes (Spathanas) Yes (Hause) Yes (Titcomb) Yes to open the public hearing.

The Select Board read aloud the draft of a proposed agreement between the Schwartz Family and the Town of Swampscott. A Select Board member requested that inspections be changed to “random” and that the text in Section 12 be amended to “at times determined by the Town in its sole discretion.” This amended text will be reviewed by Town Counsel and the Schwartz family’s legal counsel.

On **MOTION** (Dreeben) and **SECONDED** (Spathanas) it was **VOTED** (unanimous) to approve the agreement as amended in Section 12.

On **MOTION** (Dreeben) and **SECONDED** (Titcomb) a roll call was performed (Spellios) Yes (Dreeben) Yes (Spathanas) Yes (Hause) Yes (Titcomb) Yes to close the public hearing

TOWN CLERK PRESENTATION

Town Clerk Susan Duplin provided a presentation on important upcoming topics pertaining to the Town Clerk’s Office

- There will be four elections in 2020 (March 3, 2020 Presidential Primary; April 28th local primary; September 1st State Primary; November 3rd, Presidential Election)
- Ms. Duplin supplied important information regarding the last date to register and what requirements need to be met in order to perform absentee or early voting.
- Provided information regarding Town Nomination papers and deadlines for citizens petition, etc.
- Presented about the Annual and Federal Consensus, dates, and requirements
- Provided information about 2020 dog licensing requirements and Pooch Passes

The Select Board discussed potentially moving polling locations but determined to keep polling locations the same for 2020 to avoid confusion caused by changing locations mid-year.

SHOW CAUSE HEARING FOR FOUR SEASONS MOTOR GROUP, LLC

On **MOTION** (Spathanas) and **SECONDED** (Dreeben) a roll call was performed (Spellios) Yes (Dreeben) Yes (Spathanas) Yes (Hause) Yes (Titcomb) Yes to take the Class II Car Dealers License Show Cause Hearing off of the table.

Attorney Jeff Blake recapped the proposed violation.

All witnesses were sworn including the owners of Four Season Motor Group, Inc., Chief Madigan of the Swampscott Police Department, and Detective Ted Delano of the Swampscott Police Department.

Detective Delano made a statement and answered questions regarding his administrative inspection of property at 460 Humphrey Street. The purpose of that inspection on May 10, 2019 and subsequent inspection on October 29, 2019 was to determine if Four Seasons Motor Group, Inc. was adhering to the Class II Car Dealership license granted by the Select Board. This license limits the sales to 6 cars. He noted that he observed 58 cars in various locations around the property specific to this business. The Marblehead Police subsequently investigated the site in plain clothes on November 26, 2019 and provided a memo to confirm that more than 6 cars were for sale at the time they were present. It is the opinion of Detective Delano that they are in violation of selling more than 6 vehicles on their property.

Attorney Tom Beatrice from Panos Law Group and Jason Panos then directed several questions to Detective Delano regarding a memo he filed on May 16 and again on November 13. Detective Delano again confirmed that on his May 10 observation, six vehicles had for sale signs. Six others had lemon law stickers. A photo of the site with vehicles was submitted into evidence.

One of the owners of Four Season Motor Group, Simon Terechin was questioned by Attorney Panos regarding the operations at the dealership. Mr. Terechin explained the flow of the vehicles on the property: six vehicles are for sale. When they are sold, another vehicle takes its place. He stated that at no point were more than 6 cars for sale on the property. Attorney Blake also questioned the owner.

There was a discussion relative to online sales and in what way these online sales related to the vehicles on the property. Mr. Terechin stated that when a customer calls and inquires about a vehicle, Four Seasons calls and states that the vehicle is not ready. When one of the six vehicles out front has been sold – or is determined to not be sold – then it is removed and the vehicle identified online by a potential buyer is moved to the front and sold.

On **MOTION** (Hause) **SECONDED** (Spathanas) it was **VOTED** (unanimous) to table the public hearing.

BOARDS & COMMISSIONS APPOINTMENTS

On **MOTION** (Dreeben) **SECOND** (Spathanas) it was **VOTED** (unanimous) to appoint Randall Hughes to a 3-year term on the Conservation Commission, removing him from the position as an alternate.

On **MOTION** (Dreeben) **SECOND** (Spathanas) it was **VOTED** (unanimous) to appoint David Zalanowski to a 3-year term on the Renewable Energy Committee.

Marzie Galazka, Director of the Office of Community & Economic Development provided a brief summary of recommendations for the Traffic Study Advisory Committee. The Traffic Study Advisory Committee has reformulated with new membership and a new mission. The goal of the committee is to be proactive, and not merely responsive to community requests and concerns. The Committee is made up of the Chief of Police, Fire Chief, Director of Public Works, Director of Community & Economic Development, a representative from the Disability Commission, and three residents, as well as one alternate.

