



TOWN OF SWAMPSCOTT  
SELECT BOARD REGULAR SESSION MINUTES  
DECEMBER 27, 2022 – 1:15 P.M.  
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

**OTHER:**

1. **DISCUSSION & POSSIBLE VOTE REGARDING THE POSSIBLE ACQUISITION OF PROPERTY LOCATED OFF ARCHER STREET, INCLUDING POSSIBLE EMINENT DOMAIN TAKING:** TOWN HAS BEEN IN TALKS WITH OWNERS OF 0 ARCHER ST. FOR MANY MONTHS. TA FITZGERALD HAS HAD A LOT OF GOOD CONVERSATIONS. MR. DUFFY WOULD LIKE TO THANK PETER PANTAZELOS AND HIS PARTNERS. THIS IS THE 3<sup>RD</sup> OF 3 PARCELS THAT THE BOARD WAS AUTHORIZED TO PURCHASE AT TOWN MEETING AND WE ARE EXCITED TO ANNOUNCE THAT WE HAVE REACHED AN AMICABLE AGREEMENT. THIS WILL BE A FRIENDLY TAKING WHICH MEANS THEY ARE WAIVING THEIR ABILITY TO CONTEST THE AMOUNT. TA FITZGERALD THANKED MR. PANTAZELOS FOR AGREEING TO THIS TAKING AND HELPING THE TOWN REACH ITS GOALS OF OPEN SPACE. THIS IS SOMETHING THE ENTIRE TOWN CAN CELEBRATE. MR. GRISHMAN THANKED TA FITZGERALD. WHEN WE WERE AUTHORIZED TO TAKE THE PROPERTY, IT SEEMED WE WERE FAR APART BUT WE KEPT TALKING TO MR. PANTAZELOS, TA FITZGERALD WAS A BIG PART OF KEEPING THE LINES OF COMMUNICATION OPEN.

UPON **MOTION**, DULY MADE BY DAVID GRISHMAN, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED:** THAT THE SELECT BOARD VOTE TO ACQUIRE THE PROPERTY OF P&K FUNDING TRUST, LOCATED OFF ARCHER STREET, AS DESCRIBED IN AN ORDER OF TAKING PREPARED BY TOWN COUNSEL, TO EXECUTE THE ORDER OF TAKING, TO REQUEST TOWN COUNSEL TO RECORD SAID ORDER OF TAKING WITH THE ESSEX SOUTH REGISTRY OF DEEDS PROMPTLY, AND TO COMPENSATE P&K FUNDING TRUST THE AMOUNT OF \$1,150,000 FOR SAID TAKING: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION PASSES.

UPON **MOTION**, DULY MADE BY MARY ELLEN FLETCHER, SECONDED BY DAVID GRISHMAN, IT WAS UNANIMOUSLY **VOTED:** TO AUTHORIZE TOWN ADMINISTRATOR SEAN R. FITZGERALD TO SIGN THE WAIVER AS PART OF THE ABOVE AGREEMENT: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION PASSES.

UPON **MOTION**, DULY MADE BY DAVID GRISHMAN, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO: ADJOURN AT 1:26 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 1/11/23

ATTACHMENTS:

ORDER OF TAKING

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

TOWN OF SWAMPSCOTT

ORDER OF TAKING

At a regularly convened meeting of the Select Board of the Town of Swampscott (the “Town”) held on this 21st day of December 2022, it was voted and ordered as follows:

The Select Board of the Town of Swampscott, duly appointed, qualified, and acting pursuant to the vote taken under Article 1 of the June 14, 2022 Special Town Meeting and the vote taken under Article 10 of the December 5, 2022 Special Town Meeting, certified copies of which are attached hereto and incorporated herein, G.L. Chapter 79, and any and every other power and authority hereunto enabling, hereby takes, on behalf of the Town, for open space and conservation purposes, the fee in and to a parcel of land with any improvements thereon located at 0 Archer Street, Swampscott, Massachusetts, containing 4.947 acres, more or less, and shown on a plan entitled “Plan of Land Town of Swampscott Archer Street Map 7, Lots 2, 213-248 and Lots 250-255,” dated October 13, 2022, prepared by Control Point Associates, Inc., recorded herewith in Plan Book \_\_\_\_, Plan \_\_\_\_, said parcel being Lots 127 through 168, a strip of land located at the northeast side of Cushing Avenue, and those portions of Russell Terrace, Goldthwait Terrace and Cushing Avenue to the centerline of said roads abutting Lots 127 through 168 and the strip of land located at the northeast side of Cushing Avenue, all as shown on a plan entitled “Plan of Houselots Owned by Mary A. Breed Situated in Lynn & Swampscott Mass.,” dated July 12, 1985, prepared by Eastman & Bradford Surveyors, recorded with the Essex South District Registry of Deeds in Plan Book 3535, Page 1.

Said premises are owned or supposed to be owned by the following persons:

*Owner:* Peter A. Pantazelos and Kostas A. Pantazelos, Trustees of the P&K Funding Trust under Declaration of Trust recorded with the Essex South District Registry of Deeds in Book 13794, Page 269

*Deed/Title Reference:* Essex South District Registry of Deeds in Book 30764, Page 493; See also Estoppel Certificate recorded with said Registry of Deeds in Book 30764, Page 495

*Property Address:* 0 Archer Street, Swampscott, Massachusetts

*Mailing Address:* 246 Andover Street, Suite 301, Peabody, MA 01960

If in any instance the name of the owner is not correctly stated, the name of the supposed owner being given as of this Order of Taking, it is understood that in such instance the premises referred to are owned by an owner or owners unknown to us.

The amount awarded as damages to the Owner of the parcel in accordance with the provisions of G.L. c. 79, §6, as amended, and to any other party having an interest therein, is set

forth on Exhibit A attached hereto and incorporated herein, but which shall not be recorded with the Essex South District Registry of Deeds.

Betterments are not to be assessed under this taking.

[Remainder of Page Intentionally Blank; Signature Page Follows]

IN WITNESS WHEREOF, the Select Board of the Town of Swampscott, set our hands and seals on this 21st day of December 2022.

TOWN OF SWAMPSCOTT,  
By its Select Board

\_\_\_\_\_  
Laurence Neal Duffy, Chair

\_\_\_\_\_  
David Grishman, Vice Chair

\_\_\_\_\_  
Peter Spellios, Member

\_\_\_\_\_  
Catherine Phelan, Member

\_\_\_\_\_  
Mary Ellen Fletcher, Member

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 21st day of December, 2022, before me, the undersigned notary public, personally appeared \_\_\_\_\_, member of the Swampscott Select Board, as aforesaid, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Swampscott.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**NOT TO BE RECORDED WITH THE REGISTRY OF DEEDS**

**EXHIBIT A**

**Schedule of Damages**

**Owner**

Peter A. Pantazelos and Kostas A. Pantazelos,  
Trustees of the P&K Funding Trust

**Damages Award**

\$ 1,150,000.00