



TOWN OF SWAMPSCOTT  
SELECT BOARD REGULAR SESSION MINUTES  
DECEMBER 21, 2022 – 6:00 P.M.  
SWAMPSCOTT HIGH SCHOOL, 200 ESSEX STREET  
ROOM B129 & VIRTUALLY

**SELECT BOARD MEMBERS PRESENT:** NEAL DUFFY, MARY ELLEN FLETCHER, DAVID GRISHMAN, KATIE PHELAN, PETER SPELLIOS

**MEMBERS ABSENT:** NONE

**OTHER TOWN OFFICIALS PRESENT:** SEAN FITZGERALD, TOWN ADMINISTRATOR, AMY SARRO, DIRECTOR OF FINANCE & ADMINISTRATION/ASSISTANT TOWN ADMINISTRATOR, MARZIE GALAZKA, DIRECTOR, COMMUNITY & ECONOMIC DEVELOPMENT,

**OTHER:** TOM MCENANEY, ATTORNEY, KP LAW, VASILIOU FAMILY, MARSHALL FAMILY, JOHN PICARIELLO & TONI BANDROWICZ, EARTH REMOVAL ADVISORY COMMITTEE, SAMUEL VITALI, ATTORNEY, VITALI LAW OFFICE, LYNN, MA

THE BOARD ACKNOWLEDGED THE RECENT PASSING OF PAUL LEVINSON, A LONG-TIME TOWN VOLUNTEER ON VARIOUS BOARDS AND THANKED THE LEVINSONS FOR ALL THEY'VE DONE FOR SWAMPSCOTT.

**A. PUBLIC COMMENT:** NONE.

**B. NEW & OLD BUSINESS:**

**1. PRESENTATION OF 1<sup>ST</sup>, 2<sup>ND</sup> & 3<sup>RD</sup> PLACE TURKEY TROT TROPHIES:** TROPHIES WERE PRESENTED TO THE PHELAN FAMILY, JOHN, KATIE, JACK & STELLA FOR 1<sup>ST</sup> PLACE, THE VASILIOU FAMILY, TASIA, IRENA & KIKI, FOR 2<sup>ND</sup> PLACE AND THE MARSHALL FAMILY, ERIN, KYLE, EVA & ADDIE, FOR THIRD PLACE BY MS. FLETCHER WHO THANKED THE RECREATION DEPT. FOR THEIR HARD WORK IN PUTTING THIS ANNUAL EVENT TOGETHER.

**2. DISCUSSION & POSSIBLE VOTE ON THE USE OF ARPA FUNDS FOR FIREFIGHTERS' NEW CONTRACT:** THE BOARD APPROVED AN AGREEMENT BETWEEN THE TOWN & FIREFIGHTERS' UNION. USE OF FREE CASH FOR THIS CONTRACT WAS APPROVED AT THE SPECIAL TOWN MEETING BUT THE BOARD HAS TO AUTHORIZE THE USE OF ARPA FUNDS. MR. SPELLIOS STATED THAT HE IS VOTING NO AS HE IS NOT A FAN OF USING ARPA FUNDS FOR THIS, HE DOESN'T THINK THIS IS A FINANCIALLY SOUND CONTRACT AND SHOULDN'T BE A MODEL GOING FORWARD.

UPON **MOTION**, DULY MADE BY DAVID GRISHMAN, SECONDED BY MARY ELLEN FLETCHER, IT WAS **VOTED:** TO AUTHORIZE THE USE OF \$223,000 OF ARPA FUNDS FOR PAYMENTS TO OUR FIREFIGHTERS/EMTs WHO PROVIDED CRITICAL GOVERNMENTAL SERVICES BETWEEN MARCH 17, 2020 AND NOVEMBER 9, 2022. SUCH PAYMENTS ARE BEING AUTHORIZED IN CONSIDERATION OF EXEMPLARY WORK DURING THE PANDEMIC, INCLUDING WORK AS DEPUTY HEALTH AGENTS AND EXPOSURE TO HAZARDOUS MATERIALS, AND THE RESOLUTION OF OVERTIME STAFFING CASES AND ADDITIONAL COMPLAINTS.: ALL IN FAVOR: 4 (MR. GRISHMAN, MS. FLETCHER, MS. PHELAN, MR. DUFFY; ANY OPPOSED: 1 (MR. SPELLIOS). MOTION PASSES.

