

## **MINUTES – SELECTMEN’S MEETING**

**Monday, February 25, 2019**

**Town Hall, Selectmen’s Hearing Room**

Present: James J. Fitzgerald, Chairman; Joseph E. Kelleher; Michael G. Bradley; Michael A. Maresco, Town Administrator

Jim Fitzgerald opened the meeting at 7:00 p.m. and announced that the meeting is being recorded.

Town Administrator Report – Michael Maresco provided the Board with his brief as follows:

- February 13<sup>th</sup> – met with Ned Bangs regarding recreation trail kiosks and other work on the trails
- February 13<sup>th</sup> – met with Jim Folkard and Fred Russell regarding issues at the Alamo storage facility
- February 13<sup>th</sup> – began process of annual reviews with personnel bylaw employees
- February 14<sup>th</sup> – fiscal team meeting
- February 14<sup>th</sup> – weekly meeting with Fred Russell regarding ongoing projects
- February 15<sup>th</sup> – met with Keith Polansky regarding budget numbers
- February 15<sup>th</sup> – continued annual reviews with personnel bylaw employees
- February 19<sup>th</sup> – held department head meeting, Joe Rossi did a presentation on CRS
- February 19<sup>th</sup> – met with Patrick Dello Russo and Jon Nash regarding fraud protection
- February 20<sup>th</sup> – met with Chief Hocking, Chief Tavares and Lt. Shaw on emergency services radio upgrade project
- February 20<sup>th</sup> – met with resident regarding Town government process
- February 21<sup>st</sup> – met with Fred Russell regarding issues with the library roof
- February 21<sup>st</sup> – attended Capital Budget meeting and Capital Project Building Committee meeting
- February 22<sup>nd</sup> – continued annual reviews with personnel bylaw employees
- February 25<sup>th</sup> – met with Bill Grafton, Rod Procaccino and Charlie Swanson regarding MOU for Rt. 139 culvert project
- February 25<sup>th</sup> – met with Chief Hocking regarding Fire Department maintenance budget.

Reestablishment of ADA Committee – Michael Maresco gave some details on the history of the ADA Committee in Marshfield and said that there is not currently an active committee. Mr. Maresco recommended that the committee be reestablished. After a brief discussion, Jim Fitzgerald moved, seconded by Joe Kelleher, to solicit applications for a new ADA Committee. The vote was unanimous.

The Jetty – Application for Temporary Extension of Licensed Premise – Jim Fitzgerald read the letter from Richard Vaughan requesting permission to serve alcohol in a barricaded portion of their parking lot on Saturday March 16, 2019 and Sunday March 17, 2019 from 8:00 a.m. until 7:00 p.m. Mr. Kelleher noted that the Board has received a positive recommendation on this request from Police and Fire. Jim Fitzgerald moved, seconded by Joe Kelleher, to approve this request. The vote was unanimous.

MBTA Advisory Board Representative – Jim Fitzgerald read the email from the MBTA Advisory Board asking the Board of Selectmen to appoint a representative to the Advisory Board. Jim Fitzgerald noted that Greg Guimond has volunteered to continue serving in this role. Jim Fitzgerald moved, seconded by Joe Kelleher, to appoint Greg Guimond as the Town of Marshfield’s representative on the MBTA Advisory Board for a 3 year term expiring on June 30, 2021. The vote was unanimous.

Hola – Transfer of All Alcohol and Common Victualler License and Application for Entertainment License – Jim Fitzgerald read the public notice regarding this hearing into the record and swore in all parties interested in speaking. Attorney Anthony Provenzano appeared before the Board and gave them a copy of a sample menu and resume for Thomas Coleman. Mr. Provenzano introduced Maureen and Thomas Coleman and said that Mr. Coleman will be the manager. Mr. Coleman gave some details on his background and experience in the restaurant industry and his plans for the new restaurant. After a brief discussion, Jim Fitzgerald moved, seconded by Joe Kelleher, to transfer the annual all alcohol restaurant license from Max & Frieda’s Inc. dba Hola to KMO Restaurant Group Inc. dba Liv Creative Cuisine. The vote was unanimous. Jim Fitzgerald moved, seconded

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by Joe Kelleher, to transfer the annual common victualler license from Max & Frieda’s Inc. dba Hola to KMO Restaurant Group Inc. dba Liv Creative Cuisine. The vote was unanimous. Jim Fitzgerald moved, seconded by Joe Kelleher, to grant an annual entertainment license to KMO Restaurant Group Inc. dba Liv Creative Cuisine. The vote was unanimous.

