

BOARD OF SELECTMEN

MINUTES

Monday, December 15, 2014

Swampscott, MA 01907

Attendance: Chairman, Matthew Strauss, Vice Chair, Naomi Dreeben, Selectmen John Callahan, Glenn Kessler, Laurie Spathanas, and Thomas G. Younger, Town Administrator.

Resident Comment:

Resident Dana Fraser spoke with the Board on his concerns regarding the Italian Club located on Burpee Terrace. Mr. Fraser spoke on patrons outside with alcohol, noise issues, and functions going past 1AM closing times. Mr. Fraser stated he has contacted the Swampscott Police Department regarding the above issues but believes it is a Town and Management issue that he would like to be addressed. Mr. Fraser stated he is trying to be a friendly neighbor but would like them to clean up their business practices. Mr. Fraser stated that he believes that the occasional night functions which seem to be the problem.

Mr. Thomas Younger, Town Administer offered to work with the business & neighbors and will set up a time with both parties to discuss the situation.

Selectman Callahan suggested that a better practice would be that the Italian Club could notify the Town when they have a scheduled function at night.

Selectman Strauss requested that he be informed by Mr. Younger after the meeting is completed.

Public Hearing:

The Board voted unanimously on a motion by Selectman Dreeben to open the public hearing for the FY15 Tax Classification hearing, seconded by Selectman Callahan. Roll call vote taken.

Thomas Younger, Town Administrator, spoke on setting the tax rate public hearing for the future which will take place at the second selectmen's meeting in November for the future.

The following were also present: Members of the Board of Assessor's, Assistant Town Assessor, John Speidel and Dave Castellarin, Town Accountant

Selectman Strauss commented that for years there has been talk about changing the shift to take some burden off the business owners, which would mean you would have no choice but to put that burden on residents and that would be a deal breaker for him to changing the shift.

Selectman Dreeben suggested moving the taxes for commercial which would help the taxes for residents which will still be lower than the previous year.

Selectman Kessler asked if there was a way to play with the numbers to help the residents. Selectman Kessler commented he is afraid the Town is becoming unaffordable for a class of people that might like to live here.

Dave Castellarin, Town Accountant spoke on this year being a real year and with the properties values going up the residential rates are still going down which is positive

The Board of Assessors was present and spoke in agreement of the new proposed tax rate of \$17.15 for residential tax rate and \$31.73 for the new commercial tax rate.

Executive Session / First Executive Session:

The Board voted unanimously on a motion by Selectman Dreeben to open executive session to discuss strategy with respect to bargaining and or litigation if an open meeting may have a detrimental effect on the bargaining and or litigation position of the governmental body, to conduct strategy with respect to litigation in the LDA Agreement / Atlantic Crossing, seconded by Selectman Kessler. Roll call was taken.

Attending Executive Session was all Board Members, Attorney Pat Cantor, Attorney Jackie Cowin from Law Offices of Kopleman & Paige, P.C. (Town Administrator, Thomas Younger was not in attendance for Executive Session.

Open Discussion:

Member Martha Dansdill and Member Dr. Larry Block of the Swampscott Board of Health both spoke and gave an update on the Waste Reduction & Recycling Program.

Open Discussion:

Pete Kane, Town Planner spoke on a request from the Beautification Committee to be renamed to the Municipal Design Committee and revise their mission, description and memberships.

- *Selectman Kessler read aloud the new mission for the municipal design committee.*
- *Selectman Dreeben gave public feedback on the proposed new mission and description covers everything and she is pleased with the proposed changes.*
- *Selectman Strauss stated that trying to locate funding sources is great.*
- *The Board voted unanimously on a motion by Selectman Callahan approve the recommendation of Pete Kane, Town Planner on changing the name of the Beautification Committee to the Municipal Design Committee and to revise their mission statement, description and membership as attached, seconded by Selectman Kessler.*

Open Discussion: Mr. Thomas Younger, Town Administrator spoke on the Traffic Study Recommendations.

- Resident request from Belleair Drive for a stop sign to be installed at each end of the street. (Traffic Study recommends).
- Resident request to allow parking in front of her driveway located on Cherry Street, Swampscott, Mass (Traffic Study does not recommend).

