



Town of Swampscott
Select Board and Board of Health Joint Meeting Minutes
Wednesday, June 10, 2020 – 6:00 PM
Virtual Meeting

SELECT BOARD MEMBERS PRESENT

Peter Spellios (Chair), Naomi Dreeben (Vice Chair), Polly Titcomb, Don Hause, Laura Spathanas

BOARD OF HEALTH MEMBERS PRESENT

Marianne Hartmann, (Chair), Emily Cilley, Stephanie Goodman

MEMBERS ABSENT

None

OTHER TOWN OFFICIALS PRESENT

Sean Fitzgerald, Town Administrator; Allie Fiske, Assistant to the Town Administrator; Jeff Vaughan, Health Director; Neia Illingworth, Public Health Nurse; Marzie Galazka, Director of Community Development; Max Kasper, Building Commissioner, Ron Mendes, Assistant Town Administrator of Administration and Finance; Gino Cresta, Assistant Town Administrator of Operations

The meeting was called to order at 6:04pm

Peter Spellios, Chair of the Select Board reflected briefly on the conversation at the June 3 Select Board meeting with students regarding racial diversity and safety. The Select Board and the Board of Health discussed the importance of including the dialog.

PUBLIC COMMENT

There were several questions posed about the rail trail, most notably that there should be a public release of the budget and accounting, particularly as the scope has changed since the initial Town Meeting vote. One resident requested his questions be placed in the record, they are included at the end of this document.

PUBLIC HEALTH UPDATE

Public Health Nurse Neia Illingworth gave a brief update about COVID-19. Currently there are 127 confirmed positive cases in Swampscott. Jeff Vaughan provided an update on the reopening of businesses in Phase 2.

Board of Health Chair Marianne Hartmann spoke briefly about athletic field and confirmed that no games are allowed on athletic fields, only drills and practices. She is currently in conversation with youth sports groups. Marianne Hartmann stated that playgrounds are now open and reviewed playground rules, including wearing of masks, social distancing, supervision of children, and more.

There was a discussion regarding parking on Humphrey Street, as businesses have found issues with the barrels blocking off parking in front of Kings Beach. DCR has taken their barrels down on Lynn Shore Drive and it was stated that the parking spaces are valuable to the businesses. There was also a discussion of possibly adding a time limit on parking on the business side of the street.

AGGREGATE INDUSTRIES

Marzie Galazka, Director of Community & Economic Development stated that Aggregate Industries submitted a permit. State legislature passed municipal relief legislation to continue hearings to 45 days after state of emergency has terminated so their hearing has not been held. The Earth Removal Advisory Committee has not had a meeting since March because of COVID-19 but had begun to have public meetings to discuss quality of life issues. There is a plan to present a blasting bylaw at the next Town Meeting in the fall. It was requested that Aggregate Industries be added to the 6/17 Select Board/Board of Health agenda for further discussion.

PUBLIC COMMENT

The Select Board welcome David Vera, local resident, who spoke about the need to create a Diversity and Inclusion Commission with the Town.

On Board of Health **MOTION** (Goodman) and **SECONDED** (Cilley) it was **VOTED** by roll call to adjourn the Board of Health portion of the meeting. Roll call: Cilley (YES) Goodman (YES) Hartmann (YES)

UPDATE ON OUTDOOR SEATING

Director of Community & Economic Development Marzie Galazka showed images of the jersey barriers painted by members of Reach Arts. Marzie then explained that there will be no second reading on design guidelines as it is unnecessary at the moment given the Governor's new Order #35 for a local, expedited process to approve outdoor seating including liquor license expansions. This can all be done on the local level. This order will expire in November, at which point the Town's bylaw and approved design guidelines will govern the outdoor seating process.

Molly and Marzie will attend the 6/17 meeting with a list of applicants to be approved for a public way and outdoor use application. The Board will also then vote on the Town's Rules, Regulations, and Policy related to Order #35. Implementation of street fixtures will go in next Monday.

PERMANENT AND TEMPORARY EASEMENTS FOR RAIL TRAIL

Marzie Galazka reviewed the plan for the Rail Trail. The Town has received grant from Mass Trails to construct first section of Rail Trail. A grant amendment was submitted to use the funds for a different part of the trail. The Town has worked with 7 trail neighbors along this segment of the trail - Beach Bluff to Marblehead Line and received support. Ms. Galazka showed the layout of temporary and permanent easements. The design and details of the trail are completely online on the Town website. Ms. Galazka confirmed that there are no Town funds being used for this portion of the trail, private funding was received along with the grant. The construction will begin June 15 and the contractor estimates the work will take 2-2.5 weeks and a month to do landscaping.

