



TOWN OF SWAMPSCOTT
SELECT BOARD REGULAR SESSION MINUTES
APRIL 25, 2022 – 6:15 P.M.
SWAMPSCOTT HIGH SCHOOL, 200 ESSEX STREET, ROOM B129

SELECT BOARD MEMBERS PRESENT: Neal Duffy, Donald Hause, Peter Spellios, Polly Titcomb

MEMBERS ABSENT: David Grishman

OTHER TOWN OFFICIALS PRESENT: Sean Fitzgerald, Town Administrator; Amy Sarro, Director of Finance & Administration; Patrick Luddy, Treasurer/Collector; Max Kasper, Facilities; Angelica Noble, Police & Liquor License; Marzie Galazka, Director of Community & Economic Development; Angela Ipolito, Planning Board Chair & Michael McClung, Town Moderator

PUBLIC: Ronald Lammy; Jill Surette; Oscar Guerrero, Owner of Pomona III, 128 Humphrey St.; Aaron Berdoff, Juniper Rd.

- A. Public Comment:** Aaron Berdoff, Juniper Rd., re: MBTA Multi-Family Zoning: We are in the middle of a housing and climate crisis which this law is attempting to find solutions for. There should be a campaign to get people on board, make multi-families by right. Aaron suggests creating a task force, involving all boards/commissions as there is a need to create open space, there will be new commercial opportunities and this law will eliminate red tape.
- B. Town Administrator's Report:** **FINANCE COMMITTEE** Last week, I attended the Finance Committee meeting held on Thursday and discussed several the budget changes to the FY 23 proposed budget. The Finance Committee has supported a number of my recent recommendations. We also held a discussion regarding the FY 23 School Budget based on the attached memo I presented to the Finance Committee last week. (Attached)

The Finance Committee is meeting today at 4:00PM to vote on the Town Warrant and make any last minute changes to the proposed budget.

UNION CONTRACTS RATIFIED

Over the last many months and intently over the last few weeks I have sat in on long union negotiations with Police, Fire, DPW, Library, and Town Hall Administrative unions.

I am pleased to report that all tentative agreements with Police, DPW, Library, and Administrative Assistant Unions have been filed with the Town Clerk's Office for approval at Town Meeting.

NEW SWAMPSCOTT FIRE FIGHTERS

I am pleased to report that we have sworn in two new Fire Fighters! Brittany Coppinger and Dennis Barry are extraordinary new hires that will bring the Department up to full compliment. Both started today and will be formally sworn in before the Select Board at our next meeting.

RETIREMENT BOARD

I have met with Swampscott's Retirement Board for months now expressing my request for help. I shared a long phone call again today expressing my concerns that it is patently unfair that this generation of taxpayers and citizens are seeing the Town's pension costs escalate so dramatically and threaten Swampscott's ability to invest in our expanding demand for Senior Services, community programs or essential services or require critical investments.

As I have shared, this is all about a balance of priorities outlined in the Town's Master Plan. Also, as I have shared, I strongly believe that a Pension Obligation Bond (POB) accompanied by some reforms are required to assist Swampscott in funding future pension promises without putting an undue burden on taxpayers and ensuring our commitment to past, current, and future employees and retirees are met in good faith.

JRM SOLID WASTE TO BE SOLD TO REPUBLIC

Last week, I met with Peter Gamache and Jimmy Motzkin from JRM on Tuesday, April 19th, to discuss the sale of JRM to Republic. They assured me that Republic intends to honor the negotiated terms of the Town's contract with JRM and they would be agreeable to placing this in writing. I agreed to meet with representatives from JRM and Republic next week to help with the transition.

Peter asked that TA Fitzgerald make sure Republic keep up the same level of service that JRM has, noting that the Town switched from Republic to JRM due to poor service and citizen customer service. TA Fitzgerald is going to as officials from Republic to attend a SB meeting in the future.

LIBRARY

I spoke with Library Trustee Ellen Winkler about the screening process for the Library Director. The Board of Trustees has interviewed a number of candidates for the Library Director and is ready to present 3 semifinalists. I urged Ellen to identify a preference and do her best to get this interview scheduled ASAP as the market is so tight.

TOWN-WIDE CLEAN UP

We are again kicking off a Town Wide Clean up this Saturday as part of our Earth Fest Celebrations. Swampscott Earth Fest will take place Saturday, April 30, from 10 a.m. to 1 p.m. on the grounds at Town Hall. Rain date will be Saturday, May 7.