**3. PUBLIC HEARING FOR C & L PACKAGE STORE:** THE SWAMPSCOTT SELECT BOARD, ACTING AS THE TOWN'S LICENSING BOARD ("BOARD"), WILL HOLD A SHOW CAUSE HEARING TO HEAR THE FOLLOWING REGARDING THE ALL-ALCOHOL SECTION 15 PACKAGE STORE LICENSE ISSUED TO C & L PACKAGE STORE INC. (D/B/A C & L PACKAGE STORE INC.) FOR THE PREMISES PREVIOUSLY LOCATED AT 26 NEW OCEAN STREET, SWAMPSCOTT, MA: ATTY. VITALI IS REPRESENTING MR. FRANCIS PERALTA, STATING THAT EXTREME CIRCUMSTANCES (THE TOWN NOT RENEWING HIS LEASE IN 2017 AND EVICTING HIM IN 2021) ENDED HIS BUSINESS OF 40 YEARS IN TOWN. MR. PERALTA IS ENTITLED TO DUE PROCESS. HE HAS BEEN LOOKING FOR A NEW LOCATION BUT BECAUSE THE TOWN HAS LIMITED GEOGRAPHIC AREA & ZONING, HE HASN'T BEEN ABLE TO FIND WHAT HE IS LOOKING FOR (PARKING, ZONING, PUBLIC CONVENIENCE). HE IS CURRENTLY IN NEGOTIATIONS WITH A SITE ON HUMPHREY STREET BUT THERE IS NO TIMETABLE AS TO WHEN HE WILL BE ABLE TO OPEN AT THAT LOCATION. THERE IS NO STATUTE THAT IF A BUSINESS CLOSES, THERE IS A SPECIFIC TIMELINE TO GET BACK IN BUSINESS. DUE TO THE CENSUS, THE TOWN NOW HAS AN ADDITIONAL LICENSE SO MR. PERALTA'S LICENSE IS NOT HOLDING UP ANOTHER BUSINESS FROM MOVING IN. HE CAN APPEAL IF LICENSE REVOKED. ATTY. VITALI FEELS THE TOWN SHOULD BE WORKING TO SUPPORT LOCAL BUSINESSES AND CAN GRANT HIM ADDITIONAL TIME. MR. PERALTA WOULD LIKE TO SEE THE LICENSE RENEWED UNTIL HE FINDS A LOCATION.

MR. DUFFY SWORE IN ANGELICA NOBLE, SWAMPSCOTT POLICE ADMINISTRATIVE ASSISTANT, AS A WITNESS. C&L PACKAGE VACATED NEW OCEAN ST. ON 9/21/21, FAILED TO EXERCISE THEIR LICENSE WHICH WAS RENEWED ON 12/1/21 WITH THE CONDITION THAT IT MUST BE EXERCISED WITHIN 6 MOS. OF THAT DATE OR THE BOARD COULD HOLD A SHOW CAUSE HEARING. IT HAS SINCE BEEN A FULL

YEAR. THERE WAS A DISCUSSION ABOUT HOW MANY OTHER LICENSES THERE ARE THAT DON'T HAVE A PHYSICAL ADDRESS (JUST C&L'S) AS WELL AS HOW MANY ALL-ALCOHOL LICENSES ARE CURRENTLY AVAILABLE AND WHAT THE FEES ARE (ONE CURRENTLY TWO IF THE BOARD CANCELS C&L'S. THE FEE IS \$2,100 TO THE TOWN AND \$200 TO THE ABCC).

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED**: TO CLOSE THE PUBLIC HEARING AT 7:05 P.M.: ALL IN FAVOR: YES; ANY OPPOSED: NO. MOTION PASSES.

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY KATIE PHELAN, IT WAS **VOTED**: TO CANCEL C & L PACKAGE STORE'S ALL-ALCOHOL LICENSE: ALL IN FAVOR: 4 (MR. DUFFY, MR. GRISHMAN, MS. PHELAN, MR. SPELLIOS); ANY OPPOSED: 1 (MS. FLETCHER). MOTION PASSES.

THE BOARD DISCUSSED WITH MR. PERALTA THAT THEY DO NOT WANT TO SET A PRECEDENCE FOR OTHER BUSINESSES TO HOLD ONTO THEIR LICENSES INDEFINITELY.

