



Town of Swampscott
Select Board Meeting Minutes
Wednesday, November 4, 2020 – 6:00 PM
Virtual Meeting

SELECT BOARD MEMBERS PRESENT

Peter Spellos (Chair), Polly Titcomb, Neal Duffy, David Grishman, Don Hause

MEMBERS ABSENT

None

OTHER TOWN OFFICIALS PRESENT

Sean Fitzgerald, Town Administrator; Allie Fiske, Assistant to the Town Administrator; Ron Mendes, Assistant Town Administrator – Administration and Finance; Marzie Galazka, Director of Community & Economic Development; Kelly Stevens, Town Engineer/Tree Warden; Chief Ron Madigan, Police Chief; Chief Graham Archer, Fire Chief

The meeting was called to order at 6:05pm

PUBLIC COMMENT

A resident spoke in regards to the ongoing protests occurring near the Hadley School during school hours. They emphasized importance of keeping the students safe, particularly during the upcoming protests scheduled for 11/5. A resident spoke to reiterate that it is important that the Select Board make a public statement about their sentiments regarding the Diana Ploss protests.

Tom McEnaney from Swampscott's Town Counsel was invited to speak on the issue. He spoke about some case law examples that demonstrated the difficulty of regulating this type of protest without infringing upon free speech. There have been ongoing conversations about the issue and many avenues have been explored to take action. There is not much that can be done in light of the fact that it's protected by the first amendment.

There was a question about whether or not there is a federal civil rights statute that prohibits interference with attending school.

There was a question about why the mask mandate is not being enforced among the protestors. Chief Madigan emphasized that the focus has been on physical security and avoiding escalation. There was a question about whether the police can keep the groups from intermingling. Atty. McEnaney confirmed that these are public sidewalks, the Town and police cannot restrict movement.

Joe Douillette then announced that the School Department confirmed that Hadley will be remote on 11/5 due to protests.

Peter will work on statement to discuss at Tuesday, November 10 meeting.

CALYX PEAK LEASE AGREEMENT

This is a standard lease agreement for 16 New Ocean Street. The lease terms include (among others)

- The lease will be 10 years (4 additional 5-year extension terms for a total of 30 years) Base rent is \$4,500 to be increased 3% annually. Additional rent (payment in lieu of taxes) will be \$1,500 annually to increase by 3% annually.
- They will submit a security deposit of \$36,000
- Calyx will demolish the structure and build a new building. The Select Board will approve the design within 60 days after execution of the lease. Construction will be completed within 15 months.

There is a mention in the lease that preliminary plans will be delivered by October 31. The Town has not yet received these so the date will need to be changed.

TOWN MEETING WARRANT

Article 6 – Authorize Increase for Retirees Cost of Living Base (COLA)

Tom Driscoll, Chairperson of the Town Retirement Board spoke to provide the background of the article. He explained that there are a significant number of retirees who are financially challenged. The article requests that the Town approve an increase of \$1,000 in the maximum base amount on which the cost of living adjustment is calculated – which would increase such base amount from \$13,000 to a base amount of \$14,000. The last increase in the COLA base rate was in 2012. The Select Board will revisit at the next meeting on November 10 with further review of the Finance Committee.

Article 13 – Proposed General Bylaw Amendment – Proposed Tree Bylaw

This article is sponsored by the Open Space & Recreation Committee with input from the Tree Advisory Committee. The bylaw is consistent with the state law on public street trees and also covers Town trees on Town property. There are also several other additions going beyond the state law. There was a conversation about what can be done with fines.

On **MOTION** (Spellios) and **SECONDED** (Grishman) it was **VOTED** by roll call to recommend favorable action on Article 13. Roll call: Grishman (YES) Spellios (YES) Hause (YES) Duffy (YES) Titcomb (YES)

Article 2 – Budget

Town Administrator Fitzgerald provided a brief update on the budget, which the Finance Committee voted to recommend at their meeting on November 2. The article will be voted on at the November 10th meeting.

Article 3 – Approve bills of prior fiscal years

On **MOTION** (Grishman) and **SECONDED** (Duffy) it was **VOTED** by roll call to recommend favorable action on Article 3. Roll Call: Grishman (YES) Spellios (YES) Hause (YES) Duffy (YES) Titcomb (YES)

Article 7 – Home Rule Petition to Exempt Police and Fire Departments from Civil Service

On **MOTION** (Grishman) and **SECONDED** (Duffy) it was **VOTED** by roll call to recommend favorable action on Article 7. Roll Call: Grishman (YES) Spellios (YES) Hause (YES) Duffy (YES) Titcomb (YES)

Article 9 – Establish Hadley Elementary School Reuse Advisory Committee

On **MOTION** (Spellios) and **SECONDED** (Grishman) it was **VOTED** by roll call to recommend favorable action on Article 9. Roll Call: Grishman (YES) Spellios (YES) Hause (YES) Duffy (YES) Titcomb (YES)

Article 10 – Proposed Zoning Bylaw Amendment – Technical Amendments

Chairperson Spellios requested that the technical amendment address the issue of parapets, and wants to avoid this bylaw penalizing someone for adding a parapet wall. He suggested that the amendment not have the height limit be to the top of the parapet wall, but to the top of the roof structure and then perhaps have the parapet be able to extend no more than x feet beyond that. Marzie will look into this and report back on Tuesday.

Article 11 – Proposed General Bylaw Amendment – Amendments to Revolving Funds

On **MOTION** (Duffy) and **SECONDED** (Grishman) it was **VOTED** by roll call to recommend favorable action on Article 11. Roll Call: Grishman (YES) Spellios (YES) Hause (YES) Duffy (YES) Titcomb (YES)

Article 12 – Proposed General Bylaw Amendment 0 Proposed Noise Bylaw

Select Board Member Neal Duffy stated that this will be reviewed instead on November 10.

Article 14 – Proposed General Bylaw Amendment – Marijuana Licensing

This needs to be further refined with Town Counsel and will be presented at the November 10 meeting.

CONSENT AGENDA

- Approve meeting minutes from the October 7, October 8, October 21, and October 28, 2020 meetings

On **MOTION** (Grishman) and **SECONDED** (Hause) it was **VOTED** by roll call to approve the consent agenda. Roll call: Hause (YES) Duffy (YES) Spellios (YES) Grishman (YES) Titcomb (YES)

TOWN ADMINISTRATOR’S REPORT

- COVID-19 Update
- FY2021 Assessed Values
- FY2021 Q1 Financial Data

- Senior Center social reservations
- Community Development
- Swampscott Recreation Events
- Department of Public Works updates
- Library Town-wide History Assessment
- Swampscott Cultural Council deadline
- Veteran's Day

SELECT BOARD TIME

- Polly: Thank you to poll workers and Town Clerk

On **MOTION** (Grishman) and **SECONDED** (Duffy) it was **VOTED** by roll call to adjourn the meeting. Roll call: Grishman (YES) Titcomb (YES) Duffy (YES) Titcomb (YES)

Meeting adjourned at 7:22 PM

True Attest,



Allie Fiske, Assistant to the Town Administrator

Minutes APPROVED by vote of the Select Board 11/10/2020