



Town of Swampscott Select Board Meeting Minutes

March 3, 2022 – 6:00 PM
Swampscott High School – Room B129

SELECT BOARD MEMBERS PRESENT

Polly Titcomb (Chair), David Grishman, Peter Spellios

OTHER TOWN OFFICIALS PRESENTS

Sean Fitzgerald, Town Administrator; Allie Fiske, Director of Communications & Strategic Initiatives; Marzie Galazka, Director of Community & Economic Development; Police Detective Ted Delano; Interim Police Chief David Kurz; Police Administrative Assistant Angelica Noble

6:00 PM SHOW CAUSE HEARING - 371 Paradise Rd. Swampscott, MA 01907

On **MOTION** (Spellios) and **SECONDED** (Grishman) it was **VOTED** to open the show cause hearing to hear the following charges regarding the All Alcohol Section 15 Package Store License issued to the premises located at 371 Paradise Rd. Swampscott, MA 01907: Serving alcohol to a minor on November 16, 2021 as part of a routine Swampscott Police Department Alcohol Compliance Check. All in favor.

Town Counsel Attorney Tom McEnaney swore in all witnesses.

Police Detective Ted Delano was invited to share information about the compliance checks performed on November 16, 2021. On that date, Detective Delano oversaw compliance check on 13 establishments, resulting in 4 identified violations.

Detective Delano provided some background about the compliance check process: Starting in the beginning of 2021, the Police Dept. posts and notifies the press that there will be compliance checks which is a requirement of the ABCC. An underage 16-year old individual visited establishments to purchase alcohol. When a violation occurred, an official approached the management to let them know about the violation and a report was filed.

The Vinnin Square Liquor license holder stipulated the facts and issued a statement about their practice. Attorney Tom McEnaney submitted three documents into evidence: the notice of violation, the compliance check field report, and the receipt of the alcohol purchase.

The Select Board was directed that they were to perform 3 votes: 1) Whether a violation occurred; 2) Adopt findings in support of board's decision; 3) vote on penalty.

Attorney McEnaney explained that compliance checks are educational in nature to educate license holders with respect to their responsibilities to underage customers. It's not designed to impose significant penalties. No establishments in any of the hearings this evening have any prior violations.

Interim Police Chief Kurz spoke about the philosophy of the Swampscott Police Department, which is to educate. To that end, they will be holding a training on March 10, 2022. He also shared a letter that was sent to all establishments who were not in violation to recognize them.

Attorney Andrew Upton representing Vinnin Square Liquors stated that the owner Angela Ansara takes responsibility for the violation. He described the written compliance programs and Ms. Ansara spoke and apologized for the incident. There is a one-strike policy and the employee on duty was terminated. A manager from Vinnin Square Liquors will attend the upcoming training with the Swampscott Police Department.

The evidentiary portion of the meeting was concluded.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** that a violation occurred at Vinnin Square Liquors on November 16, 2022. All in favor.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** to accept the documents submitted by Attorney McEnaney in respect to Vinnin Square Liquors and resting on the fact on the record and contained in documents. All in favor.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** to approve recommendation of Ted Delano that Vinnin Square Liquors attend the Police Department training on March 10, 2022. All in favor.

Closed the evidentiary portion of the hearing.

6:30 PM SHOW CAUSE HEARING - 450 Paradise Rd. Swampscott, MA 01907

On **MOTION** (Spellios) and **SECONDED** (Grishman) it was **VOTED** The Swampscott Select Board, acting as the Town's Licensing Board ("Board"), will hold a show cause hearing to hear the following charges regarding the All Alcohol Section 12 On-Premise License issued to the premises located at 450 Paradise Rd. Swampscott, MA 01907: Serving alcohol to a minor on November 16, 2021 as part of a routine Swampscott Police Department Alcohol Compliance Check. All in favor.

Attorney Tom McEnaney swore in all witnesses.

Attorney McEnaney submitted into evidence the notice of violation from Swampscott Police Department, Minimum Age Compliance Check Field Report, and the receipt for the liquor purchase.

The manager of Bertucci's stipulated to the facts, took full responsibility and apologized. They explained their policies and equipment in place to manage the age compliance process.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** that a violation occurred at Bertucci's on November 16, 2022. All in favor.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** to accept the documents submitted by Attorney McEnaney in respect to Bertucci's and resting on the fact on the record and contained in documents. All in favor.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** to approve recommendation of Ted Delano that Bertucci managers attend the Police Department training on March 10, 2022. All in favor.

Closed evidentiary portion of the hearing.

Select Board member Peter Spellios asked if a non-adjudicatory process could be put in place that would not require a show cause hearing for a first-time violator.

7:00 PM SHOW CAUSE HEARING - 205 Burrill St. Swampscott, MA 01907

On **MOTION** (Spellios) and **SECONDED** (Grishman) it was **VOTED** The Swampscott Select Board, acting as the Town's Licensing Board ("Board"), will hold a show cause hearing to hear the following charges regarding the All Alcohol Section 15 Package Store License issued to the premises located at 205 Burrill St. Swampscott, MA 01907: Serving alcohol to a minor on November 16, 2021 as part of a routine Swampscott Police Department Alcohol Compliance Check.. All in favor.

Attorney Tom McEnaney swore in all witnesses.

Attorney McEnaney submitted into evidence the notice of violation from Swampscott Police Department, Minimum Age Compliance Check Field Report, and the receipt for the liquor purchase.

The manager of Burrill St. Liquors did not dispute the facts.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** that a violation occurred at Burrill St. Liquors on November 16, 2022. All in favor.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** to accept the documents submitted by Attorney McEnaney in respect to Burrill St. Liquors and resting on the fact on the record and contained in documents. All in favor.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** to approve recommendation of Ted Delano that Burrill St. Liquors managers attend the Police Department training on March 10, 2022. All in favor.

Closed evidentiary portion of the hearing.

7:30 PM SHOW CAUSE HEARING - 146 Humphry St. Swampscott, MA 01907

On **MOTION** (Spellios) and **SECONDED** (Grishman) it was **VOTED** The Swampscott Select Board, acting as the Town's Licensing Board ("Board"), hold a show cause hearing to hear the following charges regarding the All Alcohol Section 12 On-Premise License issued to the premises located at 146 Humphrey St. Swampscott, MA 01907: Serving alcohol to a minor on November 16, 2021 as part of a routine Swampscott Police Department Alcohol Compliance Check.

Attorney Tom McEnaney swore in all witnesses.

Attorney McEnaney submitted into evidence the notice of violation from Swampscott Police Department, Minimum Age Compliance Check Field Report, and the receipt for the liquor purchase.

The owners of Yan's Bistro stipulated the facts. Attorney Ken Schutzer provided additional information about the owners and context in regards to the violation. He stated that the owners will be in attendance at the March 10 training.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** that a violation occurred at Yan's Bistro on November 16, 2022. All in favor.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** to accept the documents submitted by Attorney McEnaney in respect to Yan's Bistro and resting on the fact on the record and contained in documents. All in favor.

On **MOTION** (Grishman) and **SECONDED** (Spellios) it was **VOTED** to approve recommendation of Ted Delano that Burrill St. Liquors managers attend the Police Department training on March 10, 2022. All in favor.

Closed evidentiary portion of the hearing.

On **MOTION** (Spellios) and **SECONDED** (Grishman) it was **VOTED** to adjourn the meeting.

Meeting adjourned at **7:42 PM**.

True Attest,

Allie Fiske, Director of Communications & Strategic Initiatives

Minutes approved by Select Board in vote at meeting on xx/xx/xxxx.