



Select Board Regular Session Minutes
Virtual
November 20, 2023, 6:30 PM

David Grishman, Chair
Catherine Phelan, Vice Chair
MaryEllen Fletcher
Peter A. Spellios
Douglas Thompson

Received by Town Clerk
December 11, 2023 11:57am

Sean R. Fitzgerald
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SELECT BOARD MEMBERS PRESENT: DAVID GRISHMAN, MARYELLEN FLETCHER, KATIE PHELAN, PETER SPELLIOS, DOUG THOMPSON

MEMBERS ABSENT: NONE

OTHER TOWN OFFICIALS PRESENT: SEAN FITZGERALD, TOWN ADMINISTRATOR, MARZIE GALAZKA, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR, AMY SARRO, DIRECTOR OF ADMINISTRATION & FINANCE, PATRICK LUDDY, TOWN TREASURER/COLLECTOR, GINO CRESTA, DIRECTOR OF DPW

OTHER: DAVID T. PETERSON, KLEINFELDER

MEETING CALLED TO ORDER AT 6:40 PM.

A. PUBLIC COMMENTS:

B. NEW & OLD BUSINESS:

- 1. OPENING & CLOSING OF SPECIAL TOWN MEETING WARRANT:** THERE ARE FOUR ARTICLES OF WHICH THE SELECT BOARD IS ASKED TO APPROVE ARTICLE 2 – APPROPRIATION OF FREE CASH. THE FINANCE TEAM HAS TAKEN A LOOK AT THE TOWN'S FINANCIAL POSITION TO HELP ADDRESS THE IMPACT OF THE NEW ELEMENTARY SCHOOL AND THE TOWN'S EFFORTS TO SUSTAIN AFFORDABILITY. WE MAY BE LOOKING AT HAVING ANOTHER SPECIAL TOWN MEETING BEFORE THE ANNUAL TOWN MEETING. OTHER ARTICLES INCLUDE ADOPTING REGULATIONS FOR PLASTIC CONTAINERS IN FOOD ESTABLISHMENTS AND A PARC GRANT THAT MS. GALAZKA SECURED FOR PICKLE BOARD COURTS THAT HAS TO BE VOTED ON BEFORE DECEMBER 31ST.

BOARD COMMENTS: MR. THOMPSON: ARE WE APPROVING THE TOPICS OR THE SUBSTANCE (THE BOARD HAS TO APPROVE THE INCLUSION OF THE ARTICLES AND CAN VOTE RECOMMENDATIONS AND APPROPRIATIONS AT A LATER SELECT BOARD MEETING).

MR. SPELLIOS: HAS TOWN COUNSEL REVIEWED THESE ARTICLES (YES). HAS THE TOWN RECONCILED THE ASSUMPTIONS?

MS. SARRO: THE ASSESSOR MADE CORRECTIONS TODAY, WE PLAN ON HAVING RECOMMENDATIONS FOR YOU LATER THIS WEEK.

MS. FLETCHER: DO WE HAVE TO HAVE ONE NOW (YES, FOR THE TAX LEVY. WE NEED AUTHORIZATION TO APPLY STABILIZATION OR FREE CASH) AND DO WE HAVE ASSUMPTIONS OF FREE CASH?

MR. GRISHMAN ASKED ABOUT ASSESSED VALUES (THE BOARD OF ASSESSORS HASN'T SET VALUES YET SO THE FINANCE TEAM IS WORKING ON ASSUMPTIONS. THEY ARE MEETING NEXT MONDAY.). THE BOARD SHOULD HAVE RECEIVED THE FREE CASH ASSESSMENT FROM DOR BY NOW. WE'RE CERTIFIED AT 3.7. MS. WRIGHT, SCHOOL COMMITTEE, ASKED THAT A WARRANT ARTICLE BE INCLUDED TO TRANSFER FREE CASH FOR HOMELESS/FOSTER CARE TRANSPORTATION COSTS. HE FEELS THIS SHOULD BE INCLUDED IN THIS SPECIAL TOWN MEETING. TA FITZGERALD HASN'T LOOKED AT THE LANGUAGE FOR THIS ARTICLE TO BE INCLUDED. IT WILL ALSO HAVE TO GO TO TOWN COUNSEL.

MS. FLETCHER WATCHED THE FINANCE COMMITTEE MEETING ABOUT ADDITIONAL CHAPTER 70 MONEY. LAST YEAR THERE WAS AN AGREEMENT THAT ADDITIONAL CHAPTER 70 AID FOR FY24 WILL BE USED TO OFFSET THE ACTUAL INCREASE OF THE HEALTH INSURANCE BUDGET FOR SCHOOL EMPLOYEES. ANY ADDITIONAL MONEY ABOVE THE EXCESS WILL BE APPROPRIATED

TO THE SCHOOL DEPARTMENT BUDGET AT THE SPECIAL TOWN MEETING. THIS IS AN AGREEMENT FOR FY24 ONLY AND DOES NOT EXTEND TO ANY POTENTIAL WINDFALLS (I.E. AMOUNTS OVER AND ABOVE THE APPROXIMATELY \$385,000 NET ADDITIONAL AID WE ESTIMATE AT THIS TIME) THAT WE MIGHT RECEIVE OR THE NEW MILLIONAIRE TAX. FURTHER DISCUSSIONS WILL BE HELD ON HOW TO BEST HANDLE ANY FURTHER FUNDING SOURCES AT THE STATE OR FEDERAL LEVEL THAT ARE NOT ANTICIPATED AT THIS TIME. SHE WOULD LIKE TO ADD AN ARTICLE AMENDING THE SCHOOL BUDGET PER ARTICLE 4 IN MAY AND, IF WE'RE GETTING MORE MONEY FROM THE STATE, SEE THAT IT GOES TO THE SCHOOLS. TA FITZGERALD HAS BEEN WORKING WITH THE TRI-CHAIR, THE SCHOOL DEPARTMENT HAS ADDED EMPLOYEES, OUR FINANCE TEAMS ARE RECONCILING SOME OF THESE NUMBERS. MS. FLETCHER ISN'T A FAN OF TRI-CHAIR AS SHE FEELS THEY AREN'T TRANSPARENT AND ISN'T A FAN OF HAVING AGREEMENTS AND NOT FULFILLING THEM. THE SCHOOL LAID OFF 24 TEACHERS LAST YEAR AND ADDED BACK 4. SHE WANTS TO SEE THIS ADDED INTO THE WARRANT AND WILL MAKE A MOTION SAYING THE SAME. MR. SPELLIOS DISCUSSED THE LANGUAGE TO BE IN THE WARRANT AND ASKED THAT SHE SEND IT TO THE BOARD. HE FEELS IT IS RIDICULOUS TO BE ADDING ARTICLES TO THE WARRANT AT THE LAST MINUTE BECAUSE THE WARRANT HAS TO BE CLOSED TONIGHT.

MS. SARRO STATED THAT SHE HAS SPOKEN WITH THE SUPERINTENDENT AND SCHOOL FINANCE DIRECTOR AND THEY AGREED TO ADD THOSE ARTICLES TO THE NEXT SPECIAL TOWN MEETING.

TA FITZGERALD AGREED WITH MS. SARRO, THAT THESE TWO ARTICLES CAN WAIT UNTIL JANUARY/FEBRUARY'S SPECIAL TOWN MEETING – AFTER HEALTH CARE COSTS HAVE BEEN RECONCILED. SPECIAL EDUCATION COSTS ARE INCREASING AND WE'RE DISCUSSING HOW TO HELP THE SCHOOLS.

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO OPEN THE DECEMBER 11, 2023, SPECIAL TOWN MEETING WARRANT: ROLL CALL: FLETCHER (AYE), PHELAN (AYE), SPELLIOS (AYE), THOMPSON (AYE), GRISHMAN (AYE). MOTION CARRIES.

ARTICLE 1: COMMITTEE REPORTS.

ARTICLE 2: TRANSFER OF FREE CASH/STABILIZATION: MR. SPELLIOS: ADD THAT THE SELECT BOARD WILL VOTE TO RECOMMEND IN SPECIAL TOWN MEETING.

ARTICLE 3: PLASTICS BY-LAW: MR. SPELLIOS: CHANGE THE TITLE TO "AMENDMENT TO BY-LAWS". TA FITZGERALD: WE'LL ADD ADDITIONAL RESTRICTIONS. MR. KANE: TOWN COUNSEL HAS PROVIDED FEEDBACK THAT WE REVISE THE ARTICLE WHICH WILL READ TO SEE IF THE TOWN WILL VOTE TO AMEND TOWN GENERAL BY-LAWS BY ADDING A NEW ARTICLE, ARTICLE 30, REGULATIONS FOR PLASTIC CONTAINERS. THE TOWN ADMINISTRATOR IS SPONSORING THIS ARTICLE.

ARTICLE 4: APPROPRIATION FOR PARC GRANT: MS. GALAZKA: THE TOWN IS ELIGIBLE FOR A 58%, OR \$58,167, REIMBURSEMENT FOR THE COST OF THE PROJECT BUT THE GRANT REQUIRES THAT WE APPROPRIATE FUNDS. THE PROJECT WILL COST \$103,000. SHE RECEIVED COST ESTIMATES FROM A PAVING COMPANY AND WORKED WITH MR. CRESTA FOR BENCHES AND FENCING. THIS WILL BE IN THE REAR OF PHILIPS PARK AND SHE IS WORKING WITH A DESIGN TEAM TO ENSURE THAT THEY'RE LOCATED IN A REASONABLE DISTANCE AWAY FROM RESIDENTS ON PURITAN LANE. COURTS WILL NOT BE LIGHTED, LIMITING THE AMOUNT OF EVENING PLAYING TIME. SHE WILL FORWARD PERCENTAGES OF THE TOWN'S AMOUNT BETWEEN CASH AND TOWN STAFF TIME. MR. SPELLIOS ASKED THAT "THE PROJECT BE PARTIALLY FUNDED BY THE LOCAL PARKS GRANT AND PARTIALLY FUNDED BY THE TOWN AT COMPLETION" AND ASKED THAT THE TA PROJECT WHAT WE WILL BE SEEKING IN KIND AND PUT THOSE RANGES IN THE COMMENT. THIS WILL BE SPONSORED BY THE TOWN ADMINISTRATOR.

ARTICLE 5: ELM PLACE: MR. SPELLIOS WOULD LIKE TO REMOVE THIS ARTICLE. THEY CAN'T GIVE US THE RIGHTS UNTIL THE PROJECT IS COMPLETED. MS. GALAZKA: THERE ARE NO ISSUES WITH REMOVING THIS. THERE IS TIME TO WAIT UNTIL JANUARY/FEBRUARY.

UPON **MOTION**, DULY MADE BY MARYELLEN FLETCHER, SECONDED BY KATIE PHELAN, IT WAS **NOT VOTED** TO SEE IF THE TOWN WILL VOTE TO AMEND THE FY2024 SCHOOL BUDGET APPROVED UNDER ARTICLE 4 OF THE MAY 15, 2023 (LINE 57), ANNUAL TOWN MEETING, BY RAISING AND APPROPRIATING THE ADDITIONAL SUM OF X DOLLARS OR TAKE ACTION RELATIVE THERETO. ROLL CALL: FLETCHER (AYE), GRISHMAN (NO), PHELAN (NO), SPELLIOS (NO), THOMPSON (NO). MOTION DENIED.

COMMENTS: MR. SPELLIOS: DISCUSSED PUTTING SOMETHING ON THE WARRANT THAT THE SELECT BOARD HASN'T SEEN. THE TRI-CHAIR MEETING IS TO FLAG ISSUES SO THE CHAIRS CAN HELP. HE DOESN'T FEEL THERE SHOULD BE LAST MINUTE ADJUSTMENTS. MS. PHELAN ASKED IF THERE IS ANY HARM IN WAITING TO ADD THIS & MR. GRISHMAN'S PROPOSED ARTICLES TO THE JANUARY/FEBRUARY SPECIAL TOWN MEETING (NO). MR. THOMPSON AGREES. MR. GRISHMAN STATED THAT THEY'VE BEEN TALKING TO TRI-CHAIR AND HE WISHES HE HAD MORE TIME AND THOUGHT THE TRANSPORTATION ARTICLE IS PRETTY STRAIGHTFORWARD.