Earth Fest's current list of participants and activities include:

- *Friends of the Swampscott Rail Trail will be hosting a used bike sale*
- *The Swampscott Tree Committee will be giving away 100 White Oak seedlings*
- *Activities and lawn games for kids*
- *Make a native seedball with the Swampscott Conservancy*
- *The Girl Scouts will be conducting outreach on a conservation service project*
- *The Renewable Energy Committee will be hosting Revise, helping Swampscott become more energy efficient*
- *The Board of Health/Conservancy will provide education and outreach on rodenticide use*
- *The Climate Action & Resilience Coalition will be discussing sea level rise, climate change priorities of residents and community impact calculations, along with a carbon footprint checklist*
- *Learn how to use iNaturalist and join the City Nature Challenge to document our local flora and fauna*
- *Join a Litter Pickup around Town Hall & Linscott Park*
- *The Swampscott Racial Justice Action Group will be presenting information on environmental justice*
- *The Swampscott Public Library will be on hand with Earth Day books*
- *The Solid Waste Advisory Committee will have the latest information on recycling*

- *New England Apothecary will offer zero waste, sustainable skin care products for purchase*
- *Natural Materials Artist Hannah Cloud Sharpless will offer her work using foraged inks for purchase*
- *Enter a raffle to win books for kids from Usborne*

C. New and Old Business:

1. Public Hearing for Pomona, 128 Humphrey St., Liquor License:

Upon **MOTION**, duly made by Donald Hause, seconded by Neal Duffy, it was unanimously **VOTED**: To enter into Public Hearing at 6:25 P.M.: All in favor Yes. Any opposed No. Motion passes.

Angelica Noble, Swampscott Police/Liquor License Clerk and Oscar Guerrero: Oscar and his partner are applying for a Section 12 On-Premises Retail Wines and Malt Beverage Restaurant license for 128 Humphrey St. The ZBA approved the license. Their opening is contingent upon this license. Operating hours will be 8:00 A.M. – 9:00 P.M. There will be a bar seating area by the windows, dining room, kitchen, bathrooms and outdoor seating in the front and side of the building. Pomona would like to serve healthier foods with cordials. There was a discussion regarding the ZBA's vote & what they approved.

Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED**: To recess the Public Hearing until 6:30 P.M. while the ZBA vote is being researched: All in favor Yes. Any opposed No. Motion passes.

Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED**: To re-enter into Public Hearing at 6:40 P.M.: All in favor Yes. Any opposed No. Motion passes.

Peter asked that Angelica update the December presentation which showed how many of each type of liquor license the Town has, how many are currently issued and how many are left (there are 5 wine & malt licenses available out of 5). He also requested that a simple routing slip be created to ensure that all the "boxes" are checked before someone comes before the Board for a liquor license.

There was a discussion about outdoor dining on the side of the building due to the proximity of the school.

Upon **MOTION**, duly made by Peter Spellios, seconded by Neal Duffy, it was unanimously **VOTED**: To recess the Public Hearing until the Regular Select Board meeting of May 4, 2022, 6:00 P.M.: All in favor Yes. Any opposed No. Motion passes.

2. **MBTA Multi-Family Zoning Requirements:** Angela Ipolito, Planning Board Chair: These zoning changes are applicable to MBTA communities of which there are 51. Joshua McCabe, Per the Compliance Schedule, communities are required to hold a briefing of guidelines therefore no action is required tonight with the final plan submitted by Spring of 2023 and adopted in December, 2023. They are requiring that MBTA communities have a zoning district which allows multi-families by right with a minimum of 50 developable acres. The Planning Board is looking at redevelopment around Vinnin Square and will be meeting by the end of June to develop strategies. Adoption of the new zoning requirements is tied into grant opportunities. Non-compliance makes the Town ineligible for state-funded grants. TA Fitzgerald commented that this must be done mindfully, with the Master Plan, smart growth & infrastructure in mind. Board members commented that this is forcing the Town to do what they've wanted to anyway – build affordable housing.
3. **Zoning By-Law Changes:** Angela Ipolito discussed warrant 17 (in current warrant, before changes). Last meeting, the Select Board asked for clarification of language which has been reviewed by Town Counsel. The Planning Board was advised against narrowing down categories. Peter asked that the language be worked on so there are no discrepancies. Angela will report at Town Meeting.

4. **Citizen Petitioners:** Upon **MOTION**, duly made by Peter Spellios, seconded by Neal Duffy, it was unanimously **VOTED:** To indefinitely postpone both Citizens Petitions: All in favor Yes. Any opposed No. Motion passes.