4. **AGGREGATE INDUSTRIES PERMIT UPDATE:** MR. PICARIELLO, CHAIR OF ERAC, SENT A MEMO REMINDING US THAT AGGREGATE INDUSTRIES PERMIT WILL EXPIRE AT THE END OF JANUARY. THE 1<sup>ST</sup> MEETING IS JANUARY 11<sup>TH</sup> WHICH DOESN'T GIVE US A LOT OF TIME. ERAC'S RECOMMENDATION IS TO EXTEND THE PERMIT TO THE END OF JUNE. ERAC WILL HAVE DISCUSSIONS TO WORK THINGS OUT IN THE NEXT 6 MOS. BUT THE ATTORNEYS ARE LIMITED AS TO WHAT THEY CAN DISCUSS & AGREE TO. MR. SPELLIOS STATED THAT THE BOARD CAN HELP IN EXECUTIVE SESSION, THEIR RECOMMENDATION MAKES INHERENT SENSE, NOW WE NEED TO CONVENE WITH ERAC TO DISCUSS OPEN ITEMS & FIND RESOLUTIONS ON THOSE POINTS & NOT WAIT UNTIL JUNE, ERAC CAN'T SETTLE OPEN ISSUES WITHOUT THE SELECT BOARD & TOWN COUNSEL. WE HAVE TO INVITE AGGREGATE IN FOR A PUBLIC HEARING.
5. **UPDATE ON ADDITIONAL LICENSE RENEWALS:** ENTERTAINMENT LICENSE FOR A BUSINESS WAS TO BE APPROVED BUT ZEST FRIENDZ IS CLOSING AND WILL NOT NEED THEIR LICENSE. MR. DUFFY THANKED THEM FOR THEIR BUSINESS IN TOWN.
6. **DISCUSSION & POSSIBLE VOTE REGARDING THE POSSIBLE ACQUISITION OF PROPERTY LOCATED OFF ARCHER STREET, INCLUDING POSSIBLE EMINENT DOMAIN TAKING:** DISCUSSION TABLED AS NEGOTIATIONS ARE STILL TAKING PLACE.
7. **UPDATE & DISCUSSION REGARDING SENIOR PLANNER POSITION: THERE WAS A DISCUSSION REGARDING AN OPEN SENIOR PLANNER POSITION IN COMMUNITY DEVELOPMENT.** HUMAN RESOURCES AND COMMUNITY DEVELOPMENT HAVE BEEN DOING OUTREACH HOPING TO RECRUIT SOMEONE. THE JOB DESCRIPTION HAS SINCE BEEN UPDATED AND THE POSITION IS NOW FOR AN ASSISTANT DIRECTOR/PLANNER. THIS IS AN OPPORTUNITY FOR SOMEONE TO GROW INTO THE POSITION, SOMEONE FOCUSED ON DETAILS, DEADLINES, ZONING, PROJECT MANAGEMENT AND THE TOWN'S MASTER PLAN. A CONSULTANT TO HELP WITH THE NEW MBTA ZONING LAWS HAS BEEN HIRED AND HAS BEEN ASKED FOR SHORT-TERM (3-6 MONTH) PROJECT COORDINATION. LAND USE BOARDS NEED TECHNICAL HELP. MR. SPELLIOS AND MS. FLETCHER COMMENTED ON THE DIFFERENCE BETWEEN MARBLEHEAD'S DISCUSSIONS REGARDING THE GLOVER AND SWAMPSCOTT'S AND THE BENEFIT OF HAVING STAFF. TA FITZGERALD WILL CONTINUE TO UPDATE THE BOARD.
8. **ESTABLISH & APPOINT A CLIMATE ACTION PLAN COMMITTEE:** TOWN MEETING APPROVED THAT THE TOWN PURSUE A CLIMATE ACTION PLAN LEADING COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR MARZIE GALAZKA TO APPLY FOR, AND RECEIVE, A GRANT FOR TECHNICAL ASSISTANCE. THE CLIMATE ACTION PLAN COMMITTEE WILL WORK ON A POLICY WHICH WILL BE PRESENTED TO THE BOARD & TOWN. MR. DUFFY HAS FORMED A WORKING GROUP FROM THE COALITION AS OUTLINED ON HIS MEMO TO THE BOARD. THE PLANNING BOARD & SOLID WASTE ADVISORY COMMITTEE WILL HAVE LIAISONS TO THE CAPC BUT NEITHER BOARD FEELS IT IS NECESSARY TO HAVE A WORKING MEMBER. IF THAT CHANGES, MR. DUFFY WILL BRING THEIR LIAISONS TO THE BOARD TO BE APPOINTED. THE COALITION HAS DONE OUTREACH, SURVEYS & HAS MET WITH OTHER COMMITTEES, WHICH IS WHERE THE MEMBERS FOR THIS NEW COMMITTEE HAVE COME FROM. HE FEELS HAVING THEM APPOINTED IS PREFERABLE.

UPON **MOTION**, DULY MADE BY DAVID GRISHMAN, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED**: TO ESTABLISH A CLIMATE ACTION COMMITTEE CONSISTING OF REPRESENTATIVES FROM THE RENEWABLE ENERGY COMMITTEE (2), SWAMPSCOTT CONSERVANCY (1), SWAMPSCOTT HIGH SCHOOL STUDENT (2), COMMUNITY (3), OPEN SPACE & RECREATION (1), PLANNING BOARD (1), SOLID WASTE ADVISORY BOARD (1) AND SELECT BOARD (1). THE FOLLOWING SHALL BE APPOINTED: MARTHA SCHMITT & DIANA EDDOWES, RENEWABLE ENERGY; SUZANNE HALE, SWAMPSCOTT CONSERVANCY; SAM SNITKOVSKY & YAROSLAVA (PETEY) SHIREYEVA, SWAMPSCOTT HIGH SCHOOL STUDENTS; GERALYN FALCO, DOUGLAS THOMPSON & LILLIAN WORTHLEY, COMMUNITY REPRESENTATIVES; SIERRA MUNOZ, OPEN SPACE & RECREATION; NEAL DUFFY, SELECT BOARD: ALL IN FAVOR: 4 (MR. DUFFY RECUSED HIMSELF). ANY OPPOSED: NO. MOTION PASSES.

**9. DISCUSSION ON SETTING SELECT BOARD & TOWN ADMINISTRATOR 2023 GOALS:** THE BOARD WILL DISCUSS ITS 2023 GOALS & SET THE TOWN ADMINISTRATOR'S GOALS DURING THE JANUARY 11<sup>TH</sup> MEETING. LAST YEAR, THE APPROVED GOALS INCLUDED OVERALL GOALS FOR THE BOARD AS WELL AS GOALS FOR INDIVIDUAL MEMBERS. THESE GOALS INCLUDED PEDESTRIAN SAFETY, HOLDING A LAND USE SUMMIT, MR. DUFFY'S GOAL OF CREATING A CLIMATE ACTION PLAN, AND MS. TITCOMB'S GOAL OF CREATING HANDBOOKS. MS. FLETCHER DISCUSSED THE TOWN ADMINISTRATOR'S GOALS, HOW HE IS JUDGED ON HIS GOALS & HOW THE TIMELINE AFFECTS HIS BONUS. SHE WOULD LIKE TO DISCUSS A FAIRER TIMELINE AND FEELS THAT THE BOARD, AS ELECTED OFFICIALS, SHOULD BE SETTING WHAT THE TOWN'S FUTURE WILL BRING. MR. DUFFY WOULD LIKE TO SET GOALS & DISCUSS THE TIMELINE AND THE REVIEW PROCESS. MR. SPELLIOS THINKS HAVING INDIVIDUAL AS WELL AS BOARD GOALS & INDIVIDUAL GOALS ARE IMPORTANT, AS WELL AS HAVING THE TOWN ADMINISTRATOR'S GOALS. THESE INFORM US OF THE TA'S VISION FOR THE TOWN AND WHETHER OR NOT WE CAN ACCOMPLISH OUR GOALS. HE IS HAPPY WITH THE PROFESSIONAL TOWN GOVERNMENT AND WOULD LIKE TO HEAR THE TA 'S GOALS BEFORE THE BOARD SETS THEIRS.

