



Town of Swampscott

Select Board Meeting Minutes

Wednesday, December 4, 2019

Room B-129 Swampscott High School, 200 Essex St. Swampscott, MA

MEMBERS PRESENT

Peter Spellios (Chair), Laura Spathanas, Polly Titcomb

MEMBERS ABSENT:

Naomi Dreeben (Vice Chair), Donald Hause

OTHER TOWN OFFICIALS PRESENT:

Sean Fitzgerald (Town Administrator), Allie Fiske (Assistant to the Town Administrator), Marzie Galazka (Director of Community Development), Ronald Madigan (Police Chief), Molly O'Connell, Senior Planner, Maureen Shultz (Office Manager, Community Development); Katherine Laughman (Town Counsel)

Mr. Spellios called the Select Board meeting to order at 6:10 pm.

SWEARING IN OF LIEUTENANT WILLIAM WATERS

RECOGNITION OF OFFICERS: Lieutenant William Waters, Officer Michael Bowden, Officer Brendan Reen, Sergeant Jonathan Locke, Detective Candace Doyle, Officer Kevin Reen were honored for heroic operations that saved lives in 2018 and 2019.

PUBLIC COMMENT: None

COUNCIL ON AGING VOLUNTEER APPOINTMENT

On **MOTION** (Spathanas) and **SECOND** (Titcomb) it was **VOTED** (unanimous) to appoint Maureen Callahan for a 3-year term to the Swampscott Council on Aging.

LICENSE RENEWALS PRESENTATION

Marzie Galazka, Director of Community Development provided a presentation on renewals for Common Victualler Licenses.

A question was raised about why entities that were recently issued Common Victuallers (CV) licenses are not on the renewal list. Marzie responded that they would request from the Select Board that these businesses' CV licenses recently approved be rolled over to 2020, effectively issuing a 13 (or 14)-month license in part to avoid incurring additional fees to the new business. This would include Tropical Café and Mexicali Cantina Grill. Spellios requested that Community Development institutionalize a process for addressing businesses that apply for CVs at the end of a calendar year. It was also asked that Town Council be consulted prior to issuing extended Common Victualler Licenses for these businesses.

A question was raised about how the CV fees are determined. It is a Swampscott-specific fee. The Town Administrator will work with Community Development on an annualized basis to recommend CV fees each year.

Entertainment License: A concern was raised regarding Saint John the Baptist as their Entertainment License goes until 1:00am and it's in a residential area. Spellios would like to table this particular license to December 18 to better clarify their operations at that time.

Class II Car Dealer's License Renewals: Community Development recommended that Four Seasons Motor Group not be renewed due to compliance issues raised by the Building Dept. and the Health Dept. Additionally, Spellios noted that the business now located at the Silverstar location typically holds a license but has chosen not to renew. Action: Marzie stated that the Town will continue to work with the Building and Health Dept. to confirm operations of business at Silverstar location.

MOTION #1: I move that the Select Board accept the recommendation of the Town Administrator on the renewal of Common Victualler Licenses and approve the Common Victualler License renewals as itemized in this evening's presentation with the amendment that Tropical Smoothie Café and Mexicali Cantina Grill's new Common Victualler License extend through 2020 subject to legal Counsel confirming this.

On **MOTION** (Titcomb) and **SECONDED** (Spathanas) it was **VOTED** (unanimous) to recommend approval of this article

MOTION #2: I move that the Select Board accept the recommendation of the Town Administrator on the renewal of Entertainment Licenses and approve the Entertainment License renewals as itemized in this evening's presentation with the exception of Saint John the Baptist.

On **MOTION** (Spathanas) and **SECONDED** (Titcomb) it was **VOTED** (unanimous) to recommend approval of this article.

MOTION #3: I move that the Select Board accept the recommendation of the Town Administrator on the renewal of Class II Dealer License of Paradise Auto Sales, Inc. and approve the said renewal as itemized in this evening's presentation.

On **MOTION** (Titcomb) and **SECONDED** (Spathanas) it was **VOTED** (unanimous) to recommend approval of this article.

MOTION #4: I move that the Select Board schedule a public hearing, to be held on December 18, 2019 at 6:30pm, on the renewal of the Class II Dealer License of Four Seasons Motor Group to consider possible noncompliance issues raised by both the Police Department and the Building Department.

On **MOTION** (Spathanas) and **SECONDED** (Titcomb) it was **VOTED** (unanimous) to recommend approval of this article.

REVIEW OF POLICIES AND PROCESS FOR RECREATIONAL MARIJUANA ESTABLISHMENTS

There was a second reading of Host Community Agreement Template and the Marijuana Retail Establishment Application. Community Development has recommended that the Town of Swampscott cap the number of licenses at 2 – which is the minimum number of licenses allowable by the state. This item would ultimately be voted upon at a Town Meeting in the Spring.

In regards to the Host Community Agreement Template, Chairman Spellios requested that the review committee be updated to include two – not one – Select Board members.

Entities will have to come to Select Board for two readings of the Host Community Agreement. The first reading would be for a vote to authorize Town Administrator and Community Development to enter into negotiations with the prospective retail establishment and a second vote to approve Host Community Agreement once it has been negotiated.