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO CLOSE THE DECEMBER 11, 2023, SPECIAL TOWN MEETING WARRANT WITH CHANGES IN ARTICLE 3 (CHANGE TITLE), ARTICLE 4 (CHANGE DESCRIPTION) AND DELETE ARTICLE 5 AND TO ALLOW SELECT BOARD E-SIGNATURES BE ATTACHED ON THE WARRANT: ROLL CALL: FLETCHER (AYE), PHELAN (AYE), SPELLIOS (AYE), THOMPSON (AYE), GRISHMAN (AYE). MOTION CARRIES.

2. VOTE ON SPENDING \$2.5M STATE ARPA FUNDS & \$2.1M TOWN ARPA FUNDS:

UPON **MOTION**, DULY MADE BY KATIE PHELAN, SECONDED BY PETER SPELLIOS, IT WAS **VOTED** TO TABLE THE VOTE FOR THE \$2.1M OF TOWN ARPA FUNDS: ROLL CALL: FLETCHER (AYE), PHELAN (AYE), SPELLIOS (AYE), THOMPSON (NO), GRISHMAN (NO). MOTION CARRIES.

MR. SPELLIOS: WE INTEND TO BE BACK TO DISCUSS THE \$2.1M ARPA FUNDS, INCLUDING DISCUSSIONS ABOUT FISHERMAN'S BEACH.

TA FITZGERALD DISCUSSED KLEINFELDER MEMO UPDATING THE SCOPE OF WORK FOR THE STATE \$2.5M AND THE AMOUNTS HE IS LOOKING FOR INCLUDED IN THE SCOPE OF WORK, INCLUDING FUNDS OWED TO KLEINFELDER (\$187,000), \$100,000 FOR SOURCE ELIMINATION/IDDE WORK, \$295,000 TO ADVANCE DESIGN FOR AN OUTFALL EXTENSION, \$50,000 FOR UV TESTING & PILOTING AND THE BALANCE FOR CONSTRUCTION. HE HAS DEP APPROVAL AND CAN START TOMORROW IF THE BOARD APPROVES.

BOARD COMMENTS: MS. PHELAN: INITIALLY WE DISCUSSED SPENDING \$143K MORE THAN THIS SHOWS. SHE IS PROPOSING THAT PEER REVIEW BE INCREASED FROM \$50K TO \$100K. IF THESE ARE THE NUMBERS, SHE WILL SUBTRACT FROM THE ALTERNATIVE SOLUTIONS. TA FITZGERALD SUPPORTS HAVING A PEER REVIEW AND HAVING THE NEW WATER AND SEWER INFRASTRUCTURE ADVISORY COMMITTEE TAKE THE LEAD.

MR. THOMPSON: THE TOWN SHARE WILL BE ½ AND FEELS THERE IS ROOM TO ACCOMMODATE FOR A PEER REVIEW AND THAT WE SHOULD GET LYNN TO PAY A SHARE TOO. HE FEELS WE SHOULD CREATE A "BUCKET" OF \$300,000 TO COVER EVERYTHING INCLUDING PEER REVIEW AND COMPLIMENTARY STRATEGIES WHICH WILL LEAVE \$1.8M FOR IDDE, SOURCE ELIMINATION AND WORK. PHASE 2 IDDE SEWER DESIGN, \$400K STAYS, KLEINFELDER HAS \$39K (FROM THE TOWN), \$295K FOR OUTFALL & \$50K FOR UV AND \$50 FOR PEER REVIEW = \$450K. HE BELIEVES THE TOWN IS ONLY RESPONSIBLE FOR ½, FREEING UP \$175K OF WHICH \$50K GOES TO PEER REVIEW. THE REMAINING \$125K GOES TOWARD DOING THE WORK, LEAVING \$1.8K FOR ACTUAL CONSTRUCTION. MS. PHELAN: IF YOU PUT \$300K IN A BUCKET, SHE WANTS PEER REVIEW TO BE A PRIORITY, WE OWE FOR DESIGN REVIEW, BUT DOESN'T WANT PEER REVIEW TO DECREASE AS IT IS NECESSARY FEEDBACK ON THE NEXT \$10M TO BE SPENT. TA FITZGERALD SUPPORTS THIS AND FEELS IT CAN BE THE FIRST CHARGE OF THE NEW COMMITTEE. THE BOARD HAS APPROVED THE UV, THE OUTFALL HAS BEEN RECOMMENDED BY THE SECRETARY AND UNDERSECRETARY OF THE OFFICE OF ENVIRONMENTAL AFFAIRS. HE IS HOPING TO ADVANCE A LOT OF THIS WORK.

MR. GRISHMAN UNDERSTANDS THAT WE WANT TO LEAD BUT ALSO FEELS LYNN SHOULD PAY THEIR FAIR SHARE. TA FITZGERALD WILL START DISCUSSIONS WITH MAYOR NICHOLSON TOMORROW.

MR. SPELLIOS ASKED MR. PETERSON TO EXPLAIN HOW KLEINFELDER CAME UP WITH THE SCOPE: PHASE 1 WAS DONE IN 2016, PHASE 2A-C IS CONSTRUCTION. KLEINFELDER BID BASED ON UNIT PRICE AND THEY CAN BE FLEXIBLE BASED ON THE PRICING. 2) HE WOULD LIKE TO TAKE THE \$134,650 AND ADD IT TO EITHER THE \$300K OR \$1.66M BUCKET TO KEEP IT FLEXIBLE AND BE ABLE TO HAVE A PEER REVIEW STUDY. IT'S IDDE AND AN ALTERNATIVE. IDDE ALONE IS LIKELY NOT ENOUGH TO ACHIEVE THE RESULTS.

Ms. Fletcher: 1) WHY WE CAN'T MAKE IT A LARGE SUM FOR EVERYTHING. WE'RE GOING TO COMMIT TO \$2.2M DESIGN AND CONSTRUCTION, \$300K WILL BE USED FOR OTHER ALTERNATIVES AND PEER REVIEW. Ms. Phelan: PEER REVIEW WILL BE BEFORE COMPLIMENTARY STRATEGIES. 2) DO WE HAVE TO IDENTIFY A CAP ON PEER REVIEW? SHE WOULD PERSONALLY LIKE TO SEE EVERYTHING GOING TO SOURCE ELIMINATION BUT WANTS TO BE CLEARER ON PEER REVIEW.

Ms. Phelan FEELS THIS IS A GOOD COMPROMISE TO KEEP US AT THE TABLE BUT IF THE TA FEELS IT IS NOT, THEN SHE IS WILLING TO COMPROMISE.

Mr. Spellios DISCUSSED THE BOARD DISCUSSING \$2.1M IN TOWN ARPA FUNDS IN ANOTHER MEETING AND INCLUDE A DISCUSSION ABOUT FISHERMAN'S BEACH.

UPON **MOTION**, DULY MADE BY DOUG THOMPSON, SECONDED BY PETER SPELLIOS, IT WAS UNANIMOUSLY **VOTED** FOR THE SELECT BOARD TO AUTHORIZE THE TOWN ADMINISTRATOR TO EXPEND THE \$2.5M SPECIAL LEGISLATIVE APPROPRIATION FOR KING'S BEACH WITH ALL DELIBERATE SPEED AS FOLLOWS - UP TO \$100K FOR A PEER REVIEW STUDY OF IDDE/SOURCE ELIMINATION WORK COMPLETED TO DATE, APPROXIMATELY \$400K FOR KING'S BEACH DETAILED PHASE 2 IDDE/SE PLANNING, APPROXIMATELY \$1.8M FOR KING'S BEACH TRIBUTARY SEWER IDDE/SE WORK, AND APPROXIMATELY \$200K FOR REMAINING BALANCE OF KLEINFELDER COMPLIMENTARY STRATEGIES REPORT AND SWAMPSCOTT'S SHARE OF ANY DESIGN STUDIES FOR COMPLIMENTARY STRATEGIES TO PRINCIPAL IDDE/SE WORK: ROLL CALL: FLETCHER (AYE), PHELAN (AYE), SPELLIOS (AYE), THOMPSON (AYE), GRISHMAN (AYE). MOTION CARRIES.

Mr. Thompson: ARE WE PREPARED TO HAVE A MOTION ON THE SRF LOANS. HE FEELS THIS WILL SHOW WE ARE DEDICATED TO CLEANING THE BEACHES.

Mr. Peterson: SRF PROGRAM IS COMPETITIVE, MASS DEP ADMINISTERS THE FUNDS, WHICH ARE FEDERAL FUNDS. THE PROCESS IS LONG. IN AUGUST, THE TOWN CAN SUBMIT A PROJECT FORM WHICH DEP WILL EVALUATE ON MULTIPLE FACTORS (ENVIRONMENTAL, FINANCIAL STABILITY PLAN), DEP WILL ISSUE AN INTENDED USE PLAN. IF YOUR PROJECT IS LISTED THEN DEP INTENDS TO FUND IT. TOWN MEETING WILL AUTHORIZE CONSTRUCTION AND THE FINANCIAL APPLICATION CAN BE SUBMITTED. DESIGN SHOULD SHOVEL READY. THERE IS NO FEEDBACK. THEY'LL EITHER FUND IT OR NOT. BEING AWARDED FUNDS BUT NOT TAKING THEM WILL NOT AFFECT THE APPLICATION. HAVING A CONSENT DECREE MAY HELP THE APPLICATION.

Ms. Fletcher: DOES THE APPLICATION HAS TO BE A COMBINED KING'S AND FISHERMAN BEACHES? ARE FUNDS ALLOCATED IN A SPECIFIC TIMEFRAME OR IS IT EXTENDED OUT FOR A NUMBER OF YEARS? SHOULD WE BE ASKING FOR MORE FUNDS FOR A LONGER DURATION? Mr. Peterson: YOU NEED AN ENGINEERED SET OF PLANS THAT IS BIDDABLE AND THE FINANCES HAVE TO ALIGN WITH THE PROJECT.

UPON **MOTION**, DULY MADE BY DOUG THOMPSON, SECONDED BY PETER SPELLIOS, IT WAS UNANIMOUSLY **VOTED** FOR THE SELECT BOARD TO DIRECT THE TOWN ADMINISTRATOR TO AGGRESSIVELY APPLY FOR AND GAIN APPROVAL FOR AT LEAST A \$2.5M STATE REVOLVING FUND LOW INTEREST LOAN BEGINNING WITH THE NEXT AVAILABLE CYCLE IN AUGUST 2024 TO ADDRESS REQUIRED IDDE/SE WORK FOR BOTH KING'S BEACH AND FISHERMAN'S BEACH TRIBUTARY areas: ROLL CALL: FLETCHER (AYE), PHELAN (AYE), SPELLIOS (AYE), THOMPSON (AYE), GRISHMAN (AYE). MOTION CARRIES.