**C. VOTES OF THE BOARD:**

**1. APPROVAL OF THE CONSENT AGENDA:**

- i. SWAMPSCOTT HISTORICAL SOCIETY ONE-DAY LIQUOR LICENSE FOR EVENT ON JANUARY 25, 2023 AT TOWN HALL**
- ii. REGULAR MEETING MINUTES OF 12/5/22 & 12/7/22**

UPON **MOTION**, DULY MADE BY DAVID GRISHMAN, SECONDED BY MARY ELLEN FLETCHER, IT WAS UNANIMOUSLY **VOTED** TO: APPROVE THE CONSENT AGENDA (ONE-DAY LIQUOR LICENSE & MINUTES OF 12/5/22 & 12/7/22) AS PRESENTED: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION PASSES.

**D. TOWN ADMINISTRATOR'S REPORT:**

- 1.** DEPARTMENT HEADS ARE SUBMITTING THEIR 2023 GOALS WHICH I WILL BE REVIEWING WITH THEM AND THE BOARD IN THE NEXT FEW WEEKS.
- 2.** AMY SARRO AND PATRICK LUDDY HAVE BEEN DILIGENTLY WORKING ON THE FY24 BUDGET. OVER THE NEXT FEW WEEKS, WE WILL BE MEETING WITH DEPT. HEADS TO DISCUSS THEIR INITIAL PROPOSED BUDGET.
- 3.** DAVID GRISHMAN & I WILL BE MEETING WITH PETER PANTAZELOS AND ARE CONFIDENT WE CAN FIND A MUTUALLY AGREEABLE ARRANGEMENT FOR THE ACQUISITION OF 0 ARCHER ST.
- 4.** ERAC IS RECOMMENDING THE BOARD EXTEND AGGREGATE INDUSTRIES' PERMIT TO JUNE 30, 2023.
- 5.** THE TOWN CLERK IS IN THE PROCESS OF GETTING THE ANNUAL CENSUS MAILED, UPDATING TEN YEARS OF MISSING ANNUAL TOWN REPORTS AND, DUE TO THE SHEER NUMBER OF PUBLIC RECORD REQUESTS, IS GOING TO START CHARGING \$25/HOUR. HE ALSO RECOMMENDS KEEPING POLLING LOCATIONS AT THE HIGH SCHOOL AND WILL BE AT THE NEXT BOARD MEETING TO DISCUSS. MS. FLETCHER ASKED IF THIS APPLIES TO RESIDENTS. PER MS. SARRO, ANY REQUEST THAT TAKES LESS THAN ONE HOUR TO FILL, WILL NOT BE CHARGED. CORPORATIONS THAT ARE JUST DATA MINING WILL BE CHARGED WHEN A REQUEST WILL TAKE MORE THAN ONE HOUR TO FULFILL. THERE WAS A DISCUSSION AS TO WHAT INFORMATION PEOPLE ARE ASKING FOR. MS. FLETCHER ASKED THAT BUDGETS BE EASIER TO FIND ON THE WEBSITE, INCLUDING UP TO DATE BUDGET INFORMATION. MR. SPELLIOS ASKED ABOUT THE 10 YEARS OF MISSING ANNUAL REPORTS ESPECIALLY SINCE MR. LALIBERTE HAS BEEN HERE LESS THAN ONE YEAR.
- 6.** THE FINAL METAL RECYCLING AND STYROFOAM DROP-OFF EVENT IS SATURDAY, DECEMBER 31<sup>ST</sup>. THIS EVENT RESUMES AT THE END OF MARCH 2023.
- 7.** HEIDI WHEAR, SENIOR CENTER DIRECTOR, HAS BEEN BUSY PUTTING TOGETHER SHORT INFORMATIONAL VIDEOS WITH SWAMPSCOTT TV AND HS STUDENTS AIMED AT KEEPING SENIORS UP TO DATE ON INITIATIVES AND PROGRAMS OFFERED IN TOWN. MEALS ON WHEELS DELIVERED 80 BLANKETS TO THEIR CLIENTS AND THERE ARE 36 "SNOW ANGEL" VOLUNTEERS WILLING TO SHOVEL SIDEWALKS FOR SENIORS.
- 8.** LIBRARY DIRECTOR JONATHAN NICHOLS'S 2023 GOALS INCLUDE COMMUNITY ENGAGEMENT AND EXPANDING SERVICES. HE IS CURRENTLY UPDATING THE LIBRARY'S OUTDATED POLICIES AND PROCEDURES AND FINDING A VENDOR TO UP DATE THE LIBRARY'S WEBSITE.

