

MINTUES – SELECTMEN’S MEETING
MONDAY, FEBRUARY 22, 2106 AT 7:30 P.M.
MARSHFIELD TOWN HALL – SELECTMEN’S HEARING ROOM

Present: Matthew J. McDonough, Chairman, Stephen G. Robbins, Vice-Chair, Michael G. Bradley, Clerk, Rocco J. Longo, Town Administrator and Robert G. Galvin, Town Counsel

Mr. McDonough opened the meeting at 7:30 p.m. with the Pledge of Allegiance and announced that the meeting was being recorded by MCTV, reporters from the Mariner, WATD and other local media outlets and if anyone speaks, they may be recorded.

Town Administrator’s Report – Mr. Longo mentioned that he would be going to the Advisory Board meeting tonight for a little while and will return. Mr. Longo also stated that the letter that the Board had asked Town Counsel to draft has been sent to Mass Housing regarding the Bridal Path 40B project. Mr. Longo explained that the Board had voted to change the date of the elections from April 30th to May 10th and found out through Town Counsel that they need to have a special act of legislation. Mr. Longo commented that this could save the Town about \$10,000. Mr. Longo also discussed the transition process that is still ongoing in the Treasurer’s office and that the Board will hear more about it at their meeting next week when the Treasurer/Collector gives his report on Monday night. Mr. Longo indicated that the Town Assessor is looking at the PILOT program regarding the Marshfield Fairgrounds and that he will bring the Board up to date on that as well as some new proposed improvements to the GATRA program. Mr. Longo stated that they will be interviewing for a new payroll person this week so that the new Assistant Treasurer can move into her new position. Mr. Longo also mentioned that he will be attending a meeting this Friday morning with state legislators regarding antiquated laws and modernization.

Harbor Fire Bar & Grill – Application for Change of Manager and Change of Hours – Mr. McDonough announced that this was a posted public hearing and read the notice. Mr. McDonough then asked if there was anyone who wished to speak, asked them to raise their right hand and then he swore them in. Ms. Krystina Sheppard, the proposed new Manager appeared before the Board. Mr. McDonough asked Ms. Sheppard what is going on with the transfer and Ms. Sheppard indicated that the last manager didn’t work out so she has decided to take a more hands-on role at the restaurant and planned to be there at least 40 hours per week. Ms. Sheppard indicated that everyone at the restaurant is TIPS certified and that she is going to contact the Marshfield Police Department. Mr. Bradley asked if Ms. Sheppard had someone helping her and she indicated that Alan is helping her. Mr. McDonough inquired whether or not Ms. Sheppard had other restaurant relationships and Ms. Sheppard indicated that she was part-owner of a restaurant in Boston and also Harbor Fire and she intends to be more involved with the business now. Alan, the general manager of Harbor Fire spoke and mentioned that he had worked at the Fairview for 11 years and that he is helping Ms. Sheppard and they will be working together. Mr. McDonough mentioned that they want to change their hours and Ms. Sheppard stated that they want to change the hours for the winter season starting in October through the month of March- Monday through Thursday 3:00 pm. – 12:45 p.m. and Friday, Saturday and Sunday 11:30 am. – 12:45 p.m.; the summer hours will be April through September – Monday through Friday 11:00 a.m. – 12:45 p.m., Saturday and Sunday 8:00 a.m. - 12:45 p.m.

Mr. Robbins moved, seconded by Mr. Bradley to approve the Change of Manager at Harbor Fire Bar & Grill from Lindsey Disch to Krystina Sheppard. The vote was unanimous. Mr. Robbins moved seconded by Mr. Bradley to approve the proposed winter hours Monday through Friday 3:00 p.m. . – 12:45 p.m., Saturday and Sunday 11:30 a.m. – 12:45 pm. and proposed summer hours Monday through Friday 11:00 a.m. – 12:45 p.m. and Saturday and Sunday 8:00 a.m. – 12:45 p.m. The vote was unanimous.