The four recommendations provided by Ms. Galazka are Marci Benson, Michael Ariely, Ivan Sabena, and Michael Proscia as an alternate.

On **MOTION** (Hause) **SECONDED** (Dreeben) it was **VOTED** (unanimous) to appoint Marci Benson, Michael Ariely, Ivan Sabena, and Michael Proscia to a 1-year term on the Traffic Study Advisory Committee

SHOW CAUSE HEARING (resumed)

Chairmen Spellios suggested that Detective Sean Brady from Marblehead attend the next meeting and ask Swampscott staff to prepare potential draft findings supporting the Town's positions as well as potential sanctions. The counsel for Four Seasons Motor Group was also invited to submit findings as well if they choose.

On. **MOTION** (Dreeben) **SECONDED** (Titcomb) it was **VOTED** (unanimous) to continue the public hearing to February 26 at 6:00pm at the Swampscott Public High School.

TOWN ADMINISTRATOR PROPOSED BUDGET PRESENTATION

Town Administrator Sean Fitzgerald provided a brief overview of the Fiscal Year 2021 Budget, which will build on a solid foundation of municipal services and reflect a careful review of Departmental line items. He highlighted that there are several new investments in support for seniors, building the Town School Facilities and Human Resources functions, and continued support for services and programs.

Assistant Town Administrator of Administration and Finance Ron Mendes stepped through a presentation of the proposed FY21 budget, highlighting several line items that will see considerable changes. The budget represents an increase of no more than 2% tax levy over the previous year's budget, plus an additional \$425k annually representing new growth.

Chairmen Spellios requested that Enterprise Funds be separated out of the budge to analyze it independently.

Mr. Mendes reviewed expenses and highlighted line items that are seeing considerable changes, giving rationale behind these changes.

Select Board Member Polly Titcomb recommended that the Library budget be reviewed to determine if additional funding could be directed toward that line item.

Concern was expressed regarding state aid to the schools and the need for Swampscott to draw attention from local legislators regarding how Swampscott is being affected by the Student Opportunity Act.

PRESENTATION ON MIDDLE SCHOOL FEASIBILITY STUDY

Assistant Town Administrator Ron Mendes stepped through a presentation of the draft Comprehensive Facility Study for the Swampscott Middle School. He highlighted critical items to be addressed, including the fire alarm system as well as the need to replace the roof. Deputy Chief James Potts from the Fire Department answered some questions about the current system and the cost of replacement. The next issue to be addressed though not as critical is the replacement of HVAC

MSBA STATEMENT OF INTEREST VOTE

On **MOTION** (Spathanas) **SECONDED** (Hause) The Select Board **VOTED** (unanimous) on the following resolution:

Resolved: Having convened in an open meeting on February 6, 2020, prior to the SOI submission closing date, the Select Board of Swampscott, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 13, 2020, for the Swampscott Middle School located at 207 Forest Avenue, Swampscott, MA, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. The District is requesting funding for only a roof replacement project at this time. Large sections of the roof have experienced major leaks and water pooling. Many areas of the roof have been identified as saturated by an infrared scan. The town has had multiple roofing specialists examine the roof and recommend replacement; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

CONSENT AGENDA

- Approve minutes of prior board meeting (Select Board Meeting: 1/8/20; 1/22/20; 1/29)
- Approval of application for Change of Manager for Chipotle Mexican Grill of Colorado located at 450 Paradise Rd. Swampscott, MA 01907
- Vote to approve a One-Day Liquor License for the Town of Swampscott Recreation Department Wine Seminar on Friday, February 28, 2020 at Swampscott Town Hall, 22 Monument Ave. Swampscott, MA 01907
- Vote to approve a One-Day Liquor License for Sammia Attoni, MiraMar Print Lab for a Print & Sip Art Making event on Saturday, February 15, 2020 at 148 Humphrey Street

On **MOTION** (Dreeben) and **SECONDED** (Hause) it was **VOTED** (unanimous) to approve the Consent Agenda.

TOWN ADMINISTRATOR REPORT

Sean Fitzgerald, Town Administrator, stepped through his update. There was a conversation about a paving plan and the need to see a cost differential.

SELECT BOARD MEMBER'S TIME:

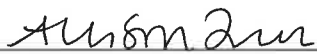
Don Hause would like to congratulate Naomi Dreeben for her Swampscott Citizen award from the Greater Lynn Chamber of Commerce. He also recognized the celebration to honor the Big Blue teams for winning the Division 5 Superbowl, noting the importance that the cheerleaders and band members were honored as well.

He stated that there was a meeting on the Fish House and the committee will be targeting a comprehensive plan to be presented in March.

On **MOTION** (Hause) and **SECONDED** (Titcomb) it was **VOTED** (unanimous) to adjourn the meeting.

Meeting adjourned at 9:39pm.

Respectfully submitted,



Allie Fiske, Assistant to the Town Administrator

Minutes APPROVED by vote of the Select Board 2/26/2020