Jim Fitzgerald took a moment before moving to the next agenda item to note the recent passing of former Selectman William “Bud” Francis. Mr. Fitzgerald said that Mr. Francis was a great friend and a great asset to the Town who will be missed by many and offered his condolences to the Francis family

Review of Annual and Special Town Meeting Warrants – Michael Maresco noted that Steve Guard is in attendance to answer any questions regarding Article 22 in the ATM warrant. Mr. Guard appeared before the Board and gave some details on this article which asks the Town to accept a conservation restriction on approximately 5 acres of land owned by Quirk Automotive on Plain Street. Mr. Guard noted that this article is supported by the Planning Board and the Zoning Board of Appeals and said that the Conservation Commission would hold the Conservation Restriction. Jim Fitzgerald said that he does not believe the Conservation Commission can hold the restriction and said that it would need to be controlled by a private non-profit. Mr. Fitzgerald said that he would want to get an opinion on this from Town Counsel before voting on this article.

Annual Town Meeting Warrant:

Article 1 – Reports from town officers and committees. No questions from BOS

Article 2 – Set compensation for elected officials. No questions from BOS

Article 3 – FY2020 operating budget. No questions from BOS

Article 4 – FY2020 capital budget. No questions from BOS

Article 5 – Revolving fund bylaw. No questions from BOS

Article 6 – FY2020 collective bargaining agreement funding. No questions from BOS

Article 7 – Personnel Bylaw. No questions from BOS

Article 8 – Chapter 90. No questions from BOS

Article 9 – Cemetery plot buyback. No questions from BOS

Article 10 – Age-Restricted Adult Village Bylaw. No questions from BOS

Article 11 – Open Space Residential Development Bylaw. No questions from BOS

Article 12 – Sign Bylaw. No questions from BOS

Article 13 – Waterways Bylaw. No Questions from BOS

Article 14 – Texas Street land sale. No questions from BOS

Article 15 – Community Preservation Fund. No questions from BOS

After a brief discussion, Jim Fitzgerald moved, seconded by Joe Kelleher to support Articles 1-15 on the Annual Town Meeting warrant. The vote was unanimous.

ATM Petition Articles:

Article 16 – Dog Waste. Jim Fitzgerald read the article into the record. Mr. Fitzgerald questioned the ability of the Town to enforce this bylaw.

Article 17 – Sale of Alcoholic Beverages under 200 ml. Jim Fitzgerald read the article in to the record. Mike Bradley questioned whether the Town has the right to ban something that is allowed by the ABCC.

Article 18 – Community Choice Aggregation Resolution. Jim Fitzgerald questioned why this is called a resolution if it is an article and suggested that the word resolution be eliminated from title. Dave Carriere, Outlook Road, said that this is something that should be on a ballot since it is an opt-out as opposed to an opt-in program. Jim Fitzgerald said that in his opinion the article needs some fine-tuning.

Article 19 – Community Choice Aggregation Legislation. Jim Fitzgerald said that this article also needs some work.

Article 20 – PEG Access. Jim Fitzgerald read the article into the record. Michael Maresco gave a brief explanation of this article. Patrick Dello Russo gave some details on the budgeting process for this article. Jim Fitzgerald questioned if this article should come from the Town rather than a petition article. Jim Fitzgerald said that he needs more information before voting on this article.

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Article 21 – Establishment of PEG Access and Cable Related Fund. Jim Fitzgerald said that he has the same issues with this article as with Article 20 and noted that these articles are out of order; article 21 should be voted before article 20.

Article 22 – Conservation Restriction. Mr. Fitzgerald noted that this is the article that Steve Guard explained to the Board earlier in the evening and said that he would like an opinion from Town Counsel on who would hold the conservation restriction.