Oceanview Grille at the Fairview Inn – Application for Innholders Annual All Alcohol Restaurant License, Entertainment License and Common Victualler License – Attorney DeLisi and John Davis appeared before the Board. Attorney DeLisi introduced Mr. Davis and mentioned that Julio Lazzarini would be the Executive Chef and Jenny Lazzarini would be the Assistant Manager. Attorney DeLisi gave a history of the Fairview and an update on the renovations to the restaurant, guestrooms and outside areas. Attorney DeLisi also mentioned someone had sent a flyer around town with misinformation indicating that Mr. Davis planned to change the restaurant to a night club. Attorney DeLisi stated that Mr. Davis plans to open an

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upscale waterfront restaurant with award winning employees. Attorney DeLisi commented that they would have music on the speakers that are already on the patio until 7:00 p.m. and there will never be any live entertainment on the patio and that after 9:30 there will be no customers on the patio. Attorney DeLisi mentioned that Mr. Davis planned to have entertainment inside from 4:00 – 12:00 p.m. Attorney DeLisi then mentioned that they just dropped off information today regarding an agreement with Arthur & Pats to utilize their parking lot for the parking of cars for the restaurant and Inn. Attorney DeLisi also mentioned that he had met with the Police Chief and that he was satisfied with the background check and financial background check and that all staff would be TIPS certified. Attorney DeLisi also stated the fact that the ABCC does inquiries and investigations of all applicants. Mr. Davis explained that he had been introduced to the property by a broker and that he had never been to Marshfield before. Mr. Davis explained the renovating that he had been doing to the property recently. Mr. Davis also mentioned that he had no plans to turn the establishment into a night club and stated that he plans to have an upscale restaurant and that he has an agreement with Arthur & Pat’s for parking. Mr. Davis also mentioned that he was considering doing lighter fare inside from 9:30 p.m. – 12:00 a.m. Mr. Davis then discussed in detail his plans for valet parking Attorney DeLisi then discussed the information included in Exhibit 10 of the information that was dropped off this afternoon. Exhibit 10 contained a proposed menu and introduced the proposed Executive Chef Julio Lazzarini and his wife Jenny. Mr. and Mrs. Lazzarini described their professional experience.

Mr. McDonough mentioned to everyone in attendance that the Board needs to look at first, the public convenience and second, the suitability of the applicant. Mr. McDonough asked Attorney DeLisi about his remark that the application mirrors the prior use of the license and Attorney DeLisi explained that the first thing he did was pull the prior licenses to check the hours but he knew the Board could modify the hours. Mr. Stephen McNulty of 370 Careswell Street stated that his son used to be a busboy there and he used to pick him up at 10:30 p.m. and indicated that the Fairview was open at least until 11:30 p.m. Mr. Robbins mentioned that a lot of people had called him and stated that they wanted the restaurant to remain exactly the same as the previous restaurant. Mr. Davis said that he wants his restaurant to be a good fit and he wasn’t looking to sell buckets of beer. Mr. Robbins also noted that employees didn’t park their cars at the restaurant and that he has had barely enough time to look at the new information that was dropped off today with parking plan. Mr. Robbins asked Chief Tavares if he had any idea how many cars could be parked at the restaurant. The Chief explained that a few years ago there was an arrangement made with the restaurants in the area to use the parking lot on Dyke Road because it is empty at night and they issued parking permits for the employees at night. Chief Tavares also explained that the parking lot off Driebeek Way will be expanded for more cars as well. Mr. Robbins asked the Chief and he confirmed that the parking lot at Arthur & Pat’s was larger. Mr. Bradley asked Mr. Davis what he would do if someone tried to buy Arthur & Pat’s and Mr. Davis claimed that he would buy it. Mr. Bradley asked if Mr. Davis intended to have any weddings and banquets at the restaurant and Mr. Davis said that he would not be advertising to have either at the establishment. Mr. McDonough said that he had concerns with Mr. Davis’s finances according to what was on the application for spending. Mr. Davis indicated that the application was updated today with new numbers. Mr. McDonough expressed the fact that he was unable to look at the update as it was sent in this afternoon. Mr. McDonough indicated that he didn’t see a budget for employees especially high quality chefs and also questioned the new lease that was submitted today. Attorney DeLisi explained that the new lease does not include a pledge of the liquor license and that this lease is for two years and then Mr. Davis will buy the property. Attorney Bob Barrett spoke and said that he represents the owner of the property and that they are giving Mr. Davis a couple of years so that he will be able to buy the property. Mr. Andrew Zona of Ocean Street stated that he thought the opening of the restaurant is a win for the Town. Ms. Dee D’Alessandro of Damon’s Point Road also spoke in favor of the restaurant reopening. Mr. Michael Harrington of 122 Outlook Road noted that the restaurant has been there for well over 40 years and everyone thought highly of it. Mr. Phil Cincotti of 120 Ocean Street indicated that he never saw cars after 10:00 p.m. and that the Disches were very good neighbors and took care of any parking problems that arose on any night. Mr. Cincotti also stated that he opposed a late night closing. Mr. Cincotti also alluded to the fact that Mr. Davis is a contractor and he should have been able to give cost numbers on his application and wanted to know what would happen if Mr. Davis is wrong on the amount of the costs. Elizabeth Kirwan of 42 Ocean

