

MINUTES – SELECTMEN’S MEETING

Monday, June 12, 2017

Selectmen’s Hearing Room

Present: Michael G. Bradley, Chairman; James J. Fitzgerald; Joseph E. Kelleher; and Rocco J. Longo, Town Administrator

Mike Bradley opened the meeting at 7:00 p.m. and announced that the meeting is being recorded by MCTV.

Ben Sleeper – Eagle Scout Project – Ben Sleeper appeared before the Board and described his Eagle Scout project which involves building a kiosk with signage and trail map at the bridle path behind CVS. Mr. Bradley asked Ben when he hopes to have the project completed. Ben said that he would like to start on June 24 and have the kiosk completed by July 14. Ben showed the Board a model of the kiosk that he plans to build. Jim Fitzgerald said that he met with Ben and he is very well organized and has a well thought out plan for this project. The Board thanked Ben for the information and invited him to come to a future meeting with an update when the project is completed.

Town Administrator Report – Rocco Longo announced that he intends to retire in February 2018. Mr. Longo said that he is making this announcement now in order to give the Board plenty of time to do their search for a replacement, and also so that his position would not impede the Charter Review process in any way. Mr. Longo added that Marshfield has been a great place to work and said that over the past nine years he has worked with many great selectmen and department heads. The Board thanked Mr. Longo for his dedication over the years and said that they look forward to continuing to work with him for the next eight months.

The Fairview Inn LLC dba Fairview Inn and Restaurant – Application for Innholder All Alcohol License, Common Victualler License and Entertainment License – Mike Bradley opened the public hearing at 7:10 p.m. Attorney Edward Fleming appeared before the Board with Jack and Robert Clancy and Robert Pruett. Mr. Fleming said that he is aware of the issues that have occurred with the previous tenant and said that this is a very different venture and they have been working with the neighbors to ensure that there are no issues. Mr. Fleming gave some background on the Clancys and the history of the Fairview Inn, and outlined their plans for the restaurant including parking and valet service. Mr. Fleming introduced Robert Pruett, the proposed Manager of the restaurant and gave some details on his background and qualifications. Mr. Fleming noted that Arthur D’Allesandro will be the Executive Chef and Elizabeth Bruce will be the Assistant Manager of the Restaurant and will manage the Inn, and noted that every member of the staff will be familiar with the Rules and Regulations for a Pouring License and will be TIPS trained. Mr. Fleming said that the Clancys understand the concerns of the community and have met with the neighbors to discuss issues such as hours of operation, parking, and trash and recycling. The hours being requested are Monday through Saturday from 11:30 a.m. until 11:30 p.m. and Sunday from 9:00 a.m. until 11:30 p.m., no patrons will be seated after 9:00 p.m. and the kitchen will close at 10:00 p.m. Entertainment will consist of small 1-3 piece bands and will end by 10:00 p.m., except during private events and weddings. Entertainment on the outside deck will consist of recorded background music and will end at 8:00 p.m. Mr. Fleming distributed a copy of Conditions of Approval that were developed by the applicants after meeting with the neighbors, as well as a copy of Mr. Pruett’s resume.

Jim Fitzgerald said that Mr. Fleming answered most of his questions, and asked when they plan to open. Mr. Clancy said that they hope to open on June 23, 2017 as a BYOB restaurant until the license is approved. Joe Kelleher asked if the proposed hours are different from what the old Fairview had. Mr. Clancy said that the previous tenant had a license to serve until 12:45 a.m. but chose to close at 10:00 p.m. in more recent years. Jim Fitzgerald said that the State requires that licensees be allowed to operate between the hours of 11:00 a.m. and 11:00 p.m., the licensing authority can extend these hours but cannot limit them. Mike Bradley opened the hearing for public comment at 7:40 p.m.

Peter Mundt, Island Street, spoke in support of granting this license and said that it is a beautiful building and the management clearly has a good business plan.

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Bud Duksta, Shawmut Avenue, spoke in support of granting this license.