Resident Trisha Malphrus commented that she was never informed this Traffic Meeting took place however; the meeting had been posted in accordance with the time frame needed to hold a meeting. Ms. Malphrus stated the police department is stating they are enforcing the parking however, Ms. Malphrus stated she does believe that is the case and would like to know when the enforcement is happening. Ms. Malphrus stated she was never informed that her handicapped street sign is not available to use during winter parking bans. Ms. Malphrus stated that Tony Lena's Sandwich Shop has been allowed to have their customer's park on the sidewalk in front of their business with no enforcement from the Swampscott Police Department. Ms. Malphrus has stated about ongoing issues with Tony Lena's Sandwich Shop. Ms. Malphrus states that her vehicle will be 100% off the street so that any and all emergency vehicles are able to get by.

Selectman Naomi questioned the handicapped sign and why it was not able to be used in the winter for overnight parking in the winter

Selectman Strauss suggested that Ms. Malphrus apply for a parking waiver for the winter months. Selectman Strauss commented that if the Town would not allow parking in front of her driveway due to no space then everyone would have to follow the same rules during a winter parking ban. Selectman Strauss would like to hear more information from the Chief Madigan of the Swampscott Police Department and or the Traffic Study Committee.

Selectman Callahan asked how often the Traffic Study Committee meets and is there a resident on that committee.

The Board voted unanimously on a motion by Selectman Kessler to approve a residents request to allow parking in front of her driveway on Cherry Street during parking bans and winter storms, seconded by Selectman Callahan.

Open Discussion: LDA / Atlantic Crossing:

The following were present to answer any questions by the Board. Attorney Michael Callahan. Developer Phil Singleton, Builder Fred Schultz, Buyer of Lot#13, Sagan Realtors.

Outlined Points

Over view of the Zoning by Law amendment-approved at Town Meeting-Attorney Phil Singleton spoke on the following:

- No / limitations on the temple property # of stories on the temple district
- LDA—bedroom count has a limit/ no limitation number of stories.
- No plans submitted with the LDA
- Planning Board has no restrictions on design

- Plans were approved/ Building started.
- Issued an occupancy permit/ measured the house / found to be within the size by the Building Inspector who inspected the property / permit was issued.
- People like the design/ including the real estate agency.
- Attorney Michael Callahan gave a design to the Board
- Highest point is 4 feet.
- Apparently some members of the Board do not like the design
- Abutter letters are in support of the design.
- Differ in design is a service to the Town / very tasteful/ variety to the area.
- Like to resolve any concerns of the Town
- Have not done this intentionally
- Concerns should have been spoken up before not at the last moment.
- disappointed this is coming up at the last meeting
- Building Inspector was fine with the design

Attorney Michael Callahan proposed the following:

- Not to build anymore more homes like lot#13
- Payment to the Town for more than 3 bedroom --\$5K payment
- Taking the top of the home off is not an option –not a possibility – Builder Mr. Schultz spoke on this.
- Thanked the Town for signing the other agreement on the 4 bed room's homes, stated that his client's plan was to pay the Town with the sale/ proceeds from Lot13—which they will not be able to do if the Board stops the sale.
- Willing to make a payment to the Town in excess of the previous payment to the Town

Selectman's Comments:

Selectman Strauss asked Attorney Callahan if they had received two amendments from Town Council. Selectman Strauss asked if they are willing to sign the first amendment. Attorney Callahan stated at this time they financially could not agree to pay the first agreement without being able to continue with the sale of lot 13. Selectman Strauss stated that the Boards opinion was these agreements were two separate agreements. Selectman Strauss stated the two agreements need to stand alone, not tying them together. –the Board will discuss lot13. Sketch for lot13 was presented recently. Selectman Spathanas questioned on where is the original agreement and sketches.

Selectman Kessler was at Town Meeting and remembers the sketches presented were for one, two and three bedrooms. Selectman Kessler does not remember seeing or hearing anything about four bedrooms homes. Selectman Kessler stated that he lives close to the property and drives by daily and thinks if anyone thinks there is no difference referring to lot#13, is stretching that opinion.

Selectman Callahan commented that he was also at Town Meeting and believes that Town Meeting members along with himself thought these would be small unit homes for empty nesters, with not a lot of additions to the school system. Selectman Callahan commented he believes the now development has taken a course away from what Town Meeting wanted and voted on.

