

BOARD OF SELECTMEN

Wednesday, January 18, 2017

Swampscott, MA 01907

Attendance: Chairman, Naomi Dreeben, Vice Chair, Laura Spathanas, Selectman Don Hause, Patrick Jones, Peter Spellios, and Interim Town Administrator, Gino Cresta.

Resident Comment:

Ms. Ellen Winkler, President of the Friends of the Library spoke on upcoming events to be held at the Swampscott Public Library.

Update / Turf Field:

Scott Faulkner of the Turf Field Advisory Committee updated the Board on the field project and the timeline of completion.

Show Cause Hearing / VFW Post 1240:

The Board of Selectman acting as the local licensing authority held a show cause hearing relative to the all alcohol license for the VFW Post 1240, 8 Pine Street, Swampscott on the following incidents:

(1) Service to intoxicated persons in violation of G.L. c.138, §69; (2) improper management of the licensed premises in violation of G.L. c.138, §23; and (3) permitting a disorder, disturbance or illegality on the licensed premises in violation of 204 CMR 2.05(2) arising from the service of intoxicated persons in three (3) separate incidents that occurred on March 19, 2016, March 24, 2016 and September 30, 2016; and violations of: (1) G.L. c.138, §12; (2) G.L. c.138, §23; (3) 204 CMR 2.05(2); and (4) the conditions of the License based on a compliance check on November 16, 2016, during which seven (7) individuals were found drinking at the bar without any member present.

The Following above incidents were spoken of by the following individuals on behalf of the Town: Attorney Thomas McEnaney, Chief Ronald Madigan, and Detective Ted Delano.

Chief Madigan had a prior meeting with the VFW Post 1240 on their activity in the last couple of months and what actions needed to be taken in the future to secure safety and measures that need to be taken for no future alcoholic infractions.

Detective Delano inquired and asked that the VFW Post 1240 forward a key card to the Police Department.

The Following were present and spoke on behalf of the VFW Post 1240:

- Vice Commander, Mr. Frank McGaffigan.
- Commander, Mr. George Fitzhenry.

Mr. Fitzhenry and Mr. McGaffigan apologized to the Board on the recent actions of the VFW Post1240.

Mr. Fitzhenry stated that the VFW Post recently within the last couple of months installed last month a key card system.

Mr. Fitzhenry informed the Board that there was one bartender who was terminated but could recall for what incident. Mr. Fitzhenry asked if the Board would reconsider the VFW Post closing time to 9PM.

Mr. McGaffigan stated he thought the punishment was too harsh.

Attorney Thomas McEnaney explained the process to the VFW Post 1240 and the Board on how to apply for an appeal to the ABCC.

Open discussion by members of the Board:

Selectman Dreeben spoke on prior incidents and past complaints from surrounding neighbors and stated these incidents are a major problem.

Selectman Hause spoke on having no controls in place at the VFW Post 1240. Selectman Hause would like to see better controls and management changes prior to reinstate any future license on the premises.

Selectman Spellios asked how the log book is maintained and who is responsible for this book. Selectman Spellios suggested that when the VFW POST 1240 does come back to the Board in March they bring more information with them to present to the Board including in writing what changes have taken place to prevent issues in the future and that the Bar Manager be present at the next meeting with the Selectman.

Selectman Spathanas commented that she feels after meeting with the Chief Madigan that the VFW Post 1240 does not seem to be taking these charges as serious and she feels there has been no wakeup call from the club. Selectman Spathanas also feels that the VFW Post 1240 is not concerned with the safety of their customers, neighbors and property owners in the area.

Selectman Jones questioned and requested an explanation of how the key card system now in place works and questioned why there is no manager at this meeting to represent the license. Selectman Jones suggested that the current bar management seems to be a problem.

The Board took the following action on a motion by Selectman Hause to impose a 30 day suspension of said Liquor License of the VFW Post 1240.

Roll back of hours for the VFW Post 1240 to 8PM on the following infractions (1) Service to intoxicated persons in violation of G.L. c.138, §69; (2) improper management of the licensed premises in violation of G.L. c.138, §23; and (3) permitting a disorder, disturbance or illegality on the licensed premises in violation of 204 CMR 2.05(2) arising from the service of intoxicated persons in three (3) separate incidents that occurred on March 19, 2016, March 24, 2016 and September 30, 2016; and violations of: (1) G.L. c.138, §12; (2) G..L. c.138, §23; (3) 204 CMR 2.05(2); and (4) the conditions of the License based on a compliance check on November 16, 2016, during which seven (7) individuals were found drinking at the bar without any member present, Selectman Hause amended motion to include mandatory attendance at a meeting to be scheduled with the ABCC and the Swampscott Police Department for alcohol awareness, seconded by Selectman Spellios.

Selectman Spellios suggested the VFW Post 1240 come back to the Board in the month of April 2017 to request hours of operation be returned to regular hours prior to suspension.

Greenwood Project

Selectman Dreeben spoke on the RFP for Greenwood Avenue and would like an overview of the whole process and a review of the full historical perspective of the project by the Town's Community Development Director, Peter Kane.

