



Town of Swampscott
Select Board and Meeting Minutes
Tuesday, June 9, 2020 – 6:00 PM
Virtual Meeting

SELECT BOARD MEMBERS PRESENT

Peter Spellios (Chair), Naomi Dreeben (Vice Chair), Polly Titcomb, Don Hause, 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; Ron Mendes, Assistant Town Administrator of Administration and Finance; Ron Madigan, Chief of Police; Graham Archer, Fire Chief; Julie Delillo, Personnel Director

The meeting was called to order at 6:05pm

On MOTION (Dreeben) and SECONDED (Hause) it was VOTED by roll call to reopen the Annual 2020 Town Meeting Warrant. Hause (YES) Dreeben (YES) Titcomb (YES) Spellios (YES) Spathanas (YES)

Assistant Town Administrator Ron Mendes stepped through the Annual Town Meeting warrant and reviewed specific articles.

Article #1: APPROPRIATION FOR FISCAL YEAR 2021 OPERATING BUDGET

To act on the report of the Finance Committee on the Fiscal Year 2021 budget and to raise and appropriate or transfer from available funds money for the operation of the Town's Departments and the pay

Mr. Mendes highlighted several line items that have undergone change since last reviewed.

On MOTION (Dreeben) SECONDED (Spathanas) it was voted by roll call to recommend favorable action on this article. Titcomb (YES) Spellios (YES) Hause (YES) Dreeben (YES) Spathanas (YES)

ARTICLE 2: AMEND FISCAL YEAR 2020 BUDGET

To see if the Town will vote to amend certain line items in the Fiscal Year 2020 budget, and, as may be needed, to transfer from available funds a sum of money for such purposes, or take any action relative thereto.

On MOTION (Dreeben) and SECONDED (Spathanas) it was VOTED by roll call to indefinitely postpone article #2. Spathanas (YES) Hause (YES) Titcomb (YES) Spellios (YES) Dreeben (YES)

ARTICLE 3: APPROVE TRANSFER OF FREE CASH - AMEND FISCAL YEAR 2020 SCHOOL DEPT. BUDGET

To see if the Town will vote to transfer from Free Cash the sum of \$200,000 for the purpose of increasing the Fiscal. Year 2020 budget of the Swampscott School Department, or take any action relative thereto.

On MOTION (Dreeben) SECONDED (Spathanas) it was voted by roll call to recommend favorable action on this article. Titcomb (YES) Spellios (YES) Hause (YES) Dreeben (YES)

ARTICLE 4: ARTICLE 4 APPROVE TRANSFER OF FREE CASH – TRANSFER TO STABILIZATION/OPEB FUNDS

To see if the Town will vote to transfer the total sum of money from Free Cash to the Town's Stabilization, Capital. Stabilization, and/or Other Post-Employment Benefits (OPEB) Funds, or take any action relative thereto.

The Select Board will report on this at Town Meeting

ARTICLE 5: APPROVE TRANSFER OF WATER ENTERPRISE FUND RETAINED EARNINGS

To see if the Town will vote to transfer from the Retained Earnings of the Water Enterprise Fund to the account of Current Revenue the sum of \$88,000 to be used and applied by the Select Board to mitigate increases in the water rate, or take any action relative thereto.

ARTICLE 6 :APPROVE TRANSFER OF SEWER ENTERPRISE FUND RETAINED EARNINGS

To see if the Town will vote to transfer from the Retained Earnings of the Sewer Enterprise Fund to the account of Current Revenue the sum of \$140,000 to be used and applied by the Select Board to mitigate increases in the sewer rate, or take any action relative thereto.

On MOTION (Dreeben) and SECONDED (Titcomb) it was VOTED by roll call to take favorable action on Article #5 and #6. Dreeben (YES) Titcomb (YES) Hause (YES) Spellios (YES)

ARTICLE 7 APPROPRIATION FOR CHAPTER 90 ROADWAY IMPROVEMENTS

To see if the Town will vote to accept and appropriate the sum of \$300,000 or such other amount as is made. available, to repair, construct or reconstruct streets, together with all necessary work

incidental thereto, including engineering, in conjunction with the Commonwealth of Massachusetts, under General Laws Chapter 90 or otherwise; and to transfer for this purpose any unexpended

The Select Board took no action on this article.

ARTICLE 8 APPROPRIATION FOR REPLACEMENT OF WATER MAINS

To see if the Town will vote to appropriate the sum of \$1,100,000 for the purchase and replacement of water mains, including all incidental and related costs; and, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum pursuant to G.L. c.44, §§7 or 8 or any other enabling authority and issue bonds or notes of the Town therefor, whether through the Massachusetts Water Resources Authority ("MWRA") Local Financial Assistance Program or federal or state loan program or otherwise, and to authorize the Town to apply for, accept and expend any federal or state grants or loans that may be available for the project, and further, that any premium received by the Town upon the sale of any bonds or notes, may be applied to the payment of costs approved by this vote and accordance with G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any action relative thereto.