3. **CREATION OF NEW WATER & SEWER INFRASTRUCTURE COMMITTEE:** Mr. Spellios AND Mr. Thompson THANKED RESIDENT LIZ SMITH FOR SENDING A DRAFT TO WHICH THEY ADDED LANGUAGE AND RAN IT BY THE TOWN ADMINISTRATOR AND STAFF. THEY DISCUSSED HOW THIS COMMITTEE INTERPLAYED WITH TWO MEMBERS OF THE WATER & SEWER RATE SETTING COMMITTEE WHO BOTH AGREED THAT THE TWO COMMITTEES SHOULD BE MERGED. Mr. Spellios SUGGESTS THAT THE TWO MEMBERS OF WATER & SEWER RATE COMMITTEE BE ON THE NEW COMMITTEE AS WELL. Mr. Thompson READ THE DRAFTED POLICY (ATTACHED). THEY'RE LOOKING FOR THIS TO BE HYBRID TECHNICAL SPECIALISTS WITH SCIENCE/ENGINEERING BACKGROUNDS, FINANCE, DPW, A SB MEMBER AND CONSULTANTS AS NEEDED. GOALS ARE LISTED ON THE PRESENTATION. THIS COMMITTEE WILL DELVE INTO AND PROVIDE FEEDBACK TO THE SELECT BOARD ON INFRASTRUCTURE ASSETS AS WELL AS A REVIEW OF IDDE REMEDIATION PLANS FOR STACEY BROOK AND AREAS BEYOND. Mr. Spellios DISCUSSED REMOVING THE SB MEMBER SINCE THERE'S A MEMBER ON AS A LIAISON AND ADDING ANOTHER RESIDENT MEMBER.

BOARD COMMENTS: MS. FLETCHER: TWO PEOPLE WILL MOVE OVER FROM THE OTHER COMMITTEE (YES), SO YOU'LL BE LOOKING FOR FOUR MORE CITIZENS. WILL THE COMMITTEE DECIDE WHO THEIR CHAIR IS (YES). WHAT IS THE PROCESS FOR PICKING THIS COMMITTEE? (WE HAVE A DETAILED LIST IN OUR MANUALS AND WILL FOLLOW THAT – THE TOWN ADMINISTRATION'S OFFICE RECEIVES APPLICATIONS AND REVIEWS THEM, THE SELECT BOARD HAS A SMALL PART TO FULFILL ALL THE REQUIRED SKILL SETS. WE SHOULD HAVE THIS DONE BY THE 2ND MEETING IN JANUARY.).

MS. PHELAN: BASED ON THE TIMELINE, WHAT IS THE TIMING FOR THE FIRST MEETING (ROUGHLY 30 DAYS AFTER COMMITTEE MEMBERS HAVE BEEN APPOINTED).

UPON **MOTION**, DULY MADE BY DOUG THOMPSON, SECONDED BY MARYELLEN FLETCHER, IT WAS UNANIMOUSLY **VOTED** TO APPROVE THE CREATION OF A NEW WATER & SEWER INFRASTRUCTURE COMMITTEE AS PRESENTED: ROLL CALL: FLETCHER (AYE), PHELAN (AYE), SPELLIOS (AYE), THOMPSON (AYE), GRISHMAN (AYE). MOTION CARRIES.

MR. THOMPSON DISCUSSED THE COMMITTEE AND THAT PEOPLE SHOULD BE AWARE THAT IT'S GOING TO BE A BUSY COMMITTEE.

MR. GRISHMAN ENCOURAGES VIEWERS TO SIGN UP.

C. APPROVAL OF THE CONSENT AGENDA:

1. CHANGE OF BAR MANAGER FOR MISSION ON THE BAY
2. APPROVAL OF MINUTES OF OCTOBER 4TH, OCTOBER 18TH, AND NOVEMBER 1ST, 2023

UPON **MOTION**, DULY MADE BY KATIE PHELAN, SECONDED BY MARYELLEN FLETCHER, IT WAS UNANIMOUSLY **VOTED** TO APPROVE THE CONSENT AGENDA AS PRESENTED: ROLL CALL: FLETCHER (AYE), PHELAN (AYE), SPELLIOS (AYE), THOMPSON (AYE), GRISHMAN (AYE). MOTION CARRIES.

D. SELECT BOARD TIME:

- i. **MS. FLETCHER:** HAPPY THANKSGIVING.
- ii. **MR. GRISHMAN:** REMEMBER YOUR WACKY HOLIDAY SWEATER FOR DECEMBER 20TH.
- iii. **MS. PHELAN:** IS GRATEFUL FOR ALL OF THE VOLUNTEERS, BOARDS & COMMITTEE MEMBERS, TOWN STAFF AND ALL THE PEOPLE LISTENING TO OUR MEETINGS.
- iv. **MR. SPELLIOS:** NOTHING TO ADD.
- v. **MR. THOMPSON:** NOTHING TO ADD.

UPON **MOTION**, DULY MADE BY MARYELLEN FLETCHER, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO ADJOURN AT 8:51 P.M.: ROLL CALL: FLETCHER (AYE), PHELAN (AYE), SPELLIOS (AYE), THOMPSON (AYE), GRISHMAN (AYE). MOTION CARRIES.

TRUE ATTEST,

Dianne Marchese

DIANNE MARCHESE, ADMINISTRATIVE ASSISTANT TO THE TOWN ADMINISTRATOR & SELECT BOARD

MINUTES APPROVED BY THE SELECT BOARD ON DECEMBER 6, 2023

ATTACHMENTS:

12/23/23 TOWN WARRANT DRAFT

PARAMETERS OF WATER & SEWER INFRASTRUCTURE COMMITTEE

APPLICATION FOR CHANGE OF BAR MANAGER, MISSION ON THE BAY



2023 Special Town Meeting

WARRANT REPORT

Town of Swampscott

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Photo courtesy of Bobby Zee

NOTICE OF SPECIAL TOWN MEETING

Monday, December 11, 2023, 7:00 PM

To Town Meeting Members:

Notice is hereby given in accordance with Article II, Section 2 of the General Bylaws of the Town of Swampscott that the Special Town Meeting will be held on Monday, December 11, 2023, beginning at 7:00 pm in the Swampscott High School Auditorium located at 200 Essex Street, Swampscott.

The required identification badge is to be picked up at the auditorium entrance when you check in.

Town Moderator Michael McClung will preside.

Respectfully,

Jared H. LaLiberte
Town Clerk

NOTICE OF PRECINCT CAUCUS MEETINGS

Caucus meetings for all Swampscott precincts have been scheduled for Monday, December 11, 2023, beginning at 6:45 pm in the Swampscott High School located at 200 Essex Street, Swampscott. Room assignments are as follows:

Precinct 1 – Room C101
Precinct 2 – Room C103

Precinct 3 – Room C104
Precinct 4 – Room C105

Precinct 5 – Room C107
Precinct 6 – Room B208

NOTES: Please remember that it is YOUR responsibility to be recorded as being present with the door checkers prior to entering the auditorium for EACH session. Excessive absences are cause for removal from Town Meeting membership. Also, please remember the following:

1. You must wear (display) your Town Meeting identification badge at all times; and
2. Remember to use the microphones when speaking on any issue so that your comments may be recorded on the official transcript of the meeting and be heard by your fellow members in the hall and residents viewing the live cable telecast.

Respectfully,

Jared H. LaLiberte
Town Clerk

TOWN WARRANT | DECEMBER 11, 2023

Town of Swampscott

ARTICLE 1 *REPORTS OF THE TOWN BOARDS AND COMMITTEES*

To hear and act on the reports of Town Officials, Boards, and Committees.

Comment: This routine Article appears every year to allow Town groups to make reports.

**Sponsored by the
Select Board**

ARTICLE 2 *APPROVE TRANSFER OF FREE CASH AND/OR STABILIZATION – ADJUSTMENTS TO TAX RATES*

To see if the Town will vote to transfer from Free Cash and/or Stabilization a sum of money to the account of Current Revenue to be used and applied by the Board of Assessors in the reduction of the tax levy for Fiscal Year 2024, or take any action relative thereto.

Comment: This Article seeks to utilize a portion of the surplus resulting from Town general fund operations as of the end of FY2023 to off-set the tax levy for FY2024.

**Sponsored by the
Town Administrator**

This Article requires a
2/3 vote.

The Select Board
recommends ...

The Finance
Committee
recommends ...

ARTICLE 3 *AMEND GENERAL BYLAWS: AMENDMENT TO PLASTIC STRAW AND STIRRER PROHIBITION BYLAW*

To see if the Town will vote to amend the Town of Swampscott General Bylaws Article XXV, Single Use Plastic Beverage Straw and Stirrer Reduction in Business Establishments, by replacing it with a new Article XXV, Regulations for Plastic Containers in Food Establishments, as shown in Appendix A, or take any other action relative thereto.

Comment: The proposed amendment would replace the existing bylaw to further reduce the distribution of food service ware and accessories that are not compostable, recyclable, or reusable.

Sponsored by ...

The Select Board
recommends ...

The Finance
Committee
recommends ...

ARTICLE 4 *APPROPRIATION FOR PARC GRANT*

To see if the Town of Swampscott will vote to (a) raise, appropriate, transfer from available funds and/or borrow the sum of \$103,870, and authorize the Treasurer, with the approval of the Select Board, to borrow said sum pursuant to the provisions of M.G.L. Chapter 44, Sections 7, 8, 8C and/or any other enabling authority, for the purpose of improving, renovating and equipping Philips Park with four (4) Pickle Ball Courts, including, without limitation, all costs incidental or related thereto; provided, however, that no funds shall be expended until the Town has received a grant commitment or allocation for a portion of such costs under the PARC Grant Program (301 CMR 5.00) and/or under any federal and/or other state program to undertake the foregoing project; (b) transfer the care, custody and control of Philips Park to the Select Board for, and to dedicate said Park to, park and active recreation purposes under the provisions of G.L. c.45, §3; and (c) authorize the Select Board and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants, under any federal and/or other state program

Sponsored by the ...

This Article requires a
2/3 vote.

The Select Board
recommends ...

The Finance
Committee
recommends ...

in any way connected with the scope of this Article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the project on behalf of the Town, or take any action relative thereto.

Comment: The purpose of this Article is to appropriate monies to construct four (4) pickleball courts at Phillips Park. This project will be funded by the PARC Grant Program, which requires local appropriation, and funds will be reimbursed to the Town upon completion.

ARTICLE 5 ACCEPTANCE OF EASEMENTS FOR PUBLIC PARKING AND SIDEWALKS AT ELM PLACE

To see if the Town will vote to accept easements for public parking and sidewalks and related purposes, off Elm Street, as shown on a plan of land entitled “Elm Place – Public Sidewalk Easement Exhibit Plan,” dated May 4, 2022, prepared by Hancock Associates, on file with the Town Clerk, and provided in Appendix B, as said plan may be amended and/or incorporated into a survey plan, and authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, the aforesaid easements for said purposes, and to execute any and all documents, including deeds and other instruments to acquire said easements, or take any other action relative thereto.

Comment: The purpose of this Article is to accept the easements for public parking and sidewalks to be constructed as part of the approved development at Elm Place.

Sponsored by the ...

The Select Board
recommends ...

The Finance
Committee
recommends ...

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting. Given under our hand this 15th day of November, 2023.

SELECT BOARD

David Grishman, Chair

Catherine Phelan, Vice Chair

MaryEllen Fletcher

Douglas Thompson

Peter Spellios

APPENDIX A

Proposed General Bylaw Amendment: Plastics Regulation in Food Establishments

ARTICLE XXV

REGULATIONS FOR PLASTIC CONTAINERS IN FOOD ESTABLISHMENTS

SECTION 1. PURPOSE AND INTENT

This bylaw is enacted for the purpose of reducing the distribution of food service ware and food service ware accessories that are not compostable, recyclable or reusable. The production and use of the items restricted by this bylaw have significant impacts on the environment, including but not limited to: contribution to pollution of the land environment; creating a burden to solid waste and recycling facilities; entering storm drains that empty into waterways leading to the ocean, causing potential harm to marine animals; and requiring billions of gallons of crude oil nationally for their manufacture.

SECTION 2. DEFINITIONS

Compostable: A characteristic of a product that can disintegrate into non-toxic, natural elements at a rate consistent with organic materials. A compostable product will require microorganisms, humidity, and heat to yield a finished compost product (carbon dioxide, water, inorganic compounds, and biomass).

Food Establishment: For purposes of this bylaw, a Food Establishment is an operation defined per 105 CMR 590.001 (State Sanitary Code; Minimum Standards for Food Establishments). A food establishment operation includes business and governmental establishments that store, prepare, package, serve, vend or otherwise provide food or beverage for human consumption. This includes but is not limited to restaurants, satellite or catered feeding locations, food trucks, groceries, farmers markets, bed-and-breakfast or cottage food kitchens, schools, religious institutions, temporary food events, and any establishment requiring a permit to operate in accordance with state food codes.