5. **Review of 2022 Town Meeting Warrant:**

- a. Article 3: Upon **MOTION**, duly made by Peter Spellios, seconded by Neal Duffy, it was unanimously **VOTED:** To recommend favorable action on Article 3: All in favor Yes. Any opposed No. Motion passes.
- b. Article 4: The Board asked that Amy insert “or other identified funds” because there will be funding other than free cash for these uses. No action taken
- c. Article 5: Superintendent Angelakis asked that this be included in the warrant for Collective Bargaining. At this point there is no figure. Peter is not comfortable that neither Amy or TA Fitzgerald have been included in the School budget or negotiations. TA Fitzgerald feels this article should remain as it will help drive the schedule for future negotiations and that the Superintendent understands that this is a significant ask. Upon **MOTION**, duly made by Donald Hause, seconded by Neal Duffy, it was unanimously **VOTED:** To remove Article 5 from the Town Warrant entirely: All in favor Yes. Any opposed No. Motion passes.
- d. Articles 6 & 7: Treasurer/Collector Patrick Luddy will report these figures at the Town Meeting. No action taken.
- e. Article 11: Upon **MOTION**, duly made by Peter Spellios, seconded by Neal Duffy, it was unanimously **VOTED:** To remove Article 11 from the Town Warrant entirely: All in favor Yes. Any opposed No. Motion passes.
- f. Article 12: Asked Amy to highlight in green where CIC’s differ. Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED:** To recommend favorable action on Article 12: All in favor Yes. Any opposed No. Motion passes.
- g. Article 13: Capital Projects will be reported on at Town Meeting. No action taken.
- h. Articles 14 & 15: Upon **MOTION**, duly made by Peter Spellios, seconded by Neal Duffy, it was unanimously **VOTED:** To indefinitely postpone both Citizens Petitions: All in favor Yes. Any opposed No. Motion passes.
- i. Article 16: Toni Bandrowicz stated non-quarry related amendments have been in for a year and it seemed logical to focus on non-quarry amendments and deal with the quarry separately. Don stated that the Board would like to take care of these at once.
Upon **MOTION**, duly made by Peter Spellios, seconded by Neal Duffy, it was unanimously **VOTED:** To remove Article 16 from the Town Warrant entirely: All in favor Yes. Any opposed No. Motion passes.
- j. Article 17: Angela Ipolito discussed the changes (see #3). She will report these changes in Town Meeting. No action taken.
- k. Article 18: There was a discussion about the change in language in the article. Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED:** To recommend favorable action on Article 18: All in favor Yes. Any opposed No. Motion passes.
- l. Article 19: Polly read the proclamation and asked for language changes. Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED:** To recommend favorable action on Article 19: All in favor Yes. Any opposed No. Motion passes.

Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED:** To close the annual Town Meeting Warrant consistent with the votes put forth tonight: All in favor Yes. Any opposed No. Motion passes.

Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED:** To affix Select Board electronic signatures to the Town Warrant: All in favor Yes. Any opposed No. Motion passes.

6. **Review/Reading of and Possible Vote on Code of Conduct Handbook, Board & Committees Handbook and the Select Board Handbook:** All three handbooks are ready for a vote. Polly did a lot of work and will make edits if needed. Members will have to acknowledge by signing & dating the last page that they read and understand each handbook. The acknowledgment page is to be given to the Town Clerk.

- a. **Code of Conduct:** this handbook reaffirms conflicts of interest, how to act and how to investigate should there be charges. There was a discussion about having the Town Administrator use his/her discretion to seek a 3rd party investigation.
- b. **Boards & Committees:** This handbook is similar to the Select Board handbook and is designed to make it easier for new Board & Committee members to know how to get things done.
- c. **Select Board:** This will help new Board members with conflicts of interest, interactions with each other, town staff, the Town Administrator and public.

Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED**: To approve the current draft of all three handbooks: Code of Conduct, Boards & Committees and Select Board and that they have to be acknowledged by signing and delivering to the Town Clerk within thirty days of receipt. The Town Administrator and Human Resources Director have the discretion to hire a third-party independent investigator: All in favor Yes. Any opposed No. Motion passes.

D. VOTES OF THE BOARD/CONSENT AGENDA: Upon **MOTION**, duly made by Peter Spellios, seconded by Donald Hause, it was unanimously **VOTED**: To approve the Consent Agenda: All in favor Yes. Any opposed No. Motion passes.

E. SELECT BOARD:

- a. Neal Duffy: Neal thanked both Don & Polly for being members. He appreciates that he was able to work with them and formed bonds and friendships with both.
- b. David Grishman: Absent
- c. Donald Hause: Don commented that it has been a privilege & honor to serve the Town. He thanked his family for their sacrifices and TA Fitzgerald. Next week's meeting will be the first Board meeting in 18 years that he doesn't have to attend. Don is proud of the work the Board has done, stating that he has learned a lot and anyone who has criticism of any Board or Commission should run.
- d. Peter Spellios: Polly moved here with a young family and immediately started volunteering. She represents an under-represented voice in a big way and is now hoping to fill a void that the state needs. Polly has challenged Peter and given him room to grow. Don and Peter first met at a party and have also grown together on the Board.
- e. Polly Titcomb: Polly thanked the Board, she has learned and grown a lot in her time on the Board; she also thanked TA Fitzgerald for his collegiality, progressiveness and enthusiasm for the town and town staff, the residents for supporting her candidacy and throughout her tenure and asked that they remember that anyone serving is doing what they can, that public service asks a lot of people.
- f. Sean Fitzgerald: Both Polly & Don have brought leadership and care to the Town. They've worked hard to build an inclusive community, worked on environmental stewardship and worked to get a new elementary school build. They've both put in years trying to help the community succeed. Don is relatable to anyone and set the standard for dealing with adversity; Polly has played a leadership role that more women should do.

Upon **MOTION**, duly made by Donald Hause, seconded by Neal Duffy, it was unanimously **VOTED**: To adjourn at 9:00 P.M.: All in favor Yes. Any opposed No. Motion passes.

True Attest,



Dianne Marchese, Executive Secretary to the Town Administrator & Select Board