Pete Kane, Director of Community Development, spoke on the Greenwood Avenue School / Redevelopment proposal review, process to date, zoning regulations & design criteria, overview of proposal, resident feedback, and the Groom Construction proposal.

The following residents voiced their questions and or concerns:

- *Michael McClung-gave a short presentation.*
- *Richard Feingold*
- *Ben Yeager*
- *Ellen Winkler*
- *Robin Slavin*
- *Fiona Barrett*
- *Justina Oliver*
- *Ellie Phillips*
- *Kathleen Greehan*

The following of many subjects were spoken of:

- *Size of project*
- *Financial conditions*
- *Traffic restrictions / implementing specific hours.*
- *40 B Project*
- *Character of the Town*
- *Flawed from the beginning*

- *Reduced size of project*
- *Projected sales price*
- *Town meeting approval for years*
- *Continued lawsuit by the neighbors and or Groom Construction*
- *Affordable housing.*
- *Extortion, threat, do the right thing.*
- *Less than transparent procedure.*
- *Neighborhood felt they were never involved from the beginning*
- *Building Committee suggested to be formed.*

Town Council Attorney's Thomas McEnaney and Attorney Darren Klein were present to advise the Board on the following:

- *Affordable housing*
- *Spot Zoning challenge*
- *40B projects*
- *Re-bid project / 2 options given-current zoning and or 40B affordable housing option.*

Selectman Spathanas stated she is sorry to hear that the neighbors were not heard from at the beginning of this process and thanked the Town's Attorney Darren Klein for his suggestion on a resolution for the Greenwood Property.

Selectman Spellios read aloud his thought from a written statement which included the following subjects, design criteria, six years of Town Meeting approval, desire for open space, asbestos removal, cost to the Town, does not agree with the statements that the proposed property change does not fit the character of the neighborhood.

Selectman Hause commented on the affordable housing act and agrees with the rebidding of the project is a good idea which will give the Town control of what would go in the property.

Selectman Jones questioned what is in it for the Town, states that he has agreed always that 41 units is not the right size for property, questioned what the right number of units is, believes the re-bidding of the proposal will help control what goes in the property.

Selectman Dreeben spoke on her disappointment and sadness on the proposed property after meeting with neighbors over the last year who continue to be against this proposal, some of the items that have been addressed with the neighbors relating to landscaping, traffic, dumpster location, stone wall and other items. Selectman Dreeben feeling frustrated with the idea of going back to where the dialogue started. Selectman Dreeben believes that a new RFP at this point is the best course of action for the Town.

The Board voted unanimously on a motion by Selectman Hause to re-issue the RFP for Greenwood Avenue with two alternative options suggested by Town Council, zoning and or affordable housing, seconded by Selectman Spellios.

Open Discussion/ Traffic Study Recommendations:

Gino Cresta, Interim Town Administrator updated the Board of recommendations from the Traffic Study Commission-the Board voted on the following recommendations:

Gino Cresta, Interim Town Administrator recognized the following members of the Traffic Study Committee: Pete Kane, Town Planner, Lt. Gary Lord of the Swampscott Police Department, Ron Mendes, Parking Clerk and James Potts of the Swampscott Fire Department.

The Board voted on a motion by Selectman Spathanas to approve an on-street parking restriction on Burpee Road, Flashing Pedestrian Crossing signal on Humphrey Street at St. Johns Church and speed limit regulations under the Municipal Modernization Act of 2016, seconded by Selectman Jones. .

Appointment:

The Board voted on a motion by Selectman Hause to appoint William McDonough as a desktop support technician for the School Department and the Town, pending CORI, fingerprinting and pre-placement physical, seconded by Selectman Jones. Selectman Spelios commented that this appointment has no bottom line change to the budget.

Vote of the Board:

The Board voted unanimously on a motion by Selectman Jones for ratification and confirmation of the Town Administrator's Sean Fitzpatrick employment contract, effective February 27, 2017, seconded by Selectman Spathanas.

The Board voted unanimously on a motion by Selectman Spathanas to approve a one day wine permit from the Swampscott Library Centennial celebration to be held on Saturday, January 21, 2017 from 3-5:30PM, seconded by Selectman Jones.

The Board voted unanimously in favor on a motion by Selectman Spathanas to approve a one day liquor permit for the Recreation Department to be used on Friday, March 3, 2017 for a wine tasting event to be held at the Swampscott Town Hall, seconded by Selectman Jones.

New & Old Business:

Chairman Dreeben spoke on Sean Fitzgerald's start date with the Town which will be on February 27, 2017. Chairman Dreeben spoke on Mr. Fitzgerald's working with the Town now on items that are ongoing and on Town projects.

Chairman Dreeben spoke on the upcoming changes within the Media Arts and Cable TV at the Swampscott High School under the direction of Joe Douillette.

Town Administrator's Report:

Gino Cresta, Interim Town Administrator spoke on the following:

- *C & L Lease with the Town / Needs to go out to bid.*
- *Harbor Master appointment on for the next agenda.*

The Board voted on a motion by Selectman Spathanas to adjourn meeting, seconded by Selectman Spellios.

Adjournment:

True Attest:

*Maureen Shultz,
Administrative Assistant*