Materials Recovery Facility (MRF): A specialized plant that receives, separates and prepares recyclable materials for sale to end-user manufacturers. A MRF may also be defined as a materials reclamation facility, materials recycling facility or a multi re-use facility).

Municipal Solid Waste: Waste that is not recyclable and that is ultimately transported to either a landfill or a facility for incineration.

Online Food Ordering Platform: A website or mobile application through which a consumer can place an order for pickup or delivery of prepared food. Such platforms include, but may not be limited to, those operated directly by food establishments, by companies that provide delivery of prepared meals to consumers, and by online food ordering systems that connect consumers to prepared food vendors directly.

High-Density Polyethylene (HDPE): A common, highly stable, thermoformable plastic polymer used to make containers that require impact strength, chemical resistance, and longevity. It may be labeled with the recycling triangle symbol identification No. 2.

Low-Density Polyethylene (LDPE): A very common, highly stable and thermoplastic polymer used to make thin films used for plastic bags and other light duty requirements. It may be labeled with the recycling triangle symbol identification No. 4.

Per- and polyfluoroalkyl substances (PFAS) are a class of 12,000 large complex groups of fluorinated synthetic chemicals added to products like food packaging to enhance their grease resistant, waterproof, non-stick, and stainproof qualities. Because they do not breakdown in nature these chemicals become bio-accumulative and ultimately harmful in humans, wildlife, and the environment. Packaging that contains PFAS can leach into food & beverage products thereby directly exposing them to humans during food consumption. It can also leach into the food supply if such packaging is composted.

Polyethylene Terephthalate (PET or PETE): A common thermoplastic polymer widely used to make packaging for foods and beverage products. It is commonly used to make single use bottles for water and other liquids. It may be labeled with the recycling triangle symbol identification No. 1.

Polypropylene (PP): A synthetic plastic polymer used to make food containers, disposable cutlery, plastic straws, and other products. It may be labeled with the recycling triangle symbol identification No. 5.

Polystyrene (PS or EPS): A common inexpensive plastic polymer known for its strength and flexibility. It is often used to make food containers, cups, utensils, and other products. This material can also be offered as Expanded Polystyrene (EPS) or Styrofoam that is generally comprised of 98% air. EPS is often used to insulate hot or cold liquids and food items. It may be labeled with the recycling triangle symbol identification No. 6.

Polyvinyl Chloride (PVC): A common inexpensive plastic polymer known for its rigidity and strength. It can be used to make plastic straws and utensils, and other products. It may be labeled with the recycling triangle symbol identification No. 3.

Prepared Food: Any food or beverage prepared on the premises of a Food Establishment by means of cooking, chopping, slicing, mixing, freezing, or squeezing, and which requires no further preparation to be consumed. "Prepared food" does not include any raw, uncooked meat, poultry, or fish products unless provided for consumption without further food preparation. Prepared food may be eaten either on or off the premises.

Recyclable: Material that can be sorted, cleansed, and reconstituted by Swampscott's municipal recycling collection program(s) for the purpose of use in the manufacture of a new product. "Recycling" does not include thermally destroying or converting solid waste.

Recycled PET: A type of plastic that is constructed from or mixed with post-consumer recycled Polyethylene Terephthalate material. Also known as "rPET."

Reusable: Products that are designed to be used more than once in the same form by a food or retail establishment (e.g., dishes that may be placed in a dishwasher, washed, and used again).

Single-Use Container: Nondurable disposable containers holding food or beverages distributed to customers with the intent of a single use, whether used for on-premises or off-premises dining services, takeout, or delivery. This includes containers, bowls, plates, trays, cartons, cups, lids, cans, sleeves, and other items designed for one-time or nondurable uses in which any food establishment directly places or packages prepared foods.

Single-Use Food Serviceware: Items provided by the Food Establishment in relation to consuming a meal or beverage with the intent of a single use. This includes but not limited utensils, forks, knives, spoons, sporks, or chopsticks. Excluded are wooden toothpicks and paper napkins. This does not include items that are necessary for the containment of foods, such as plates, bowls, beverage cups, and bags.

Single-Use Condiment Packages: Disposable single use packets made from plastic or foil containing liquid for consumption and including, but not limited to salad dressings, ketchup, mustard, mayonnaise, duck sauce, and soy sauce.

SECTION 3. USE REGULATIONS

1. Food establishments as defined in Section II operating in the Town of Swampscott that provide or offer prepared food to customers in Single Use Containers shall be required to comply with this bylaw. Prepackaged items not prepared at the location of sale are not regulated by this bylaw.
2. Food Establishments that offer single use containers for takeout, leftovers, delivery, or other means for which the food or beverage will be consumed off premises, shall provide a container constructed of materials as regulated in Section V.
3. Food establishments where prepared food may be consumed on premises and served in Single Use containers that are recyclable and regulated in Section V shall
 - a. Offer a recycling collection receptacle in addition to trash receptacles; and
 - b. Contract with a recycling service vendor to remove recyclable materials.
4. Recyclable materials shall be separated from other "municipal solid waste" destined for landfill or incineration. 4. Food establishments that offer Single Use Food Serviceware and Single-Use Condiment Packages as defined in Section II, may offer but shall only provide such items upon agreement or request by customers, or at a self-serve station.

5. Food establishments operating in the Town of Swampscott and that participate in online food ordering platforms shall, when such option is available, provide the option to customers to proactively request disposable food service ware with a food order. If an option is available to the customer but the customer does not indicate a preference, restaurants shall not include disposable food service ware with the order.
6. The BOH or its designee shall provide to food establishments succinct materials explaining the requirements of this bylaw and recommendations for proper solid waste stream procedure.

SECTION 4. EXEMPTIONS

1. The Board of Health (BOH) may exempt a food establishment from the requirements of this section for a period of up to one year upon a finding by the BOH that such requirements would cause undue hardship to the food establishment.
 - a. Any food establishment seeking an exemption shall apply to the BOH using forms provided by the Health Department, and shall allow the BOH to access all information supporting its application.
 - b. The BOH may approve an exemption request, in whole or in part, with or without conditions.
 - c. The BOH may establish a fee for exemption requests.
2. The BOH may approve additional six-month periods upon the showing of a continued undue hardship.
3. An "undue hardship" shall only be found in:
 - a. Circumstances or situations unique to a food establishment such that there are no reasonable alternatives to materials banned in this section that are necessary to the establishment's operations;
 - b. Circumstances or situations unique to a food establishment such that compliance with the requirements of this section would deprive a person of a legally protected right; or
 - c. Circumstances in which a food establishment requires additional time in order to draw down an existing inventory of plastic products or materials banned in this section.
4. Other exemptions:
 - a. Pharmaceutical containers.
 - b. Single-use containers provided to residents during a declared public health emergency or natural disaster.

SECTION 5. MATERIAL SPECIFICATIONS

1. Single-use containers exclusively composed of the following materials are prohibited for use by food establishments:
 - a. Polystyrene or Expanded Polystyrene "styrofoam"
 - b. PVC- Polyvinyl Chloride
 - c. LDPE – Low Density Polyethylene
 - d. Any plastic material in the color black.
 - e. Any plastic labeled as #7, "Other", or generally not accepted for curbside recycling in the Commonwealth of Massachusetts.
 - f. Recycled PET/PETE also known as "rPET."
2. Single-use containers composed of PET/PETE materials are restricted for use by food establishments. To prevent chemicals leaching into food, this material shall not be used to serve or store hot food or beverages.

3. Thin film transparent plastic “wrap” shall not be restricted when used to seal food, beverages, or the containers that carry them.
4. Containers intentionally adding the PFAS family of fluorinated “forever chemicals” for the purpose of enhancing its product performance are prohibited.
5. Any container that is labeled as Compostable must have one of the following certifications clearly marked on the container to assure that the material has been tested for compostability and specific contaminant limitations.
 - a. BPI (Biodegradable Products Institute)
 - b. TUV / OK Compost Industrial
 - c. CMA (Compost Manufacturing Alliance)
6. As materials technology, recycling processes, recycling vendors, states of emergency, and state and federal regulation can change from time to time, the Board of Health is authorized to:
 - a. Modify, add, or remove specific regulated materials to this section;
 - b. Add or remove certification organizations and standards;
 - c. This authority shall be temporary and last no longer than 9 months; and
 - d. Any conflicts with regard to state law or regulatory agencies shall defer to the authority of the more restrictive regulation.

SECTION VI. CONSUMER ADVISORY

If a food establishment offers single use plastic containers for takeout or delivery, the establishment shall display to notify their customers with the following written statement:

“Per guidance of the Swampscott Board of Health, to avoid the possible transfer of chemicals from plastic containers at cooking temperatures, it is not recommended to re-heat food while in direct contact with plastic containers.”

This verbiage can be placed on the menu, the payment receipt, attached to the single use plastic takeout container, or any other communication method approved by the Director of Public Health or the Board of Health.

SECTION VII. ENFORCEMENT

1. This Bylaw may be enforced by any agents or contractor of the Board of Health. This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c.40, §21D and Article XII of the Town’s General Bylaws.
2. If non-criminal disposition is elected, then any Business Establishment which violates any provision of this regulation shall be subject to the following penalties:

First Offense: Written warning

2nd Offense: \$50 fine

3rd Offense: \$100 fine

4th and Subsequent Offenses: \$300 fine

SECTION VIII. SEVERABILITY

If any provision or section of this section shall be held to be invalid, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this section, which shall remain in full force and effect.

APPENDIX B

Elm Place – Public Sidewalk Easement Exhibit Plan



APPENDIX C

Definition of Financial Terms Commonly Used at Town Meetings

Appropriation – An authorization by the Town Meeting to make expenditures and incur liabilities for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended.

Assessed Valuation – A valuation set upon real estate or other property by the Assessors as a basis for levying taxes.

Available Funds – See free cash.

Bond – A written promise to pay a specified sum of money by a fixed date, and carrying with it interest payments at a fixed rate, paid periodically. A Note is similar, but issued for a shorter period.

Cherry Sheet – A State form which shows an estimate of all of the State and County charges and reimbursements to the Town.

Debt and Interest – The amount of money necessary annually to pay the interest and the principal on the Town's outstanding debt. Also known as "Debt Service."

Fiscal Year – The budget period used by the Town running from July 1 of one year to June 30 of the next year. At the end of this period, the Town closes its books in order to determine its financial condition and the results of its operation.

Free Cash – The amount of money left after all prior years' uncollected taxes have been deducted from surplus revenue. This amount may be used as available funds by vote of the Town Meeting.

Overlay – The amount, up to 5% of the tax levy, raised by the Assessors in excess of appropriations and other charges to cover abatements and exemptions.

Overlay Reserve – Unused amount of the overlay for previous years, which the Town may transfer to Surplus Revenue after all abatements for such fiscal year are settled.

Receipts – The cash, which is actually received by the Town.

Reserve Fund – A fund voted by the Annual Town Meeting and controlled by the Finance Committee for extraordinary and unforeseen expenditures incurred by Town departments during the year.

Stabilization Fund – Special Reserve Fund that can be used by a 2/3 vote of the Town Meeting.

Surplus Revenue – The amount by which cash, accounts receivable and other assets exceed the liabilities and reserves. Used in calculating free cash.

Transfer – The movement of funds from one account to another. Transfers between accounts (other than the Reserve Fund) can be made only by vote of the Town Meeting.

Unexpended Balance – That portion of an appropriation or account not yet expended. Any such balances left at the end of the fiscal year are generally used as Surplus Revenue in calculating Free Cash.