Ms. Titcomb wants to make sure that traffic flow considerations are included during the process. This will be incorporated into both the Community Outreach and Evaluation of the Town application.

Mr. Spellios asked if there is an application fee, Ms. Laughman stated that other communities have charged application fees so it's within our purview. Mr. Spellios recommended \$1500 non-refundable fee.

If the board is inclined to support cap of 2, it's best to articulate that now. Do a formal vote on December 18. Community Development will come back to a meeting with recommendation regarding cultivation and manufacturing. Also revisit medical establishments zoning.

ON MOTION (Polly) and SECOND (Laura) it was VOTED (unanimous) to approve application and template with changes discussed and institute a \$1,500 nonrefundable application fee.

PUBLIC HEARING 7:27

On **MOTION** (Titcomb) and **SECOND** (Spathanas) the Board conducted a roll call to open the public hearing on the approval of a new Wine & Malt Beverage License for Wholefoods. (Titcomb) Yes (Spathanas) Yes (Spellios) Yes and the board entered into public hearing.

APPROVAL OF NEW WINE & MALT BEVERAGE LICENSE, WHOLE FOODS

Attorney Dave Libardoni introduced the concept of the proposed Sip & Shop program at Wholefoods – the first in Massachusetts. Under this model customers 21 years of age or older could purchase a beer or wine beverage and consume while shopping. The Zoning Board conditions are that no alcohol will be allowed outside the store; customers will only be allowed to purchase one drink at a time; all employees TIPs trained. Zoning Board did not require any parking or traffic mitigation and made findings that the parking would not be impacted because of the new use. Wholefoods has worked with MassDOT to change traffic signal operations and uses police details at busy times.

A resident from Hillcrest Rd. in Beverly expressed support for the program. Two other residents expressed concern about the parking issues.

Chairman Spellios stated that the floorplan did not give a clear indication of the layout of the building and how alcohol would be distributed. He also expressed there needed to be better defined rules customers will have to follow. Furthermore, he asked that Wholefoods work with Community Development to review the parking lot to address inevitable issues.

On **MOTION** (Titcomb) **SECOND** (Spathanas) it was **VOTED** (Unanimous) to continue the public hearing to 7:00pm on December 18.

DISCUSSION ON POLICY REGARDING INSTALLATION OF SMALL CELL WIRELESS TELECOMMUNICATIONS EQUIPMENT (5G)

Katherine Laughman, Town Counsel from KP Law was available to answer questions about Small Cell Equipment and 5G Technology. She stated that the federal government plays a significant role and declaratory ruling from FCC limits local regulations. Towns cannot have special rules for Small Cell Wireless Telecommunications Equipment that it does not currently hold for other equipment mounted on telephone poles.

Mr. Spellios requested that the Town engage a third-party company to perform an audit of equipment on telephone poles to determine if there have been violations and return with a plan in January or February.

The proposed policy is not final, and can be updated as needed moving forward.

On **MOTION** (Titcomb) **SECOND** (Spathanas) **VOTED** (unanimous) to accept policy with understanding that they can be changed moving forward.

CONTINUATION OF PUBLIC HEARING ON PETITION OF EXTENET INC. TO INSTALL SMALL CELL WIRELESS EQUIPMENT ON A UTILITY POLE ON PINE STREET

Keenan Brin a consultant for Extenet presented a petition to install Small Cell Wireless Equipment on a utility pole on Pine Street. They currently have 40 applications pending in Lynn and stated that locations are determined by call behavior, population density, and what equipment is already installed on the poles.

The application must be considered under existing regulations, not the policy that has just been voted upon as it was filed prior to the new policy being voted in.

It was requested that the Town of Swampscott be listed as additionally insured on all insurance documentation.

On **MOTION** (Spathanas) **SECONDED** (Titcomb) it was **VOTED** (unanimous) to approve the Extenet Inc. application with requested modification to insurance.

DISCUSSION ON THE REUSE OF THE FORMER POLICE STATION

This is a building the Town would like to continue to own and not dispose of. Town would like to restrict use and ask for proposals that have some connectivity to community use. If the timeline allows, Community Development will draft a Request for Interest to be reviewed at Select Board meeting on December 18th, to then be voted upon at meeting on January 8th.

CONSENT AGENDA:

- Approval of consent agenda under the condition that the November 20 meeting minutes be updated to include absent members.

TOWN ADMINISTRATOR UPDATE

Town Administrator Sean Fitzgerald provided an update including electrical vehicle charging station, the Hadles School Feasibility Study, Solid Waste update, 2021 budget planning, the Facilities Department and Fire Department promotions.

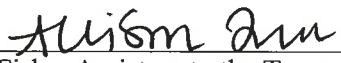
SELECTIMENS' TIME

- Ms. Titcomb expressed interested in starting a handbook for the Select Board as well as each Town Committee coming up with their own handbook to include mission statement, scope, etc.
- Mr. Spellios announced that a Financial Summit will be held on Sunday, January 12 (Time and location TBD). This will be a public meeting.

On **MOTION** (Titcomb) **SECONDED** (Spathanas) it was **VOTED** (unanimous) to adjourn.

Meeting adjourned 8:54pm.

Respectfully submitted,


Allie Fiske, Assistant to the Town Administrator

Minutes APPROVED by vote of the Select Board 12/18/2019