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Street expressed concern with late closing and people drinking and speeding down the street. Mike Savage of 137 Ocean Street commented that there were never any late night issues with the Disches and that he thinks this is a shell game and mentioned some failed business ventures that Mr. Davis had in the past. Mr. Tim McAlarney of 60 Ocean Street and Mr. Bob Travis of 50 Ocean Street expressed concerns with the valet parking especially during rush hour. Chief Tavares explained that there have been problems in the past with the valet parking and cars backing up but over the years they have only had 7 complaints at the Police Department. Dan Bowen of 77 Ocean Street asked about the amount of spaces at the restaurant and Attorney DeLisi stated that there were 58 spaces. Mr. Scott Swain of 21 Bradford Street mentioned that he had children and was concerned about noise. Dan Bowen asked if the parking was a zoning issue and if it had been addressed and Town Counsel said if there were any complaints with parking then people need to contact the Zoning Officer in the Building Department. A few other neighbors also expressed concerns about parking and late night hours. Ms. Jenn Lazzarini mentioned that all the employees would be TIPS trained as they know they are liable and that she and her husband have over 20 years of experience and are not here to disrupt the neighborhood. John Hanniford of 11 Bradford Road mentioned that he never had a problem when the Disches ran the business and that Mr. Disch used to close the kitchen at 9:00 p.m. Linda Cincotti of 120 Ocean Street mentioned that the homes are very close together there and that they want to make sure that they can trust the way the establishment will be run. Ms. Cincotti also mentioned that the parking lot at Arthur & Pats tends to flood often. Tobey Woodworth of 31 Bradford Street expressed concerns about the finances and the neighborhood. Linda Mehegan of 111 Ocean Street was concerned about entertainment.

Mr. McDonough stated at 9:30 p.m. that he would like to take a break for Mr. Tom Miller, Business Manager for the School Department to vote on the MSBA Statement of Interest Forms to accelerate repairs.

Vote on Submittal of MSBA Statement of Interest Forms for Furnace Brook Middle School and Martinson Elementary School Roof Replacements - Mr. Robbins moved, seconded by Mr. Bradley the following vote: Resolved: Having convened in an open meeting on 2/22/2016, prior to the closing date, the Board of Selectmen of the Town of Marshfield in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated 2/12/2016 for the Furnace Brook Middle School located at 500 Furnace Street which describes and explains the following deficiencies and the priority category for which an application may be submitted to the Massachusetts School Building Authority in the future for the replacement of roofing systems and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town filing an application for funding with the Massachusetts School Building Authority. The vote was unanimous.

Mr. Robbins moved, seconded by Mr. Bradley the following vote: Resolved: Having convened in an open meeting on 2/22/2016, prior to the closing date, the Board of Selectmen of the Town of Marshfield in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated 2/12/2016 for the Martinson Elementary School located at 257 Forest Street which describes and explains the following deficiencies and the priority category for which an application may be submitted to the Massachusetts School Building Authority in the future for the replacement of roofing systems and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority. The vote was unanimous.