Michael Savage, Ocean Street, thanked Mr. Fleming for the outreach he has done and said that he wants the Fairview to fit in the neighborhood. Mr. Savage spoke about the hours of operation and said that the previous owners closed at 10:00 p.m. and he feels that this owner should do the same so as not to negatively affect the quality of life in the neighborhood. Mr. Savage added that the neighbors had requested that no one be seated on the deck after 9:00 p.m. and that patrons must be seated at a table in order to be served a drink. Mr. Savage asked what happens if the offsite parking lot is sold in the future. Mr. Savage said that he is not opposed to the restaurant, but is concerned about it fitting into the neighborhood.

Mr. Fleming said that they are in agreement that alcohol will only be served to patrons seated on the deck and that no additional patrons will be seated on the deck after 9:00 p.m. Mr. Fleming added that he feels they have already made a significant concession by rolling the hours back to 11:30 p.m. Jim Fitzgerald said that this is somewhat of a self-regulating thing, if there is no late night business they will start to close earlier as the previous owners did. Joe Kelleher said that the ZBA issued a decision on parking in 2000. Jim Fitzgerald agreed that parking has been addressed and is not an issue for the Board of Selectmen.

Joe McDonald, Waterman Avenue, said that parking is a disaster in the esplanade area.

Femion Mezini said that he supports the restaurant but noted that he was not paid for work that he did in the building for John Davis, Mr. Mezini said that there are attachments on the property and asked if the Selectmen would make payment of past debts a condition of the license. Mike Bradley said that this is a civil matter that the Board of Selectmen cannot get involved in. Mr. Mezini asked if Mr. Davis received any compensation from the Clancys. Mr. Fleming said there was no compensation that he is aware of.

Margaret Ramoska, Bradford Street, said that she still has concerns about the hours of operation and said that she has a list of other restaurants in the area and their hours of operation. Mr. Bradley said that he is familiar with the hours of other restaurants and said that this restaurant is not bound by the hours of another business. Jim Fitzgerald reiterated that they cannot mandate a restaurant to close before 11:00 p.m.

George Ramoska, Bradford Street, asked how many hours Mr. Pruett will be on the premises each week and asked if he is still going to be working full time at the White Elephant in Nantucket. Mr. Pruett said that he will be at the restaurant 40 hours per week and will be working at the White Elephant on Fridays, Saturdays and Sundays. Jim Fitzgerald asked who would be managing the liquor license on the weekends when Mr. Pruett is at his other job. Mr. Pruett said that TIPS certified support staff, including Liz Bruce and Arthur D’Allesandro will run the operation when Mr. Pruett is not there, and noted that he will be responsible and on call at all times. Mr. Pruett added that the job on Nantucket is just for the summer and he will be at the Fairview full time starting in September.

Linda Cincotti, Ocean Street, said that she has had a good experience being a neighbor to the Fairview for the last 15 years and hopes that the same atmosphere will be kept. Ms. Cincotti added that there is still a parking problem that the valet service does not solve.

Dan Bowen, Ocean Street, said that there are instances where the back-up waiting for valet is so bad on Ocean Street that emergency vehicles would not be able to get through.

Mr. Fleming said that they have hired a professional valet service as opposed to hiring local teens to do the parking as was done by the previous owner, and they will be monitoring patrons who self-park to ensure that they are not parking in areas where they shouldn’t be.

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Tobey Woodworth, Bradford Street, said that valets bringing cars into the esplanade to park at the offsite lot will cause major traffic issues in that area. Mr. Woodworth also said that Bradford Street is need of repair and asked if paying for the repairs to Bradford Street can be made a condition of the license. Mr. Bradley said that this cannot be done and added that this is an issue that needs to be taken up with the Department of Public Works. Jim Fitzgerald reminded everyone that parking is not under the purview of the Board of Selectmen and was already approved by the Zoning Board of Appeals in 2000.

John Handfield, Bradford Street, asked if Mr. Pruett is a full time employee at the White Elephant and also asked what happens if the offsite parking lot is sold. Joe Kelleher said again that issues with parking need to be addressed with the Zoning Board of Appeals.

Mike Bradley closed the public comment portion of the hearing at 8:20 p.m.

Jim Fitzgerald said that he understands that it is hard to co-exist with a commercial property in a neighborhood, but it is clear that the Clancys are trying to address all of the concerns that they can while still ensuring a viable business operation and said that they have done a great job with the conditions to address the concerns of the neighbors. Mr. Fitzgerald added that he does not like the Manager of Record not being on site on the weekends, but is willing to bend his rules since it is a temporary situation.