APPENDIX D

Table of Motions

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TABLE OF BASIC POINTS OF MOTION							
Rank		Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt
PRIVILEGED MOTIONS							
1	Dissolve or adjourn sine die	Yes	No	No	Maj.	No	No
2	Adjourn to fix time or recess	Yes	Yes	Yes	Maj.	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Maj.	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
SUBSIDIARY MOTIONS							
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	Yes	No
9	Postpone to a time certain	Yes	Yes	Yes	Maj.	Yes	No
10	Commit or refer	Yes	Yes	Yes	Maj.	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Maj.	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Maj.	Yes	No
INCIDENTAL MOTIONS							
*	Point of order	No	No	No	None	No	Yes
*	Appeal	Yes	Yes	No	Maj.	Yes	No
*	Division of a question	Yes	Yes	Yes	Maj.	No	No
*	Separate consideration	Yes	Yes	Yes	Maj.	No	No
*	Fix the method of voting	Yes	Yes	Yes	Maj.	Yes	No
*	Nominations to committees	No	No	No	Plur.	No	No
*	Withdraw or modify a motion	No	No	No	Maj.	No	No
*	Suspension of rules	Yes	No	No	2/3***	No	No
MAIN MOTIONS							
None	Main Motion	Yes	Yes	Yes	Var.	Yes	No
**	Reconsider or rescind	Yes	**	No	Maj.	No	No
None	Take from the table	Yes	No	No	Maj.	No	No
None	Advance an article	Yes	Yes	Yes	Maj.	Yes	No

* Same rank as motion out of which they arise.

** Same rank and debatable to same extent as motion being reconsidered.

*** Unanimous if rule protects minorities; out of order if rule protects absentees.

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NOTES

**TOWN OF SWAMPSCOTT
MASSACHUSETTS
2023 – 2024**

<u>SELECT BOARD</u>	<u>TERM EXPIRES</u>
David Grishman, Chair	2026
Catherine Phelan, Vice Chair	2025
MaryEllen Fletcher	2025
Douglas Thompson	2026
Peter Spellios	2024

PROFESSIONAL STAFF

Sean Fitzgerald, Town Administrator
S. Peter Kane, Assistant Town Administrator (Administration)
Gino Cresta, Assistant Town Administrator (Operations)
Amy Sarro, Director of Finance & Administration
Patrick Luddy, Treasurer/Collector
Dianne Marchese, Administrative Assistant

<u>FINANCE COMMITTEE</u>	<u>TERM EXPIRES</u>
Eric Hartmann, Chair – At Large	2026
Joan Hilario – Precinct 1	2024
Gregory McDonald – Precinct 2	2024
Naomi Dreeben – Precinct 3	2025
Cinder McNerney – Precinct 4	2026
Erik Schneider – Precinct 5	2025
Suraj Krishnamurthi – Precinct 6	2026
Adrian Rodriguez – At Large	2026
Sunit Shah – At Large	2025



MEMORANDUM

TO: Sean Fitzgerald | Town of Swampscott
FROM: David Peterson | Kleinfelder
DATE: November 20, 2023
SUBJECT: Outline of Special ARPA Fund Requests to King's Beach Water Quality Improvements
CC: Gino Cresta | Town of Swampscott

As requested, this Memorandum serves as a consolidated summary of the scopes of effort and funding initiatives the Town of Swampscott is planning to undertake in the near-term to continue to identify and remove dry weather source(s) of bacteria from King's Beach.

The scopes of effort outlined herein have been approved by the Massachusetts Department of Environmental Protection (MassDEP) to be funded through the \$2.5 million of American Rescue Plan Act (ARPA) fund specifically earmarked to be directed towards improving the water quality at King's Beach.

The table below summarizes the intended efforts in the near-term.

\$2.5M Special ARPA Fund (Dedicated to King's Beach)

Project Description	Budget	Schedule Objective	Expected Outcomes
King's Beach Basis of Design Report	\$39,150 See Note (1)	Complete	<ul style="list-style-type: none">Form steering group to evaluate six (6) alternative approaches to alleviating the rate of closure of King's Beach and recommend next steps
Phase 2 IDDE and Sewer Improvements Design	\$400,000 See Attachment A	Complete field program and design for bidding to occur in 2025	<ul style="list-style-type: none">Refine extent of problem area within Phase 2 through empirical field data programComplete follow-up investigations and House Inspections in Banks Road portion of the Phase 1 areaDevelop construction documents for sewer improvements within Phase 2 problem areasSewer improvements expected to be split into construction sub-phases by neighborhood (similar to Phase 1)



Project Description	Budget	Schedule Objective	Expected Outcomes
King's Beach Ocean Outfall Pre-Engineering Investigation and Hydrodynamic Modeling	\$295,500 See Attachment B	Approximately 14-month study from date of initiation	<ul style="list-style-type: none"> Assess and model hydraulics of combined Lynn/Swampscott drainage Model mixing/dilution of pollutant discharge in Nahant Bay Perform up to 5 alternative configurations of outfall Update construction cost estimate Update basis of understanding for design
Ultraviolet Treatment Testing and Piloting	\$100,000	Sampling to be completed by the end of the 2024 beach season	<ul style="list-style-type: none"> Utilize testing laboratory operated by UV manufacturer to calculate UV dose to kill pathogens to the degree required Assess viability of UV treatment over a variety of dry and wet weather conditions Assess if a mobile pilot is warranted
Phase 2A Sewer Improvements Bidding and Construction	\$1,665,350 See Note (3)	Anticipate bidding and construction starting in 2025	<ul style="list-style-type: none"> Construct sewer improvements in Phase 2A subarea
Sub-Total	\$2,500,000		

(1) \$39,150 of the Town's ARPA fund is proposed to partially fund this project; the remainder of this \$187,740 project is paid from other sources

(2) Actual cost for Phase 2A construction will be based on bid results and the magnitude of the Phase 2A project. It is assumed the Town will supplement funding, if required.

Approximate Schedule

Project Description	2024				2025				2026			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
King's Beach Basis of Design Report (Complete)												
Outfall Extension Investigation and Hydrodynamic Modeling												
UV Sampling/Testing												
Phase 2 IDDE and Sewer Rehabilitation Design												
Phase 2A Sewer Rehabilitation Bidding and Construction												

Study/Design Phase 
Bidding/Construction Phase 

(1) After completion of the studies noted above (blue bars), the Town may initiate a peer review of findings and recommendations for next steps. The preliminary budget for a peer review is anticipated to range from \$10K-\$20K.



Proposals for program elements are attached as follows:

- **Attachment A:** Phase 2 IDDE and Sewer Improvements Design
- **Attachment B:** King's Beach Ocean Outfall Pre-Engineering Investigations and Hydrodynamic Modeling



ATTACHMENT A:

PHASE 2 IDDE AND SEWER IMPROVEMENTS DESIGN



November 20, 2023

Mr. Sean Fitzgerald
Town Administrator
Town of Swampscott
22 Monument Avenue
Swampscott, MA 01907

Mr. Gino Cresta, Director
Department of Public Works
Town of Swampscott
22 Monument Avenue
Swampscott, MA 01907

**RE: Planning and Design Professional Services Proposal - REVISED
Stacey's Brook Comprehensive Sewer Rehabilitation Program – Phase 2**

Dear Mr. Fitzgerald and Mr. Cresta:

Kleinfelder Inc. is pleased to submit this Proposal to provide Planning and Design Services associated with the above-referenced project. This Proposal is made in conjunction with the Client Master Services Agreement between the Town of Swampscott ("Client") and Kleinfelder ("Kleinfelder") dated November 20, 2015 and amended on November 21, 2019.

Background

Phase 1 of the Town's comprehensive sewer rehabilitation program established a successful model to renewing the Town's sewer infrastructure, reducing the occurrence of direct and indirect illicit sanitary sewer connections to the drainage system, investing in the renewal of aged and failing sewers, and reduction of infiltration sources into the Town's sewers. We understand the Town would like to continue to conduct sewer rehabilitation in the areas that have potential to influence water quality in the Stacey's Brook drainage area, which ultimately flows out onto King's Beach. The remaining area to be rehabilitated that affects storm water quality onto King's Beach, is designated as the Phase 2 project area.

This project will complete a comprehensive field investigation program designed to identify potential areas of the Town's sewer and drainage system that might be source(s) of non-stormwater discharges to the drainage. The field investigations program will determine the scope of the subsequent design of sewer rehabilitation improvements to the Phase 2 area utilizing

similar methods to rehabilitate sewers, sewer manholes, underdrain manholes, and private sewer laterals utilized in Phase 1. Rehabilitation methods maximize the use of cured-in-place pipelining (CIPP) of sewer mains and laterals, and cement lining sewer manholes and underdrains to minimize disturbance to the community. However, dig and replace of infrastructure will be utilized as needed if trenchless methods are not suitable. The number of construction phases will be coordinated with the Town and will be related to available funds.

Outcomes from this Project

This project will deliver a series of construction documents that are organized into phases of construction. The number of phases and limits of construction work for each phase will be determined during the project. The construction documents for the first phase to be publicly bid ("Phase 2A") will be stamped by a Massachusetts Professional Engineer. The construction documents for the subsequent phases will be updated and prepared for public bidding under future contracts.

SECTION 1. – Scope of Services

Task 1 – Project Management

1. Develop Scope of Work / Contracts
2. Monthly Invoicing
3. Kick-Off Meeting with Town
4. Town Progress Meetings (up to 3 meetings, virtual)
5. Internal Team Coordination Meetings
6. Develop Health and Safety Plan
7. Coordination with Sub-Consultant
8. Quality Control

Task 2 – Refine Scope of Rehabilitation through Field Investigations

The general area for Phase 2 is illustrated in Figure 1, attached, and comprises of the remainder of the physical area that has potential to influence water quality in the Stacey's Brook drainage area. Within this area, there are approximately 48,000 feet of sewers, 300 sewer manholes, 45 underdrain manholes, and 1,070 sewer customers.

Task 2 will refine the extent of the sewer rehabilitation recommended within Phase 2 that is anticipated to provide the most benefit to mitigating illicit sewer connections (direct and indirect) to the drainage system. Methods for refining the scope of rehabilitation shall include:

- Dry Weather Illicit Discharge Detection and Elimination (IDDE) screening

- Collection System Inspections (manhole inspections and dye testing)
- Smoke Testing of drainage system
- Limited House Inspections

These inspections are required before engineering design (plans and specifications) can be completed. Each method is described in the following sub-tasks:

Sub-Task 2.1 – Dry Weather IDDE Screening

Sub-Task 2.1 will perform IDDE collection system inspections during dry weather conditions within the drainage system in the Phase 2 area. These inspections are intended to identify neighborhoods where non-stormwater discharges are present within the drainage system that is impairing water quality. Further, IDDE inspections are intended to rule out neighborhoods where there is little to no evidence of non-stormwater discharges from sewer rehabilitation.

Under Sub-Task 2.1, Kleinfelder will perform two rounds of dry weather sampling at up to 30 selected drain manholes.

The grab sampling program will include several analyses including: enterococcus bacteria, ammonia, surfactants, chlorine, temperature, pH, and conductivity. During one of the dry weather group sampling rounds, Kleinfelder will also collect samples for pharmaceuticals and personal care products (PPCP) to provide greater confidence that non-stormwater discharge pollutants are of human origin.

The outcome from Sub-Task 2.1 will be utilized to develop a workplan for the remainder of the Task 2 investigations.

Sub-Task 2.2 – Collection System Inspections

Sub-Task 2.2 will verify the collection system connectivity through field inspections as follows.

- **Review Drawings** – Review available drain, sewer and under drain records for the project area to understand material, size, and depth of each utility.
- **Field Program** – Develop a field inspection program that targets specific inspection types and quantities to the infrastructure within the project area. Develop a GIS mapbook to be utilized by Kleinfelder to coordinate field inspections activities. Submit the field inspection program to the Town to review and comment.