Article 23 – South Shore Community Action Council. Jim Fitzgerald said that this article is funded in the budget and moved, seconded by Joe Kelleher, not to support this article. The vote was unanimous.

Special Town Meeting Warrant:

Article 1 – Unpaid bills. No questions from BOS

Article 2 – Emergency repairs to highway garage roof. No questions from BOS

Article 3 – Capital outlay. No Questions from BOS

Article 4 – Transfer of unexpended capital funds. Patrick Dello Russo gave some details on the reason for this article. Jim Fitzgerald said that the table should include what town meeting article the funds were originally voted in.

Article 5 – Transfer of unexpended general funds. Jim Fitzgerald said that this table should also include town meeting dates and article numbers.

Article 6 – General Ledger Chart of Accounts. Patrick Dello Russo gave a brief description of this article. Jim Fitzgerald said that this article needs a better explanation.

Article 7 – Assessor’s inspections. Michael Maresco gave a brief explanation of the reason for this article. There were no questions from the BOS

Article 8 – Harbormaster facility staffing. No questions from BOS

Article 9 – Design of new DPW facility. No questions from BOS

Article 10 – Design of new Police facility. No questions from BOS

Article 11 – Debt service reserve fund. Jim Fitzgerald said that there needs to be a policy on prepaid debt and said that this should not be done without a policy. Michael Maresco said that he thought there was a policy in place.

Article 12 – FY2019 collective bargaining agreement funding. Jim Fitzgerald asked if this article is different from Article 6 in the ATM. Patrick said that Article 6 is for FY20 and this is for FY19. After a brief discussion, Jim Fitzgerald said that he wanted to table a vote on this until he has more information.

Article 13 – Contract funding. Jim Fitzgerald said that he is not in favor of creating a fund for future negotiations.

Article 14 – Amendment to personnel bylaw. Michael Maresco said that this change is to keep it consistent with the union contracts. No questions from the BOS

Article 15 – Limit on number of marijuana establishments. No questions from BOS

Article 16 – Enterprise Park easements. Michael Maresco gave some details on this article. No questions from the BOS

Article 17 – Transfer from Enterprise Funds. No questions from the BOS

Article 18 – Seawall repairs. No questions from the BOS

Article 19 – Couch cemetery columbariums. No questions from BOS

Article 20 – Dog Park petition article. Michael Maresco said that this article will be withdrawn on town meeting floor.

Jim Fitzgerald moved, seconded by Joe Kelleher, to support STM articles 1-19, excluding articles 12&13. The vote was unanimous.

VRT Corp. Host Agreement – Jim Fitzgerald read the letter from Attorney Walter Sullivan and the email from Town Counsel. After a brief discussion, the Board voted to table this vote until they get further information on what other Towns are receiving and a recommendation from the Planning Board.

Acceptance of Minutes – Jim Fitzgerald moved, seconded by Joe Kelleher, to accept the minutes of February 11, 2019 as written. The vote was unanimous.

Executive Session – At 8:30 p.m. Mr. Fitzgerald moved, seconded by Mr. Kelleher, to go into Executive Session for the purpose of discussing contract negotiations and pending litigation that if discussed in open session may have a detrimental effect on the negotiating

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position of the Town, not to return to open session. The vote was unanimous. Roll call vote: Mr. Kelleher – aye; Mr. Fitzgerald – aye; Mr. Bradley – aye.

Mr. Fitzgerald moved, seconded by Mr. Kelleher, to close the executive session at 9:15 p.m. and adjourn the meeting. The vote was unanimous. Roll call vote: Mr. Fitzgerald – aye; Mr. Kelleher – aye; Mr. Bradley – aye.

Respectfully submitted,

Catherine Burke

*The following documents and exhibits were presented at the meeting: application and accompanying information from KMO Restaurant Group; information on ADA Committee; letter from the Jetty requesting permission for extension of licensed premise and accompanying information; email from MBTA Advisory Board; letter from Walter Sullivan and copy of host agreement with VRT corp.; application for common victualler license from Cobb Investments Inc.; copies of draft annual and special town meeting warrants.*