On MOTION (Dreeben) and SECONDED (Hause) it was VOTED by roll call to take favorable action on Article #8. Dreeben (YES) Titcomb (YES) Hause (YES) Spellios (YES)

ARTICLE 9 APPROPRIATION FOR RECOMMENDED CAPITAL PROJECTS

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the necessary funds to pay costs of various capital projects, including, as applicable, equipping of capital items to be acquired, and all incidental and related costs for capital projects, all as described in the chart below:

On MOTION (Dreeben) and SECONDED (Titcomb) it was VOTED by roll call to take favorable action on Article #9. Dreeben (YES) Titcomb (YES) Hause (YES) Spellios (YES)

ARTICLE 10 GENERAL BYLAW AMENDMENT – PUBLIC RIGHT OF WAY/PARKLETS

To see if the Town will vote to amend the By-Laws of the Town of Swampscott, Article V, Section 4 (a) as provided below with deletions in strikethrough and additions in bold or take any action relative thereto.

Article V – Streets and Sidewalks

Section 4. Obstructions on Public Streets and Sidewalks

(a) No person shall obstruct a public street or sidewalk by placing or causing to be placed therein any article, including snow, or anything whatsoever and suffer the same to remain in such position, without first having obtained written permission from the Board of Selectmen or their designee ~~Director of Public Works~~ so to do., ~~but nothing herein shall be construed to authorize the issuance of permits for the use of any portion of a highway for business purposes.~~

On MOTION (Dreeben) and SECONDED (Titcomb) it was VOTED by roll call to take favorable action on Article #10. Dreeben (YES) Titcomb (YES) Hause (YES) Spellios (YES)

ARTICLE 11 ZONING BYLAW AMENDMENT – OUTDOOR SEATING

To see if the Town will vote to amend the Town of Swampscott Zoning By-Law to add the following new section as. provided below, or take any action relative thereto.

Section 2.2.10.0. Temporary Outdoor Seating – Restaurants

The purpose of this section is to aid restaurants and the public recovering from the COVID-19 Pandemic and to provide the Town with sufficient time to evaluate, address and regulate outdoor seating at restaurants. Notwithstanding anything in this By-Law to the contrary, all restaurants in Town, whether permitted as of right or by special permit, may provide outdoor seating as of right, including liquor service, from the period of June 22, 2020 to December 31, 2022, whereupon this provision shall expire. Subject to all other applicable legal requirements, such outdoor seating may be located off premises. During that time-period, Section 4.7.3.2 of this By-Law shall be suspended as to any existing restaurant use.

Such temporary outdoor restaurant seating use shall not require the amendment of any existing site plan. The area to be used for such outdoor restaurant seating shall not be included in the calculation of size for determining if a special permit is required for the restaurant use or in the calculation of required parking.

Additionally, such outdoor seating may be located within required setbacks.

The Board of Selectmen may enact regulations applicable to outdoor restaurant seating. Effective January 1, 2023 and unless and until this By-Law is further amended, or this Section is extended, no restaurant operating outdoor seating shall continue to offer outdoor seating without the required special permit, design review approval and site plan approval, if any.

On MOTION (Dreeben) and SECONDED (Hause) it was VOTED by roll call to take favorable action on Article #10. Dreeben (YES) Titcomb (YES) Hause (YES) Spellios (YES)

ARTICLE 12 PETITION TO GENERAL COURT–EXEMPT FIRE & POLICE CHIEF POSITIONS FROM CIVIL SERVICE

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation providing that certain positions in the Swampscott police and fire departments after passage of the Act not be subject to the Civil Service statute, all as set forth below; provided, however, that the General Court may make. clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Select Board to approve such amendments:

AN ACT EXEMPTING THE CERTAIN POSITIONS IN THE POLICE DEPARTMENT AND
FIRE DEPARTMENT OF THE TOWN OF SWAMPSCOTT FROM THE CIVIL SERVICE
LAW

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by
the authority of the same as follows:

Section 1. Notwithstanding any general or special law to the contrary, the Police
Chief and Fire Chief positions within the police department and fire department,
respectively, of the Town of Swampscott shall be exempt from chapter 31 of the
General Laws.

Section 2. This act shall take effect upon its passage. Town Administrator Sean Fitzgerald
stepped through a presentation regarding the history of Civil Service and the benefits of
exempting the positions of fire and police chief from Civil Service. The primary objective is to
provide the Town with the ability to adapt hiring criteria to match the Town's public safety
hiring objectives. Director of Personnel Julie Delillo, Chief Madigan, and Chief Archer, all
contributed thoughts on the topics.

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Civil Service and the benefits of exempting the positions of fire and police chief from Civil
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match the Town's public safety hiring objectives. Director of Personnel Julie Delillo, Chief
Madigan, and Chief Archer, all contributed thoughts on the topics.

On MOTION (Dreeben) and SECONDED (Titcomb) it was VOTED by roll call that the Select
Board include the Town Administrator's recommendation to the warrant. Roll call: Titcomb
(YES) Spathanas (YES) Dreeben (YES) Hause (YES)

On MOTION (Dreeben) and SECONDED (Titcomb) it was voted by roll call to close the 2020
Annual Town Meeting warrant. Roll call: Dreeben (YES) Hause (YES) Spellios (YES) Titcomb
(YES)

On MOTION (Dreeben) and SECONDED (Titcomb) it was voted by roll call to adjourn the
meeting.

Meeting adjourned at 7:34

True Attest,



Allie Fiske, Assistant to the Town Administrator

Minutes APPROVED by vote of the Select Board 6/17/2020