9. TOWN TREASURER PATRICK LUDDY AND INTERIM ASSESSOR DICK SIMMONS SET THE TAX RATE. 3<sup>RD</sup> QUARTER TAX BILLS WERE MAILED AT THE END OF DECEMBER. PATRICK IS ALSO WORKING ON THE FY24 CAPITAL PLAN AND DEBT SERVICE BUDGET.
10. HUMAN RESOURCES ARE DOUBLING DOWN TO HIRE A SENIOR PLANNER/ASSISTANT DIRECTOR.
11. RECREATION HAS A GREAT 1<sup>ST</sup> NIGHT PLANNED. VISIT [WWW.SWAMPSCOTTREC.COM](http://WWW.SWAMPSCOTTREC.COM) FOR TICKETS.
12. COMMUNITY DEVELOPMENT RECEIVED AT \$20,000 GRANT FROM THE MASS HOUSING PARTNERSHIP TO ASSIST IN COMPLYING WITH THE MBTA'S NEW MULTI-FAMILY ZONING. THEY WILL BE WORKING WITH BOHLER ENGINEERING.
13. THE VETERANS PLACED 140 WREATHS ON VETERAN'S GRAVES ON DECEMBER 17<sup>TH</sup>.
14. THE POLICE DEPT. HAS RECEIVED GRANTS FOR TRAFFIC PATROL FOCUSING ON PEDESTRIAN SAFETY AND DRIVING WHILE IMPAIRED. OFFICERS ARE ALSO NOW WEARING BODY CAMERAS. THERE WAS A DISCUSSION REGARDING THE UPCOMING EXAM, HOW TO APPLY AND WHEN IT IS. THIS IS A ROLLING EXAM – INFORMATION WILL BE PUT ON THE TOWN'S WEBSITE.
15. THERE WILL BE A PUBLIC ENGAGEMENT KICK-OFF EVENT AT THE HAWTHORNE ON SATURDAY, JANUARY 28<sup>TH</sup>. ALL ARE ENCOURAGED TO ATTEND. DETAILS WILL FOLLOW.

**E. SELECT BOARD TIME**

**MR. DUFFY:** WISHED EVERYONE HAPPY HOLIDAYS & IS LOOKING FORWARD TO 2023.

**MS. FLETCHER:** 1) WANTS TO REQUEST THAT THE POLICE, ANIMAL CONTROL OFFICER AND TA FITZGERALD PUT TOGETHER A POLICY ABOUT COYOTES TO KEEP THE TOWN FROM BEING IN THE SAME SITUATION AS NAHANT AND EXTERMINATING THE COYOTE POPULATION. COYOTES MUST FEAR HUMANS TO SHARE SPACE. SHE SUGGESTS ISSUING FINES FOR ANYONE CAUGHT FEEDING THEM. THERE ARE PROFESSIONALS VOLUNTEERING TO COME IN & HELP NAHANT CHANGE ITS BEHAVIOR. MS. FLETCHER DOESN'T EVER WANT TO VOTE TO ERADICATE ANIMALS. TA FITZGERALD DOESN'T BELIEVE THESE EASTERN COYOTES ARE AS DANGEROUS AS OTHERS, RESIDENTS HAVE TO BE MINDFUL AND OUR BIGGEST FAILURE IS IN EDUCATING PEOPLE; 2) THANK NATHAN & ETHAN FOR A GREAT JOB TONIGHT.

**MR. GRISHMAN:** NOTHING TO ADD

**MS. PHELAN:** WANTS TO ACKNOWLEDGE ALL OF THE GREAT THINGS HAPPENING AROUND TOWN DURING THIS HOLIDAY SEASON: LIBRARY, RECREATION, SENIOR CENTER. THESE SHOW THE TRUE SPIRIT OF SWAMPSCOTT & WHAT IT MEANS TO BE PART OF THIS TOWN. SHE HOPES PEOPLE TAKE THE TIME TO STOP & APPRECIATE WHAT IS GOING ON.

**MR. SPELLIOS:** NOTHING TO ADD.

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY DAVID GRISHMAN, IT WAS UNANIMOUSLY **VOTED** TO: ADJOURN AT 8:14 P.M.: ALL IN FAVOR: YES. ANY OPPOSED: NO. **MOTION PASSES.**

TRUE ATTEST,

*Dianne Marchese*

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

APPROVED BY THE SELECT BOARD WITH CHANGES 1/11/23

ATTACHMENTS:

C&L LIQUORS LETTERS & 2022 UPDATE

ERAC LETTER RE AGGREGATE INDUSTRIES' 2022 PERMIT

CLIMATE ACTION PLAN COMMITTEE MEMORANDUM

HISTORICAL COMMISSION'S ONE-DAY LIQUOR LICENSE AND APPLICATION

TOWN ADMINISTRATOR'S REPORT



# Town of Swampscott

OFFICE OF THE SELECT BOARD  
Elihu Thomson Administration Building  
22 Monument Avenue  
Swampscott, MA 01907-1940

Polly Titcomb, Chair  
Neal Duffy, Vice Chair  
David Grishman  
Donald M. Hause  
Peter Spellios

Sean R. Fitzgerald  
Town Administrator  
Tel: (781) 596-8850  
Email: [sfitzgerald@swampscottma.gov](mailto:sfitzgerald@swampscottma.gov)

December 10, 2021

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED  
AND FIRST-CLASS MAIL**

Mr. Francis Peralta  
269 Atlantic Avenue  
Marblehead, MA 01945

Re: C And L Pkg Store Inc –Section 15 Package Store License

Dear Mr. Peralta,

As you are aware, C And L Pkg Store Inc. (“C&L”) currently possesses a Section 15 Package Store License (“License”) issued by the Town of Swampscott’s Select Board, acting as the Town’s local licensing authority. On September 1, 2021, C&L vacated its former premises located at 26 New Ocean Street in Swampscott, MA 01907 but recently submitted an application to renew the License even though it has not been exercised since C&L vacated its former premises.