On **MOTION** (Spathanas) and **SECONDED** (Hause) it was **VOTED** by roll call to adopt the order in the form presented taking by eminent domain temporary and permanent easements for rail trail purposes in the portion of the former railroad between Beach Bluff Avenue and the Marblehead Town Line and to award \$0 in damages for such taking. Roll Call: Spathanas (YES) Spellios (YES) Titcomb (YES) Dreeben (YES) Hause (YES)

On **MOTION** (Spathanas) and **SECONDED** (Titcomb) it was **VOTED** by roll call to authorize the Town Administrator to execute a contract with Aqua Line Utility Inc. to construct a portion of the Swampscott rail trail. Roll Call: Dreeben (YES) Spathanas (YES) Titcomb (YES) Hause (YES) Spellios (YES)

TOWN MEETING

On **MOTION** (Hause) and **SECONDED** (Dreeben) it was **VOTED** by roll call to hold the Annual Town Meeting on June 22 at 7:00pm virtually. Roll Call (Dreeben) YES (Titcomb) YES (Hause) YES (Spathanas) YES (Spellios) YES

PUBLIC COMMENT (continued)

David Vera: Appreciates the conversations the Town is having. Would like to see a committee made of people of color. Encouraged the Board to ask questions they need to ask to be educated.

TOWN WARRANT

The Select Board discussed two articles that had not yet been addressed.

Article #4: Approve Transfer of Free Case – Transfer to Stabilization/OPEB Funds

To see if the Town will vote to transfer total sum of money from Free Cash to other Town's Stabilization, Capital Stabilization, and/or other Post Employment Benefits (OPEB) Funds or take any action relative thereto.

Assistant to the Town Administrator Ron Mendes stepped through a presentation regarding utilizing Free Cash for stabilization funds and OPEB. The warrant article is broad enough that it can cover any decision made over the next few months. They will wait until June 17 to make a decision on anything and there is a request that there be a full recap of any conversation that has been had prior to the June 17 meeting.

On **MOTION** (Hause) and **SECONDED** (Spathanas) it was **VOTED** by roll call to open and close the Town Meeting warrant for the Annual 2020 Town Meeting. Roll call

CONSENT AGENDA

- Approval of 6/3/20

On **MOTION** (Hause) and **SECONDED** (Spathanas) it was **VOTED** by roll call to approve consent agenda. Roll Call (Hause) YES (Dreeben) YES (Spathanas) YES (Titcomb) YES (Spellios) YES

TOWN ADMINISTRATOR'S REPORT

- Revised FY21 Budget
- Middle School Roof (MSBA Accelerated Repair)
- Budget/staffing/reopening
- COVID Cares Act
- End of Year Transfers
- High School Graduation
- Pride Flag Raising Event on Friday June 12

SELECT BOARD TIME

- Naomi Dreeben spoke with Laurie Ehrlic who is ready to assist with advocating for Swampscott at the state level.
- Mr. Spellios reminded everyone that Town Election is June 30

On **MOTION** (Spathanas) and **SECONDED** (Titcomb) it was **VOTED** by roll call to adjourn the meeting. Roll call: Dreeben (YES) Titcomb (YES) Hause (YES) Spathanas (YES) Spellios (YES)

Meeting adjourned at 8:14pm.

True Attest,



Allie Fiske, Assistant to the Town Administrator

Minutes APPROVED by vote of the Select Board 6/24/2020

Public Comment regarding Rail Trail:

Matt Roddy:

How can the Town start building the trail, the Rail Trail, without the final cost for engineering, design, and land acquisition of the trail, fully understood as it was worded in the article voted on. Furthermore, now that it is public that the Town cannot build the trail from the Train Station to the Marblehead Line, as indicated in the article, and it will not connect to public transportation at the Train Station – a major selling point, I’ll add – shouldn’t the Town need to revote as to if a partial trail with still highly uncertain costs ahead should still be built? My question really is the \$850k price tag for the trail worth such a reduced benefit since it no longer spans the Town, has unknown liability and legal costs ahead, and no longer reaches its most critical connect point? Furthering the point regarding uncertain costs, this not only stems from the fact that many of those who are called abutters and others in the Town have requested but have not seen the appraisals required to calculate such final costs? And in addition to this, the property owners have since the vote was taken proven unequivocally that they are the actual owners of the land, something that was doubted at the time of the vote but now has no doubt now that many have taken the step to update their deeds. This was unfortunately a clerical step the owners felt they were forced to take since the town was putting out misinformation in this regard. This fact now provides the owners very strong legal footings which was not fully understood by meeting members at the time of the vote due to the misinformation. So they will have those legal footings to contest compensation offered by the Town should it be inadequate. Invariably this issue around ownership and just compensation could make the long-term costs of the trail many multiples of the \$850k but unfortunately by the time this is known it will be too late. So I ask the Select Board, what is your response to this? Is a diminished trail worth the same \$850k price? Especially if the price is very likely to not be the final price. Should the town re-vote once the full design of the shorter trail is known? Should the revote be for a reduced sum of money given the reduced trail? Should the Town build a trail not knowing what the final compensation for land owners will be? Personally me and many of my neighbor owners of the land proposed to be taken know that those on this meeting and beyond know this answer yet the Town presses ahead. So that leaves me with my final question, which is why?