- **Mapping Verification and Underdrain Investigations** – Field verify the system layout of the drain, sewer and underdrain systems as represented in the GIS at select locations. Up to 7 crew-days are anticipated to be necessary with a crew consisting of two Kleinfelder engineers and a police detail. Utilize visual inspections, sounding and dye testing methods for verifying system connectivity. Two (2) of the crew-days will be dedicated to performing confined space entry inspections within specific manholes or underdrain manholes if greater detail is required for those structures.
- **GIS Updates** – Based on field investigations, update GIS attributes and system connectivity where needed. Up to 24 hours of time have been dedicated to GIS updates.

Sub-Task 2.3 – Building Inspections

Building inspections in the Phase 2 area will be completed in two (2) rounds.

1. In the first round, a pilot area will be selected consisting of approximately 30 homes. These will be full building inspections to identify illicit connections and to help the team understand the prevalence of traps in sewer laterals that may cause false negatives during smoke testing.
2. After smoke testing (Sub-task 2.4), the findings will be utilized to determine which building(s) to enter and assess as part of a targeted building inspection program. Up to 20 homes are assumed to be inspected.

A separate building inspection program will be dedicated to Banks Road to supplement prior efforts to isolate the ongoing contamination issue there. As part of this effort, Kleinfelder and EST will conduct up to 30 additional building inspections.

EST will make up to three (3) attempts to access each building. Kleinfelder has budgeted up to ten days to be on site with EST crews to assist with building inspections.

Building inspections will be conducted to positively identify properties with illicit connections to the drainage system. Under Sub-Task 2.3, Kleinfelder will:

- Develop Mailers or Door Hanger for Residents
- Conduct Phone calls to/from Residents
- Develop Field Inspection Form
- Field Work Kick-Off Meeting
- Conduct Building Inspections
- Review Field Reports
- Identify Individual Buildings with Illicit Connections
- Develop Summary Database and Link to GIS

Sub-Task 2.4 – Smoke Testing Inspections

Smoke testing is proposed to identify individual source(s) of wastewater from buildings to the public drainage system. By introducing smoke into the drainage system and observing where it becomes visible, preliminary conclusions about possible illicit connections to the drainage system may be made. For the purposes of developing a budget, it is assumed that approximately 48,000 linear feet of smoke testing will be completed. The actual quantity of smoke testing will be refined as an outcome from Sub-Task 2.1. Under Sub-Task 2.4, Kleinfelder will:

- Develop Scope of Smoke Testing
- Develop Field Maps and send to Sub-Consultant
- Kick-Off Meeting with Client and Sub-Consultant
- Complete up to 48,000 linear feet of smoke testing including up to 2 days of Field Oversight
- Review Smoke Testing Field Reports
- Develop Summary Database and Link to GIS
- Identify candidate buildings to complete Building Inspections

Sub-Task 2.5 –Refine Extent of Phase 2 Project Area

Based on the inspections completed under Task 2, Kleinfelder will recommend the geographic extent to define the Phase 2 sewer rehabilitation area. Summarize this recommendation in a Technical Memorandum, supported by the field documents generated from Task 2.

Task 2 Assumptions

1. The Town will be responsible for paying for police details utilized during field program

Task 2 Deliverables

1. IDDE results organized into an excel table
2. GIS map identifying updates made as a result of the field investigations
3. Building inspections results
4. Smoke Testing results

Task 3 - Collection System Inspections

During the Phase 1 sewer rehabilitation program, the project team utilized CCTV inspections of main line sewers programmed for CIPP rehabilitation to verify CIPP will be successful within each pipeline. Depending on existing conditions of the sewers (e.g. pipe collapses, offset joints, etc), some sewers cannot be rehabilitated with CIPP and require point repairs. Task 3 will help

the project team define the rehabilitation methods and quantities to be utilized throughout the Phase 2 rehabilitation program.

Note that CCTV inspection of sewer laterals from the building to the sewer main are not included in this scope of services. The quantity of sewer lateral rehabilitation in Phase 2 will be estimated based on knowledge gained by the Town and Kleinfelder during the Phase 1 sewer rehabilitation program.

A portion of the budget for CCTV inspection will be dedicated to select inspections of sewer and drain on Banks Road.

Task 3 proposes the following scope of services:

1. CCTV Sewer Main Lines and Manhole Inspections

- Develop a workplan for CCTV and sewer MH inspections, including developing a GIS mapbook of the sewers planned for CCTV inspection and sewer manholes planned for inspection.
- Review the workplan with the Town and update as appropriate
- Kick-Off Meeting with Town and Sub-Consultant
- Complete up to 55,000 feet of CCTV inspections with some sewer ranging up to 30" diameter. Three (3) days of field oversight is included in this Task.
- Develop a database of defects utilizing PACP coding standards
- Review major structural defects in CCTV videos
- Catalog sewer service lateral locations based on CCTV videos

Task 3 Assumptions

1. The Town will be responsible for paying for police details utilized during field program

Task 3 Deliverables

1. CCTV video logs

Task 4 – Phase 2 Sewer Rehabilitation Final Design

Kleinfelder will develop a set of bid-ready drawings and specifications intended for bidding under Section 39M of Chapter 30 for public works construction for construction Phase 2A. Contract documents (drawings and specifications) for the remaining construction phases will be substantially completed, but not stamped by a Massachusetts PE. The construction documents for Phases 2B and beyond will be readied for public bidding under a future project.

Final Design shall consist of the following:

1. Develop CIPP Rehabilitation drawings
2. Design Open Trench Sewer Repairs where CIPP not feasible
3. Develop MH Rehabilitation methods
4. Develop Sewer Lateral Rehab/Replacement drawings
5. Develop Specifications
6. Develop Drawing Details
7. Develop Traffic Management Plans
8. Develop Construction Cost Estimate
9. Prepare and submit roadway permit applications for Massachusetts DOT

Kleinfelder will submit the 100% draft Contract Documents to the Town for review and comment. After incorporation of the Town's comments, Kleinfelder will finalize the Contract Documents and provide a bid-ready stamped set for Phase 2A.

Task 4 Assumptions

1. Task 4 does not include developing applications for funding support from financial assistance programs such as the Clean Water State Revolving Fund, for example.
2. Task 4 does not include wetlands permitting as it is assumed work will be within the right-of-way and considered a "minor activity" as described in 310 CMR 10.02(2)(b)(2).

Task 4 Deliverables

1. Design drawings and specifications, stamped by a Massachusetts PE, and suitable for public bidding for Phase 2A under Section 39M of Chapter 30.
2. 100% draft design drawings and specifications for remaining sub-phases (e.g. 2B, 2C, etc.), unstamped, and substantially prepare for future phases of construction.

SECTION 2. – Schedule

Upon authorization to proceed, Kleinfelder will initiate the work described above. Kleinfelder shall use its best efforts to perform all services under this Agreement as expeditiously as is consistent with professional skill and care and the orderly progress of the work.

Mr. Sean Fitzgerald
Mr. Gino Cresta
Page 8

SECTION 3. – Compensation

The Client agrees to pay, and Kleinfelder agrees to receive as full compensation for professional services a lump sum fee of \$400,000.00, broken down by tasks as follows.

TASK	LABOR	REIMB. EXPENSE	SUB	TOTAL PROJECT
TASK 1 - Project Management	\$24,810	\$770	\$0	\$25,580
TASK 2 - Field Investigations	\$91,690	\$12,210	\$16,800	\$120,700
TASK 3 - Collection System Inspections	\$45,720	\$480	\$134,450	\$180,650
TASK 4 - Phase 2 Rehab Final Design	\$72,220	\$850	\$0	\$73,070
TOTALS	\$234,440	\$14,310	\$151,250	\$400,000

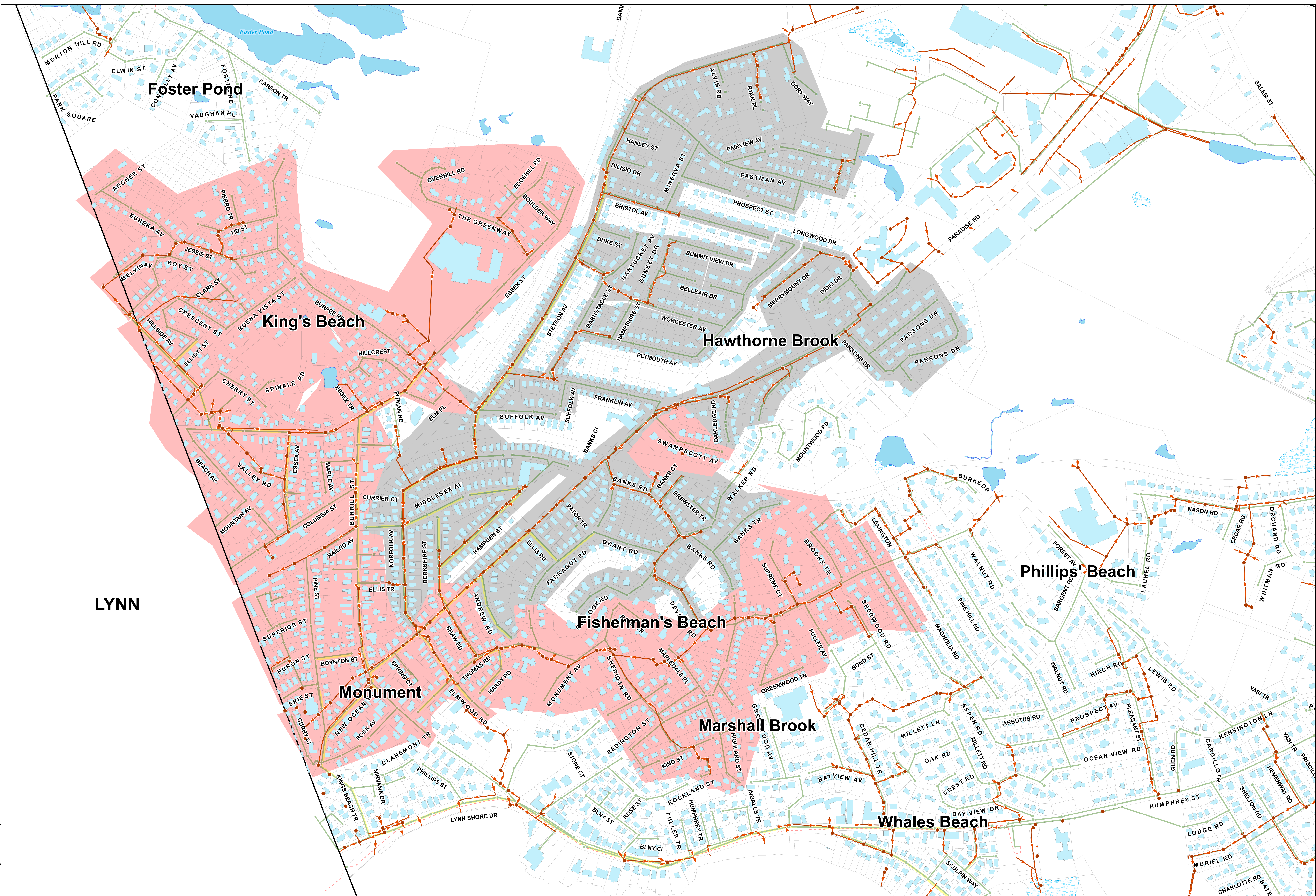
If this proposal is acceptable, we will prepare a Work Order for execution.

Sincerely,

KLEINFELDER



David T. Peterson, P.E.