At the Select Board meeting on December 1, 2021, the Board unanimously voted to renew your License for 2022. However, the Select Board also unanimously voted to issue a formal notice informing you that C&L must exercise its License within six (6) months of said notice being issued. Please note that this letter serves as your formal notice and that the Select Board considers the date of this letter to be the start of the six (6)-month deadline.

If C&L fails to exercise its License within this timeframe, the Select Board intends to schedule a show-cause hearing in or around May 2022 to consider whether to cancel the License pursuant to G.L. c.138, §7. If a hearing is ultimately scheduled, you will receive a timely formal notice of the scheduled hearing date. At the hearing, you will be given an opportunity to be heard and to introduce evidence. You may also be represented by counsel at your own cost if you so choose.

If you have any questions, please do not hesitate to contact Allie Fiske at [afiske@swampscottma.gov](mailto:afiske@swampscottma.gov) or 781-596-8850 x1226.

Sincerely,

Polly Titcomb  
Chair, Swampscott Select Board



# Town of Swampscott

OFFICE OF THE SELECT BOARD  
Elihu Thomson Administration Building  
22 Monument Avenue  
Swampscott, MA 01907-1940

Neal Duffy, Chair  
David Grishman, Vice Chair  
Mary Ellen Fletcher  
Katie Phelan  
Peter A. Spellios

Sean R. Fitzgerald  
Town Administrator  
Tel: (781) 596-8850  
Email: [sfitzgerald@swampscottma.gov](mailto:sfitzgerald@swampscottma.gov)

December 14, 2022

## CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST-CLASS MAIL

Mr. Francis Peralta  
269 Atlantic Avenue  
Marblehead, MA 01945

Re: Notice of Show Cause Hearing

Dear Mr. Peralta,

On December 21, 2022, at 6:30 p.m. in Room B129 at Swampscott High School, 200 Essex Street, Swampscott, Massachusetts 01907, the Swampscott Select Board, acting as the Town's Licensing Board ("Board"), will hold a show cause hearing to consider whether to cancel the All-Alcohol Section 15 Package Store license issued to C & L Package Store Inc. for the premises previous located at 26 New Ocean Street, Swampscott, MA pursuant to G.L. c.138, §77. As you know, C&L vacated 26 New Ocean Street on or about September 1, 2021 and has failed to exercise the license since it vacated its former premises. The Board previously provided you with notice of its intent to consider cancellation of the license by letter dated December 10, 2021.

You are requested to attend the hearing. You will be given an opportunity to be heard and to introduce evidence. You may be represented by counsel if you so choose.

You are hereby informed that in the event that the allegations are proven, the Board may consider modification, suspension, revocation, cancellation or non-renewal of the license.

Sincerely,

Neal Duffy  
Chair, Swampscott Select Board



TOWN OF SWAMPSCOTT  
*Police Department*

531 Humphrey Street  
Swampscott, MA 01907  
Tel: (781) 595-1111  
Fax: (781) 592-7472



Angelica Noble  
Executive Assistant

Ruben Quesada, Ed.D  
Police Chief

To: Select Board

From: Angelica Noble, Police Department

Date: December 21, 2022

Re: License – C&L Liquors

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Please see the correspondences with Francis Peralta since November 2022. Please be aware that Francis had been providing updates on potential locations throughout the year (one was never secured). He had also connected with our Community Development Office and Marzie was assisting him in viewing and finding locations that might be the right fit for his business.

11/8 – In person – Francis returned the completed annual renewal packet (including fees) and completed fingerprints. I explained his license would be voted on during the annual meeting in December and there was a possibility the LLA would not extend the license (since there is no physical location). I explained that there is an additional license available as the quota had increased. He understood the LLA could choose not to extend the license, and there would still be an opportunity for him in the future, as there would be two license available. I explained that reapplying would include additional administrative work, however, the annual fee would remain the same. He also understood that the LLA could choose to extend the current license.

11/9 – Email – I sent an email to all active licensees to pay all balances owed to the Town. Francis responded on 11/10 confirming that his accounts are up to date.

12/9 – Email – Sent to update Francis on the 12/7 annual meeting. Also informed him I would have a meeting to discuss C&L and I would follow up either way. Fran responded 12/9.

12/14 – Email – Dianne Marchese emailed a copy of the notice to attend the 12/21 SB meeting for a Show-Cause hearing. This was followed up with a letter (mailed certified). USPS confirmed this letter was received by the residence.

12/14 – Email – I emailed Francis after Dianne's initial email, explaining I was out of the office for the day but am available Monday for any questions regarding the letter. No response from Francis.

12/20 – Phone Call – After the phone call with KP Law I left Francis a message including the information about the show cause hearing (date, time, and location). Francis called me back later that afternoon and confirmed he would be at the meeting with an Attorney. I reminded him that the LLA could decide to extend the license or deny the license (and should they deny it, there was still an opportunity to reapply once a location was secured as there would be two available licenses).

As an update, today date, we have not received any applications for this type of license.

Thank you.



Dear Neal and Sean,

12-14-2022

I'm writing on behalf of ERAC to provide an update on AI's compliance with its existing Earth Removal permit and to discuss the situation regarding the reissuance of a new permit along with a preliminary recommendation for moving forward on that permit. As you know, the extension on the existing permit which was granted by the Select Board expires on January 28, 2023.