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The Board then returned to the discussion on the Oceanview Grille at the Fairview Inn. Mr. Davis explained that for entertainment inside he would just have solo artists or duets and he was not looking to bring in any bands. Mr. Davis also stated that he already has reservations for guest rooms. Attorney DeLisi then explained that if there are any violations, the Board has the right to bring Mr. Davis in for a hearing and can suspend or revoke his license. Attorney DeLisi also mentioned that he saw a historical picture of the Fairview before there were homes around it and that they will try to address all the issues of the neighbors. Attorney DeLisi mentioned that Mr. Savage had sent a flyer around town that said that the Inn was going to be a night club which isn't true, the financials are estimates and that it is up to the ABCC to investigate everything. Attorney DeLisi mentioned that if there were tax problems, then Mr. Davis's CPA will have to take care of it. Attorney DeLisi said he thought the neighbors should give Mr. Davis a chance. Mr. Davis said he is going to be the Manager and live on the premises. Mr. McDonough mentioned that he had received a lot of calls and comments about this and that the Disches did not build trust up overnight. Mr. McDonough said that he used to go to the Fairview and he knows that they used to close early and he is reluctant to have the restaurant operate until 12:45 p.m. Mr. Robbins also said he thought it was too late and questioned the financials. Attorney DeLisi indicated that Mr. Davis is using his own savings. Mr. Bradley also mentioned that the Disches had a great operation and Mr. Davis is a builder although he does have well qualified people working with him. The Board then discussed the hours and Chief Tavares mentioned that all liquor has to stop at any restaurant by 12:45 a.m. and patrons out by 1:15 a.m. Mr. McDonough then read through the entertainment application. The Board discussed the hours and entertainment further and then voted. Mr. Robbins moved, seconded by Mr. Bradley that the public convenience, need and good is served by issuance of an all alcohol innholders common victualler on premises license and that it be issued to the applicant because the premises have a long history of use as a licensed establishment with an appropriate person in charge and is an appropriate type of establishment for this neighborhood, the location is suitable and the applicant has proposed a suitable type of establishment for this neighborhood. Hours of operation to be Sunday 9:00 a.m. – 11:00 p.m., Monday, Tuesday and Wednesday 11:00 a.m. – 11:00 p.m., Thursday, Friday and Saturday 11:00 am. - 11:30 p.m. The vote was unanimous.

Mr. Robbins moved, seconded by Mr. Bradley to approve Mr. John Davis as Manager of the Oceanview Grille at the Fairview Inn. The vote was unanimous.

Mr. Robbins moved, seconded by Mr. Bradley to approve the entertainment license for Oceanview Grille at the Fairview Inn subject to the following conditions recorded or live music allowed inside Thursday, Friday and Saturday 9:00 p.m. until 11:00 p.m., Sunday 10:00 a.m. – 10:00 p.m., no disc jockey's except for wedding events, no live music outside on deck at any time and only recorded music outside til 7:00 p.m., television allowed inside until closing. The vote was unanimous.

New Appointment to Capital Budget Committee – Mr. Robbins mentioned that he had received the application from Dean Scribner and that Mr. Scribner has extensive knowledge of finances and he highly recommends him to the Capital Budget Committee. Mr. Robbins moved, seconded by Mr. Bradley to appoint Dean Scribner to the Capital Budget Committee. The vote was unanimous.

Create and Appoint Drug Task Force Committee – The Board discussed the Drug Task Force Committee and the fact that they would like to have 7 members on the Committee for three year terms and that he would like to have representatives from the Board of Health, medical professionals, local business owners, fire department, school, clergy and local residents. Mr. Robbins moved, seconded by Mr. Bradley to appoint a Drug Task Force Committee with two members to be appointed for one year, two members to be appointed to two years and three members to be appointed to 3 years. The vote was unanimous.

Acceptance of Minutes - Mr. Robbins moved, seconded by Mr. Bradley to approve the minutes of February 1, 2016. The minutes of January 25, 2016 were not done. The vote was unanimous.

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Executive Session – Mr. Robbins moved, seconded by Mr. Bradley at 10:45 p.m. to go into Executive Session for the purpose of discussion of contract negotiations for the cable contract in which an open session might have a detrimental effect on the negotiating body and to conduct contract negotiations with non-union personnel and not to reconvene into open session. The vote was unanimous. Mr. Robbins – aye, Mr. McDonough – aye, Mr. Bradley – aye.

There were no votes taken in Executive Session.

Respectfully submitted,

Beverly Wiedemann

Documents and exhibits presented at this meeting were the following: application for Changer of Manager at Harbor Fire Bar and Grill and application for Change of Hours at Harbor Fire Bar and Grill, application for Oceanview Grille at the Fairview Inn for Innholders Annual All Alcohol Restaurant License, Entertainment License and Common Victualler License with all supporting documentation, email and supporting documentation for submittal of MSBA Statement of Interest Forms for Furnace Brook and Martinson schools, letter and resume from Dean Scribner for the Capital Budget Committee, minutes of January 25, 2016 and February 1, 2016.