LEGEND

● Drain Manhole

→ Flow Direction

— Drain Gravity Pipe

● Sewer MH

- - - Sewer Force Main

— Sewer Gravity Pipe

— Underdrain Pipes

■ Pond; River; Stream

■ Wetlands

■ Town Boundary

■ Buildings

■ Parcels

Project Scope

■ Phase 2

■ Phase 1

■ Buildings

■ Parcels

SCALE: 0 200 Feet

PROJECT NO. 3240203

DRAWN BY: JR

CHECKED BY:

FILE NAME: Swampscott

KLEINFELDER
Bright People. Right Solutions.
www.kleinfelder.com

STACEY'S BROOK DRAINAGE AREA

Town of Swampscott, MA

PHASE 2 MAP

Document Path: G:\clients\Swampscott\MA\02020303\Stacey's Brook Drainage Area\Phase2.mxd Date: 12/12/2023 User Name: jrhall



ATTACHMENT B:

KING'S BEACH OCEAN OUTFALL EXTENSION
PRE-ENGINEERING INVESTIGATIONS AND HYDRODYNAMIC MODELING



November 20, 2023

Mr. Sean Fitzgerald
Town Administrator
Town of Swampscott
22 Monument Avenue
Swampscott, MA 01907

RE: Pre-Engineering Investigation and Hydrodynamic Modeling – King’s Beach Outfall Extension

Dear Mr. Fitzgerald:

Kleinfelder is pleased to submit this scope of work for the **Pre-Engineering Investigation and Hydrodynamic Modeling of King’s Beach Outfall Extension**. This phase of work is critical for refining the design parameters of the outfall extension to obtain greater confidence in the construction costs which was estimated previously to be approximately \$55 million to design and construct.

Background

In 2022, Kleinfelder completed *The King’s Beach Water Quality Basis of Design Report* which included a technology screening analysis and ranking of six (6) alternative approaches aimed at reducing bacteria concentrations at the King’s Beach stormwater discharge near Eastern Avenue in the City of Lynn and Stacey’s Brook in the Town of Swampscott. The purpose of reducing bacteria concentrations in the stormwater discharge is to improve water quality and increase the number of days that King’s Beach is open for public use during the beach season. Notably, King’s Beach has been closed 22% of the days during the beach season, on average, over the past six years, making it one of the worst beaches for water quality in the Boston area.

The Study included consideration for siting restrictions, performance reliability, operations and maintenance, implementation timeline, environmental permitting, capital and life cycle costs, environmental impact, and public acceptance. The Study also included engagement with a Steering Committee made up of Town and City officials, regulators, and a public interest group. The six (6) alternatives considered were:

1. Source elimination through infrastructure improvements.
2. Pumping dry weather base flow to LWSC wastewater treatment plant.
3. Disinfection with chemical addition.
4. Disinfection with ultraviolet light.
5. Extend the outfall deeper into the ocean.
6. Relocate the outfall along the shore where there is no public beach.

The Study culminated in the recommendation of a programmatic approach that includes design and construction of an ultraviolet light disinfection system at the end of the outfall pipe, continued efforts to find and eliminate sources of illicit sanitary sewer sources into the storm drains, and conducting further study to better define the scope and cost associated with an extension of the stormwater outfall into the ocean.



Outcomes from this Project

This Pre-Engineering Investigation and Hydrodynamic Modeling effort is intended to address the need to better define the scope and cost required to extend the stormwater outfall into Nahant Bay. This project will include the analysis of existing flow conditions and water quality in Swampscott and Lynn's drainage systems, observations of physical characteristics such as winds, currents, bathymetry and vegetation in Nahant Bay, an evaluation of permitting constraints, and ultimately model simulations of multiple outfall configurations to understand dilution, mixing, and plume extents.

Task 1 – Project Administration

During the course of this project, Kleinfelder will administer and manage the project. The following elements of Task 1 are included in the scope of services.

1. Develop Project Workplan, and Health and Safety Plan
2. Monthly Invoicing
3. Kick-Off Meeting with Town
4. Internal Team Coordination
5. Coordination with Sub-Consultants
6. Quality Assurance and Control Program
7. Task Group Coordination (up to 2 virtual meetings)
 - a. Assemble Task Group to meet throughout the project. Task Group shall include, at a minimum, City of Lynn, Lynn Water and Sewer Commission (LWSC), Town of Swampscott, and Save the Harbor / Save the Bay.
 - b. Prepare for and attend Task Group meetings.
 - c. Prepare summaries from each Task Group meeting.
8. Meetings with DEP/EPA
 - a. Up to one (1) virtual meeting with DEP and EPA are budgeted to review project findings

Task 1 Assumptions:

- Except for the Kick-Off, all other meetings will be held virtually on Microsoft Teams.

Task 1 Deliverables:

- Monthly invoices and meeting agendas and summaries.

Task 2 – Pre-Engineering Modeling and Evaluations

2.1 – Flow and Rain Monitoring

1. Install and maintain temporary flow monitoring instruments at three (3) locations and a rain gauge at one (1) location for twelve (12) weeks. Locations for flow monitoring include Lynn drain system, Swampscott drain system, and Swampscott underdrain system leading into the Diversion Chamber.
 - a. Kleinfelder will develop GIS maps of proposed monitoring locations and submit to the Town for review.



- b. Kleinfelder will meet Town and sub-consultant on site to validate flow monitoring locations.
- c. Maintain coordination with sub-consultant throughout the flow metering period.
- d. Compile and summarize flow and rainfall data.

2.2 – Land Drainage Hydraulics Evaluation

1. Obtain current copy of GIS and record drawing information of drainage systems from both Lynn and Swampscott.
2. Obtain Digital Elevation Model (DEM) surface from MassGIS that covers Lynn and Swampscott town boundaries.
3. Perform up to three (3) days of fieldwork to confirm drain connectivity and inlet points. Arrange for police details, if necessary, to assist with traffic safety for field crews.
4. Utilize GIS data and DEM to delineate Swampscott and LWSC drainage catchments and flow paths to 5-acre resolution upstream of Stacy's Brook and Eastern Avenue Drain outfalls at King's Beach. Software (e.g., PCSWMM) will be used for this purpose.
5. Utilize software to develop wet weather runoff parameters and flow rates using coefficients based on land use and impervious area.
6. Using the hydraulic model, estimate pipe flow rates for observed rainfall events and up to six (6) design storm events (3 short duration, 3 long duration each for current conditions).
7. Compare modeled flows to observed flows collected during metering period to supplement/verify results and provide additional information.
8. Summarize flow metering and hydraulic analysis in Technical Memorandum.

2.3 – Water Quality Sampling

Collect drainage water quality samples at up to (3) locations representative of Lynn's drainage, and Swampscott's drainage under varying dry weather and wet weather conditions and analyze the samples for:

- total suspended solids (TSS)
- dissolved oxygen
- pH
- salinity
- temperature
- enterococcus
- e. coli
- chlorine

We have budgeted for up to four (4) mobilizations for sampling. Each mobilization will require a two-person crew (one person from Kleinfelder and one person from the Town) to collect three (3) samples for a total of up to twelve (12) samples. Samples will be analyzed using a field probe (TSS, DO, salinity, temperature), field test kits (pH, chlorine), and by laboratory analysis (enterococcus, e. coli). Kleinfelder will rent or purchase these supplies as needed and coordinate with a laboratory for bacteria analysis.



2.4 – Physical Oceanography (Field Measurements for Currents, Waves, and Bathymetry)

Kleinfelder team will collect local current and wave data to help understand how a new ocean outfall would interact with the local oceanography. Kleinfelder team will deploy an Acoustic Doppler Current Profiler (ADCP) with the ability to measure both currents throughout the water column and waves at the surface. The instrument will be located approximately 30 feet down in Nahant Bay for at least 60 days. The exact location of deployment will be determined by the project team, but will likely be approximately 1 mile offshore. The ADCP will collect the following information:

- Water velocity (magnitude and direction) throughout the water column every 6 minutes
- Waves will be measured for a 20-minute period every 60 minutes

Beyond the currents and wave data, Kleinfelder team will collect bathymetry data within the project area. This will help the team accurately describe the physical characteristics of the project area and also be an input to the Hydrodynamic Model (Task 2.5). Kleinfelder team will collect bathymetry data using a vessel mounted RTK GPS unit and single beam sonar. Kleinfelder team will collect the data along pre-defined transects set-up as a grid over the project area. This is expected to be a one (1) day effort.

Once collected, the current, wave, and bathymetry data will be reviewed and processed by WHG. Once data is finalized, it will be summarized in a technical memorandum that will include the data represented as figures of times series, velocity depth profile figures, wave/current rose figures, tables of statistics, and tables of tidal current harmonics. Processed wave data including height, period, and direction as well as current data, magnitude and direction will be included in the final memorandum.

2.5 – Hydrodynamic Model Development (Dilution and Mixing)

Kleinfelder team will use the CORnell Advanced MIXing (CORMIX) dilution model to simulate discharging plume dynamics and dilution within a 3-dimensional model domain. The CORMIX model will be used to model and evaluate an array of outfall configurations and discharge rates. CORMIX is a US EPA approved model developed to simulate turbulent jet mixing behavior in a wide array of conditions. Model development includes the following steps:

1. Model Domain Setup – Establish model domain (mesh) and integrate collected bathymetry data (Task 2.4) along with the latest available Digital Elevation Data (DEM) sets.
2. Define boundary conditions and data inputs:
 - a. Tides in Nahant Bay
 - b. Ambient water temperatures in Nahant Bay
 - c. Local Winds
 - d. Outfall discharge rate(s)
 - e. Typical effluent temperature and concentrations

2.6 Outfall Alternative Simulation

With support from WHG, the CORMIX model used in Task 2.5 will be used to model the addition of an ocean outfall. The following scenarios will be included in the model simulation:



- Outfall Alternatives – up to five (5) total ocean outfall alternatives will be simulated and these will include a combination of different outfall locations and/or outfall configuration/diffuser designs.
- Discharge scenarios – Each alternative will be simulated for two (2) effluent discharge rates which are typically daily flow and peak flow.
- Receiving Body Conditions – Simulations will be conducted to model effluent mixing and plume extents at key times within the tidal cycle, which includes peak tide and mid-tide for both ebb and flood tides. This will result in four (4) simulations for each alternative.

For each of the five (5) alternatives identified, each will be simulated with two (2) discharge rates and four (4) receiving tidal stages, for forty (40) total simulations.

A narrative report of findings will be generated after all model runs are complete. Visualizations of the model analyses will be included. Recommendations will be made for a preferred outfall configuration based on the model results.

2.7 – Eelgrass Survey

The Kleinfelder team will complete an eelgrass survey to evaluate the eelgrass in the vicinity of the potential outfall locations. This is required by the Office of Coastal Zone Management (CZM) to understand if there would be potential impacts to eelgrass during construction. Kleinfelder will coordinate with CZM to collect and provide data that will be acceptable to regulators for permitting purposes. Kleinfelder will use existing DEP eelgrass mapping to help identify the survey locations and to develop a survey grid to focus on the areas of greatest importance. The survey will be conducted by two (2) Coastal Scientists and/or Professional Wetland Scientists over two (2) days. At each grid station, a dropcam survey will be conducted using a 0.5 m² quadrat that will be deployed to the bottom and photographed vertically with an attached underwater camera. The survey will evaluate sediment type, estimated percent eelgrass, total vegetative cover, and health of any aquatic vegetation and ultimately delineate the extent of any established eelgrass beds. The survey will occur between late June and September to satisfy the Massachusetts Division of Marine Fisheries (DMF) requirement that surveys be completed during the height of the growing season.

2.8 – King’s Beach Seawall Existing Conditions

The existing conditions of the King’s Beach Seawall are currently unknown. Kleinfelder will request record drawings from both Swampscott and Lynn and work to determine the current dimensions of the seawall. It is critical to understand the current footprint of the wall and how a new outfall pipe(s) may be installed under or through the wall. Kleinfelder will complete a desktop analysis of available record drawings and if necessary include recommendations for test pitting during preliminary design.

Task 2 Assumptions:

- One (1) Town DPW Staff Employee will be available to assist with drain connectivity investigations as part of subtask 2.2.
- One (1) Town DPW Staff Employee will be available to assist with water quality sampling as part of subtask 2.3.



- Swampscott and Lynn will provide any available seawall records.

Task 2 Deliverables:

- Compiled rain and flow monitoring data.
- Technical Memorandum detailing hydraulic analysis.
- Report summarizing the outfall alternative simulations.
- Eelgrass survey summary.