Over the past year, ERAC has been corresponding and meeting with AI staff regarding the company's compliance with the existing permit, and also to discuss the changes that would need to be made to a new permit. At the express direction of AI's legal counsel, however, those discussions have not included the specific permit provisions that are currently under litigation.

Regarding AI's compliance with the existing permit: dust and noise studies have been performed by Tech Environmental (the consultant approved to perform work by the Select Board). We expect to receive Tech Environmental's reports before the end of the year management plans. In addition, AI's contractor, PreSeis, has sent out new pre-blast survey requests as required under the permit, received about 20 responses back, completed 10 surveys and scheduled the rest. We also understand that the number of blasts completed this year has been 46, under the 50 blast limit in the existing permit. ERAC is continuing to work with the company on a few other items, such as figuring out how to best define the greenbelt buffer around the quarry.

Regarding issuance of a new permit: Other than the items under litigation, ERAC will likely be in a position to recommend revisions to the permit that update, clarify, or add a few new requirements. However, as to the items in litigation (which includes the provisions on the size of blast area/depth of charges and number of blast per year/week, and provisions that include the 0.5 PPV and 130 dB(I) limits), we have not had any discussions with the company, in accordance with advice of AI legal counsel.

It does not appear that resolution of the contested items will be forthcoming prior to the January 28 expiration date of the permit that originally lapsed on June 30, 2022. We note that the AI permit term is from July 1 to June 30, which means that if a new permit is issued at the end of January when the extension expires, it will only be for 5 months. Given that, along with the irresolution of the contested provisions and AI's compliance with the requirements of the existing permit, it is likely that ERAC will recommend that the Select Board extend the current permit, as is, to June 30, 2023.

As always, we remain available and committed to assisting the Select Board in this matter and, specifically, to provide any help in finding a resolution of the disputed items.

Sincerely,

John Picariello, Chair

ERAC

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**Background:**

At the June 14, 2022, Annual Town Meeting, a Climate Action Resolution passed unanimously. This resolution was brought to the Town Meeting floor by the Climate Action and Resilience Coalition (CARC), a volunteer group of residents. Since that vote this group, working with the Town's Director of Economic and Community Development, has attained a technical assistance grant to help develop and draft a Climate Action Plan. In addition to working on the plan they also have been conducting community surveys and reaching out to various committees and groups in town about the plan. It seems appropriate to establish a town committee, comprised of the core members of this coalition, to continue this work in a more official capacity. Below are more details.

Regards,

Neal Duffy

**Climate Action Plan Committee**

**Mission:** To develop and draft a Climate Action Plan for the Town of Swampscott in accordance with the below excerpts from the Climate Action Plan resolution that passed unanimously at the June 14<sup>th</sup>, 2022 Annual Town Meeting.

*RESOLVED: That Swampscott Town Meeting supports a goal of eliminating or offsetting by 2050 all greenhouse gas emissions in Swampscott that originate from heating and cooling, electricity consumption, Swampscott-based transportation sectors, and industrial processes. This effort will include households, businesses, the municipality, and utilities, and will involve efficiency measures, demand management, investment in energy storage and low carbon transportation infrastructure, and the replacement of fossil fuels with renewable energy sources; and be it further*

*RESOLVED: That the Town of Swampscott will work to develop a comprehensive Climate Action Plan that outlines specific strategies to protect our community from the current and future impacts of climate change, sets measurable, attainable and realistic interim targets for achieving a 2050 net zero emissions goal, and will provide an annual progress report to Swampscott Town Meeting; and be it further*

*RESOLVED: That in developing and implementing the Climate Action Plan, the voices and interests of low, fixed income and/or vulnerable and historically marginalized members of the Swampscott community will be considered, to ensure the benefits and related costs of a transition to a clean energy economy and a more resilient town are shared equitably by the entire community.*

**Members:**

Martha Schmitt – Renewable Energy Committee

Dianna Eddowes – Renewable Energy Committee

Suzanne Hale – Swampscott Conservancy

Sam Snitkovsky (SHS student)

Yaroslava (Petey) Shireyeva (SHS student)

Geri Falco

Doug Thompson

Lily Worthley

Neal Duffy – Select Board

Sierra Munoz – Open Space and Rec.

Pending:

Planning Board member

Solid Waste Advisory member

DRAFT

Number  
2023-01



Town of Swampscott  
Office of the Select Board

This is to certify that the Swampscott Historical Commission

**IS HEREBY GRANTED A  
ONE - DAY LIQUOR LICENSE**

to serve wines and malt beverages to patrons, aged 21 and over, attending the January 25<sup>th</sup>, 2023, event held at Swampscott Town Hall located at 40 Monument Ave Swampscott, MA 01907. The event will take place indoors and service is permitted between the hours of 5:30PM and 7:00PM. This document affirms that the server, Nancy Schultz, has been certified to serve by an industry approved alcohol service training.