Selectman Dreeben commented that she believes her Board members have covered all questions and topics.

Attorney Callahan wanted to remind the Board that any decision on lot# 13 not only affects that particular lot but the rest of the lots.

See Below for motion to re-enter Executive Session: Other agenda business was done prior to Executive Session.

Discussion: Ambulance Contract / Location:

Chief Kevin Breen of the Swampscott Fire Department updated the Board on the proposal of Atlantic Ambulance to contract for two years with the Town for services which also include an approval of Atlantic Ambulance to be housed at the former Police Station on Burrill Street.

Selectman Strauss questioned and asked for clarity if the proposal was to house the Atlantic Ambulance in the former police station would it have to be part of the approved contract with Action Ambulance. Chief Breen stated there was no other place for them to go. Selectman Strauss questioned why this location of being housed at the former police station was not offered to other bidders. Chief Breen stated it was not on the table at that time.

Selectman Strauss stated he was surprised this use was never discussed with the Board earlier in negotiations with Atlantic Ambulance and feels the cart was put before the horse. Selectman Strauss asked what would happen after the six months stay and his concern is that this will end up being home to the Ambulance Company for a long time and does not agree with that.

Selectman Kessler stated he almost agreed with everything stated from Selectman Strauss on some of the above issue. Selectman Kessler agreed it can be a win for the Town having someone in the building that the Town has let deteriorate over time but wanted it clearly that it was only for six months.

Votes of the Board:

The Board voted 4 to 1 in favor on a motion by Selectman Kessler to approve Atlantic Ambulance to be housed at the former Police Station located on Burrill Street for only a six month stay, starting on January 1, 2015 through June 2015, included in motion the approval of the contract with Atlantic Ambulance to provide services to the Town starting on January 1, 2015 through December 2016, seconded by Selectman Spathanas. Selectman Strauss opposed the motion.

The Board voted unanimously on a motion by Selectman Spathanas to approve the population estimates for the 2015 Liquor Licenses in the Town as a population of 13, 787 per Town Clerk, Sue Duplin, seconded by Selectman Kessler.

Selectmen's Time:

Selectman Spathanas spoke on the recent breakfast with Santa held at the senior center which raised eight hundred dollars which will be donated to local children for toys.

Selectman Kessler spoke on his upcoming office hours. Selectman Kessler wished his Jewish friends and family happy holidays.

Selectman Kessler thanked Boy Scout Leader John Shiloh and acknowledge Mark Shiloh and Ethan Grant on receiving their badges. Selectman Kessler attended a Historical District meeting with neighbors and acknowledged how courteous & professional the committee was how and how they worked with the residents.

- Resident Trisha Malphrus insisted she be heard at this time on her concerns regarding the ice and pumping of water over the sidewalks in front of 338 Humphrey Street, it was stated by Ms. Malphrus that she slipped down the sidewalk about 20 feet.

Chairman Strauss explained the process of being heard at a Board meeting is supposed to play out regarding the proper procedure to be heard. Chairman Strauss stated to Ms. Malphrus there was a time for resident comment and she was not hear for that specified time nor did she acknowledged any many of the Board she wanted to be addresses until the present time.

Mr. Younger requested the Board give Ms. Malphrus her time to speak.

Ms Malphrus stated she had contacted the Town Departments including the DPW and the Building Department and stated her concerns were not met by any of these Departments.

Mr. Younger, Town Administrator did not agree with Ms. Malphrus statement that no one was helping or working with her concerns. Mr. Younger stated he has been in touch with the above Departments who have already been to the location and also informed Ms. Malphrus he would personally drive by the area after the meeting this evening.

Ms. Malphrus spoke on feeling like she was being treated disrespectful by the Chairman and commented that she would find out whom to voice her concerns with on how she was being treated.

Re-Enter Executive Session:

The Board voted on a motion by Selectmen Dreeben to re-enter executive session to continue discussion with respect to litigation in the LDA Agreement / Atlantic Crossing, Seconded by Selectman Spathanas. A roll call was taken –The Board would not be re-entering open session.

Adjournment:

The Board voted unanimously on a motion by Selectman Dreeben to adjourn meeting at 11:30PM seconded by Selectman Kessler.

Attest:

Maureen Shultz, Administrative Assistant