Task 3 – Regulatory Assessment

Kleinfelder with the support of Epsilon Associates, Inc (Epsilon), will develop a regulatory assessment that will be followed during the final design and permits acquisition phase of the work. The regulatory assessment will identify environmental constraints on and proximate to the outfall extension project site; identify the environmental permits required to construct the outfall extension; describe the permit interrelationships; identify sequencing and timing to file the environmental documents and permit applications; and provide probable cost estimate or the permitting effort. An initial list of potentially applicable regulations and agencies are included here:

Authority
Massachusetts Environmental Policy Act (MEPA)
Massachusetts Public Waterfront Act (Ch. 91)
Wetlands Protection Act
Article 97
Army Corps of Engineers
Department of Conservation and Recreation
Coastal Zone Management

Task 3 Deliverables:

- Regulatory Assessment

Task 4 – Pre-Engineering Investigation and Hydrodynamic Modeling Technical Memorandum

Using the results of Tasks 2 and 3, Kleinfelder will prepare a Pre-Engineering Investigation and Hydrodynamic Modeling Technical Memorandum for the Outfall Extension.

Kleinfelder will summarize the following design parameters:

- a. Design Capacity – Using the hydraulic evaluation in Task 2, the team will determine the design flow capacity for the outfall pipe(s) based on the average and peak flows observed during the flow monitoring period.
- b. Number of outfall pipes as well as length and size of pipes – The number and size of the outfall pipe(s) will be determined based on the design flow capacity and potential construction methods. The length will be estimated based on scenarios run in the



hydrodynamic model to ensure that under typical and storm conditions, the outfall effluent does not impact King's Beach.

- c. Site restrictions – Existing site restrictions with respect to the survey and seawall investigations will be summarized. If additional information on the seawall or surrounding area is required, it will be recommended to be included in preliminary design.
- d. Preliminary alignment – Established based on the hydrodynamic model simulation results.
- e. Discharge location and depth – Bathymetry data in the vicinity of the preliminary alignment will be used to estimate the depth of the discharge location.
- f. Operating Head – Through the hydraulic evaluation, the hydraulic head in the system will be quantified. This will help determine if the possible need for future pumping under future sea level conditions. If further analysis is needed, it will be included in preliminary design.
- g. Diffuser Port Size, Quantity and Locations – Using the hydrodynamic model results, establish the type and size of diffusers on the preliminary alignment.
- h. Installation approach options and conceptual level costs – Different construction methods will be considered and recommended for additional investigation in preliminary design. Conceptual level costs will be developed with input from local marine contractors.
- i. Permitting considerations - Based on the regulatory assessment and feedback from regulatory agencies, the anticipated permitting schedule will highlight times to engage with agencies and complete required data gathering.

Kleinfelder will develop a technical memorandum establishing design parameters, incorporating considerations for construction methods, and conceptual level costs.

Task 4 Deliverables:

- Pre-Engineering Investigation and Hydrodynamic Modeling Technical Memorandum

SECTION 2 - Schedule

Upon authorization to proceed, Kleinfelder will initiate the work described above. Kleinfelder shall use its best efforts to perform all services under this Agreement as expeditiously as is consistent with professional skill and care and the orderly progress of the work. It is estimated this project will take approximately fourteen (14) months to complete.



SECTION 3 - Compensation

The Client agrees to pay, and Kleinfelder agrees to receive as full compensation for professional services a lump sum fee of \$295,500 broken down by tasks as follows.

TASK	LABOR	REIMB. EXPENSE	SUB- CONSULTANT	TOTAL PROJECT
TASK 1 - PROJECT ADMINISTRATION	\$27,500	\$0	\$0	\$27,500
TASK 2 - Pre-Engineering Modeling and Evaluations	\$85,200	\$3,700	\$120,100	\$209,000
TASK 3 - Regulatory Assessment	\$6,600	\$0	\$7,500	\$14,100
TASK 4 - Summary Technical Memorandum	\$44,800	\$100	\$0	\$44,900
TOTALS	\$164,100	\$3,800	\$127,600	\$295,500

If this proposal is acceptable, please advise on next steps for entering an agreement.

Sincerely,

KLEINFELDER

A handwritten signature in black ink, appearing to read "David T. Peterson", is written over a light gray rectangular background.

David T. Peterson, P.E.

Town of Swampscott

Water and Sewer Infrastructure Advisory Committee

November 1, 2023

Purpose:

The Town of Swampscott Water and Sewer Infrastructure Advisory Committee will advise the Select Board on matters affecting Swampscott's water resource systems, including drinking water, wastewater, storm water, and ground water (including underdrains). The Committee will develop reliable subject matter expertise related to Swampscott's water resource systems and work with the Director of Public Works and engineering consultants to develop and recommend to the Select Board comprehensive plans, policies, and procedures necessary to ensure Swampscott's water resources comply with all state and federal standards, including Stormwater Outfall (MS4) Permit requirements and the Clean Water Act pursuant to the 2015 Consent Decree.

Members:

Seven members with staggered, 3-year terms. Appointed by the Select Board.

1. Chair - community member ideally with business/finance and science/engineering background as well facilitation and project management capability
2. DPW Director
3. SB Member
4. Science/engineering member
5. Science/engineering member
6. Business/finance member
7. Business/finance member

DPW Asst Engineer, ex officio

Finance Committee member, ex officio/liaison

Consultants attend as needed

The Committee's mission will include the following goals:

1. Review the Asset Management report and CIP (Kleinfelder report) and be prepared to weigh in and comment on the scheduling of priorities and recommendations for the SB and TA.
2. Work with Swampscott Director of Public Works (DPW) and Town consultants to research and understand historical sewer, stormwater, and underdrain repairs and rehab efforts to date as well as current and potential causes of illicit discharge.
3. Review all IDDE, investigation, and remediation plans for Stacey's Brook and the Areas Beyond Stacey's Brook (ABSB) presented by the Town's consultants and

Director of Public Works. Make recommendations for plans, timelines, and funding.

4. Engage with DPW, consulting engineers, DEP, and EPA to monitor, review, and report on plans and construction progress toward goals. Research and recommend best practices in the field of water resource management.
5. Evaluate costs to bring wastewater, ground water, and storm water systems into compliance and recommend funding solutions
6. Engage with neighboring communities to discover opportunities that will benefit from regionalization and/or aggregated efforts between localities.
7. Monitor and report on any new or proposed state and federal policies which could affect the Town's water resources management.
8. Coordinate with the Town's Climate Action Plan Committee, Harbor and Waterfront Advisory Committee, Open Space and Recreation Plan Committee, and other Committees or Boards as necessary to identify opportunities for collaboration, especially with respect to Climate Resiliency and the effects of climate change on water resource systems.
9. Establish community outreach and education for all matters relating to storm water management and other related issues. This includes the creation and maintenance of a social media presence and a Town website/webpage that offers educational resources.
10. Sewer Specific Goals
 - Review Infiltration and Inflow (I/I) historical and current rates.
 - Complete a townwide Infiltration and Inflow Study and use the results to prioritize sewer activities for next 5 years
 - Develop roadmap for follow on investigations (Sanitary Sewer Evaluation Study)
 - Refine a CIP to eliminate infiltration and inflow; renew the aging system; and eliminate sources of sewage from the drainage system
 - Study the issue around private sewer laterals / develop a policy or program that citizens can utilize to inspect and repair their laterals / discuss how to fund
11. Drain Specific Goals
 - Recommend an annual operating budget to (a) comply with annual NPDES stormwater permit requirements, and (b) assess condition of drainage system
 - Develop a roadmap for investigations into the drainage system
 - Ongoing training of DPW staff to self-perform outfall inspections and increase frequency of sampling at beach outfalls
 - Explore institution of a stormwater enterprise fund to create a dedicated revenue source to fund activities
 - Advance understanding of vulnerability/exposure to climate change related flooding
 - Evaluate Greenscapes and other opportunities for stormwater reduction.
 - Develop a comprehensive Stormwater Management Plan.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

SWAMPSCOTT

City/Town

00005-RS-1256

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other | | <input type="checkbox"/> Change of DBA |

APPLICANT INFORMATION

Name of Licensee	SWAMPSCOTT RESTAURANT OPERATOR LLC	DBA	MISSION ON THE BAY
Street Address	141 HUMPHREY STREET		Zip Code 01907
Manager	SOPHIA AUGUSTO		Granted under Special Legislation? Yes <input type="checkbox"/> No <input type="checkbox"/>
\$12 Restaurant	Annual	All Alcoholic Beverages	If Yes, Chapter of the Acts of (year)
<small>(i.e. restaurant, package store)</small>	<small>Class (Annual or Seasonal)</small>	<small>Category (i.e. Wines and Malts / All Alcohol)</small>	

DESCRIPTION OF PREMISES Complete description of the licensed premises

Described as a single level establishment including three dining areas and a cellar used for storage located at 141 Humphrey Street. Alcoholic beverages may also be served and consumed by patrons in the full-service bar and restaurant, second floor roof top deck bar with a proposed seating area of 179 seats pursuant to the ZBA.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date		Time	
Advertised	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date Published	Publication	
Abutters Notified:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date of Notice		
Date APPROVED by LLA	11/15/2023	Decision of the LLA	Approves this Application	
Additional remarks or conditions (E.g. Days and hours)				
For Transfers ONLY:				
Seller License Number:		Seller Name:		

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY) 00005-RS-1256

ENTITY/ LICENSEE NAME MISSION ON THE BAY

ADDRESS 141 HUMPHREY ST

CITY/TOWN SWAMPSCOTT STATE MA ZIP CODE 01907

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other | | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS
APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email and via text message.



Transaction Processed Successfully

INVOICE #: ba4d5b63-d2b1-4a77-8793-b016da120219

Description	Applicant License or Registration Number	Amount
FILING FEES-RETAIL	00005-RS-1256	\$200.00
		\$200.00

Total Convenience Fee: \$4.70

Date Paid: 10/25/2023 3:42:45 PM EDT

Total Amount Paid: \$204.70

Payment On Behalf Of

License Number or Business Name:
00005-RS-1256

Fee Type:
FILING FEES-RETAIL

Billing Information

First Name:
Wellington

Last Name:
Augusto

Address:
[REDACTED]

City:
[REDACTED]

State:
MA

Zip Code:
01907

Email Address:
waugusto@missionoakgrill.com



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
MISSION ON THE BAY	SWAMPSCOTT	00005-RS-1256

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
WELLINGTON AUGUSTO	PRESIDENT/OWNER	WELLINGTON@MISSION-MANAGEMENTGROUP.COM	[REDACTED]

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	SOPHIA A AUGUSTO	Date of Birth	[REDACTED]	SSN	[REDACTED]
Residential Address	[REDACTED]				
Email	SOPHIA@MISSIONONTHEBAY.COM	Phone	[REDACTED]		
Please indicate how many hours per week you intend to be on the licensed premises	40	Last-Approved License Manager	WELLINGTON AUGUSTO		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* ☒ Yes ☐ No *Manager must be U.S. citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
04/20/2016	CURRENT	GENERAL MANAGER	MISSION ON THE BAY	WELLINGTON AUGUSTO
09/07/2011	04/20/2016	EVENTS MANAGER	MISSION OAK GRILL	WELLINGTON AUGUSTO

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature [Signature] Date 10/25/2023

APPLICANT'S STATEMENT


I, WELLINGTON AUGUSTO the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of SWAMPSCOTT RESTAURANT OPERATOR, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

10/25/2023

Title:

PRESIDENT/OWNER

ENTITY VOTE

The Board of Directors or LLC Managers of SWAMPSCOTT RESTAURANT OPERATOR, LLC
Entity Name
duly voted to apply to the Licensing Authority of SWAMPSCOTT and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 10/25/2023
Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"VOTED: To authorize WELLINGTON AUGUSTO
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint SOPHIA A AUGUSTO
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer / LLC Manager Signature

WELLINGTON AUGUSTO

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)