**Applicant Information:**

Nancy Schultz  
c/o Historical Commission  
22 Monument Avenue  
Swampscott, MA 01907

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Issued: December 21, 2022

Local Licensing Authority

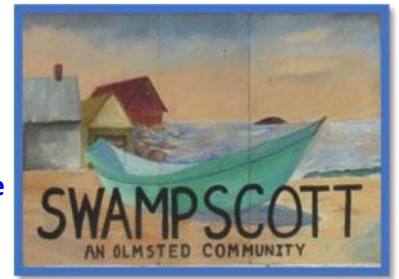


# Town of Swampscott

Office of the

## Town Administrator

Elihu Thomson Administrative Building 22 Monument Avenue  
Swampscott, MA 01907



*Sean R. Fitzgerald*

*Tel: (781) 596-8850*

Swampscott Select Board  
Town Administration Building 22  
Monument Avenue  
Swampscott, MA 01970

### **RE: December 21st REPORT TO THE SELECT BOARD**

Dear Select Board:

I am pleased to be able to offer the following report on programs and initiatives that are on-going in the Town of Swampscott, as well as some updates on a variety of things that have happened since my last report.

#### **DEPARTMENT HEAD GOALS**

Department heads are currently submitting their 2023 goals which I will be reviewing with them and the Board in the next few weeks. I have asked for their top 3-4 gals and will meet to ensure that they align with the Board's and my goals.

#### **FY 24 BUDGET**

I have been working with Director of Finance & Admin, Amy Sarro, and Treasurer/Collector, Patrick Luddy, are working on the FY24 budget. Over the next few weeks, we will be meeting with Dept. Heads to discuss their initial proposed budgets. All of them know the Annual Town Meeting is Monday, May 15, 2023, and plan to be there.

#### **O ARCHER ST.**

Board member David Grishman and I met with owner Peter Pantazelos on Tuesday and feel confident that we will be able to find a mutually acceptable arrangement for the acquisition of O Archer.

#### **AGGREGATE INDUSTRIES**

Their permit, which was extended recently, expires on January 28<sup>th</sup>. Dust & noise studies have been performed and ERAC is waiting for the results.

AI's contractor, PreSeis has sent out new pre-blast survey request as required under this permit and has received approximately 20 back; the number of blasts completed this year was 46, under the 50-blast limit of the existing permit and ERAC is continuing to work with them on a few other items, including how to best define the greenbelt buffer around the quarry.

ERAC is leaning toward recommending that the Board extend the current permit another 6 months, expiring June 30, 2023.

#### **TOWN CLERK**

Town Clerk Jared LaLiberte is working on getting the annual census mailed in addition to coordinating a comprehensive update for 10 years of missed annual Town reports. In addition, due to the sheer number of public requests he receives, he is going to start charging for these records at \$25/hour. Lastly, Jared will be coming to the Board in January to discuss the polling locations in Town. He is recommending we keep it at the High School.

#### **HEALTH DEPT**

Trash & recycling will NOT be delayed due to Christmas & New Year's Day holidays as these dates fall on weekends. Pickup next week and the week after will be as per your normal schedule.

The next, and last for 2022, metal recycling and Styrofoam drop-off event will be Saturday, December 31<sup>st</sup> at the

DPW yard on Paradise Road. This drop-off event will resume at the end of March, 2023.

### **SENIOR CENTER**

Remember to check out [www.activeagingswampscott.com](http://www.activeagingswampscott.com) for all of the Senior Center's upcoming programs! Director Heidi Whear is putting together short informational videos in conjunction with Swampscott TV & HS students. These videos are aimed at keeping Swampscott's seniors up to date on initiatives and programs offered in Town. There will be a caregiver conference at the High School on May 6<sup>th</sup>. Additionally, Meals on Wheels is delivering 80 (donated, some handmade) blankets to their clients and there is a list of 36 "snow angels" willing to shovel sidewalks for seniors.

There has been an uptick of scams against elderly persons. We are targeting public engagement efforts with the Senior Center and Town newsletter.

### **LIBRARY**

Director Jonathan Nichols's 2023 goals include community engagement and expanding services. He is busy updating the library's outdated policies and procedures as well as finding a vendor to construct a new website.

### **TREASURER/COLLECTOR**

I worked with Town Treasurer Patrick Luddy and Interim Assessor Dick Simmons to set the tax rate over the last two weeks. 3<sup>rd</sup> quarter bills will be mailed out by 12/31/23. Patrick is also working with Department Heads on the FY24 capital plan and debt service budget.

### **HUMAN RESOURCES**

HR and Community Development are working to hire a Senior Planner. This position was vacated earlier this year. We have been unsuccessful, as have other communities, in finding someone with experience. We have updated the job description and will redouble our efforts to recruit a candidate for this exciting position.

### **RECREATION**

Planning for Swampscott's own First Night is well underway! There will be lots of great performances and fun at Swampscott High School from 1-4PM. The schedule and tickets (\$25 for a family of 4, \$5 each additional ticket) can be found at [www.swampscottrec.com](http://www.swampscottrec.com).

### **COMMUNITY DEVELOPMENT**

The Town received a \$20,000 grant from Mass Housing Partnership to assist in complying with the Multi Family Zoning requirement for MBTA communities and will be working with Bohler Engineering.

### **VETERANS**

140 wreaths were placed on veterans' graves on Saturday thanks to the hard work of the DAV and VSO Mike Sweeney.

### **POLICE**

There are over 20 applicants for the upcoming police exam. On top of that, our Police Department has received grants for traffic patrol to focus on drunk driving and pedestrian safety. Officers are now all wearing body cameras.

### **HAWTHORNE**

Last, but certainly not least, we are planning a major kickoff public engagement event for future uses of this property on Saturday, January 28<sup>th</sup> at the Hawthorne. Details will be announced in a few weeks.

Respectfully Submitted,



Sean R. Fitzgerald  
Town Administrator