Mike Bradley moved, seconded by Jim Fitzgerald, to close the deliberations at 8:25 p.m. The vote was unanimous.

Mike Bradley moved, seconded by Jim Fitzgerald, to grant the Innholder All Alcohol License for The Fairview Inn LLC dba Fairview Inn and Restaurant subject to the conditions of approval and hours submitted by the applicant. The vote was unanimous. Mike Bradley moved, seconded by Jim Fitzgerald, to grant the Common Victualler License subject to the conditions of approval. The vote was unanimous. Mike Bradley moved, seconded by Jim Fitzgerald, to grant the entertainment license subject to the conditions of approval. The vote was unanimous. Mike Bradley moved, seconded by Jim Fitzgerald to grant a license for entertainment on Sundays subject to the conditions of approval. The vote was unanimous.

Vote to Accept Conservation Restriction – 32.4 Acres Off Union Street – Karen O’Donnell appeared before the Board and gave the Board two copies of the Conservation Restriction for signatures. Mike Bradley moved, seconded by Jim Fitzgerald, to approve the Conservation Restriction from the Town of Marshfield Conservation Commission to Wildlands Trust Inc., pursuant to Section 32 of Chapter 184 of the General Laws of the Commonwealth. The vote was unanimous.

Agreement with Public Employees Committee (PEC) – Mr. Longo told the Board that the PEC reached an agreement with the Town on the changes in the benchmark plan and said that he will bring the agreement back to a future meeting for signatures.

Harbormaster Appointments – Mike Bradley read through the list of candidates for reappointment as Harbormaster, Assistant Harbormaster and Shellfish Constable as follows:

- Michael DiMeo – Harbormaster and Shellfish Constable
- Robert Coakley – Senior Assistant Harbormaster and Assistant Shellfish Constable
- John Toomey – Admin. Assistant Harbormaster and Assistant Shellfish Constable
- Robert Hayes – Assistant Harbormaster and Assistant Shellfish Constable
- Richard Rodwell – Operations Assistant Harbormaster and Assist. Shellfish Constable
- Assistant Harbormasters: Zachary Culbert, Jacob Moore, Jacob Davis, John Doyle, Andrew Briere, Eli Ditullio, Mark Hurley and Stephanie Robbins
- Assistant Shellfish Constable: Michael Bearce (Scituate Assistant Harbormaster)

Mike Bradley moved, seconded by Jim Fitzgerald, to make these reappointments as requested for one year terms expiring on June 30, 2018. The vote was unanimous.

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Annual Reappointments – Mike Bradley read through the list of people requesting reappointment to Boards and Committees as follows:

Advisory Board – Donald McAleer, Yvonne Price, and Joanne Caulfield
Agricultural Commission – Carleton Chandler, Annie Massed, Karen Vieira, and Robert Dougherty
Airport Commission – Brian Stronach
Board of Appeals – Brian Murphy, Lynne Fidler, Francis Hubbard
Capital Budget Committee – Lisa Westgate and William Last
Community Preservation Committee – Bert O’Donnell and Kevin Cantwell
Council on Aging – Paul Winget
Cultural Council – Anna Baker
Energy Committee – Gia Lane and James MacDonald
Historical Commission – Brendan Coyne, Norma Haskins, Michele Campion and James O’Gara
Open Space Committee – J. Chadwick Haitisma and Vicki McPherson
Trustees of Ventress Memorial Library – James O’Gara and Wallace Coyle

Mike Bradley moved, seconded by Jim Fitzgerald, to make these reappointments for three year terms expiring on June 30, 2020. The vote was unanimous.

The meeting was adjourned at 8:40 p.m. There was no executive session held.

Respectfully submitted,

Catherine Burke

The following documents and exhibits were presented at the meeting: information regarding Eagle Scout project submitted by Ben Sleeper; applications for Innholder All Alcohol License, Common Victualler License and Entertainment and accompanying information for The Fairview Inn LLC dba Fairview Inn and Restaurant; copy of conservation restriction for property off Union Street; Agreement with Public Employee Committee; letter from Harbormaster regarding reappointments; letters from people requesting reappointment to Boards and Committees.