

**MINUTES – SELECTMEN’S MEETING  
MONDAY, AUGUST 3, 2015 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 W. 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, WATD, the Marshfield Mariner and other local media outlets.

Town Administrator’s Report – Mr. Longo gave the following oral report: The buoy has been replaced off of 4<sup>th</sup> Cliff in Scituate. There will be another Charter Review Public Forum at 7:00 p.m. at the Seth Ventress Hall on August 20<sup>th</sup>. The Board wants to hear from the public on the following points: 1) whether a charter review committee should be elected or appointed; 2) what parts of the charter the committee should be charged with and 3) the time frame within which the committee should complete their review and make recommendations. The Library Plaza Building Team has been making progress and will be meeting again August 10<sup>th</sup> and are looking toward going out to bid. Natural gas bids were received with the price going down 18 cents and locked in for three years. Mr. Longo and the Town Planner testified last Thursday at the state house for the purpose of withdrawing from MPO even though the Town Meeting voted to withdraw; it also has to be approved by legislature. Mr. Longo met with the new chair of CPC, Tim Russo. Tim Sear, the Town’s Local Inspector has accepted a position in Yarmouth and will be leaving in three weeks. Bart Riley has been recalled as a result of the IT Director resigning. Bart has been very helpful with staff since his return last week. Four FEMA grants have been submitted for severe repetitive loss, one will be for acquisition for the Town and the other three will be for elevation.

Pole Hearing – Central Street – Mr. McDonough read the notice of the hearing and asked if there was a representative from Verizon. Mr. McDonough then swore in Barry Maffini from Verizon. Mr. Maffini explained that the purpose of the hearing is for a project related to Taylor Marine in order for the wires to be put underground. Mr. McDonough announced that the abutters had been notified. Mr. Robbins moved, seconded by Mr. Bradley to relocate pole 44/9 on Central Street. The vote was unanimous.

Pole Hearing – Cherry Street - Mr. McDonough read the notice of the public hearing for Cherry Street. Mr. Maffini explained that this was related to the previous hearing. Mr. Robbins moved, seconded by Mr. Bradley to approve the placing of 1-4” conduit from Pole 44/9 on Central Street to Pole 86/14 Cherry Street to accommodate the Marina. The vote was unanimous.

New Appointment to Housing Partnership – Noble Scheepers – Mr. Bradley mentioned that he had spoken with Mr. Scheepers and thought he would be a good fit for the Housing Partnership. Mr. Robbins moved, seconded by Mr. Bradley to appoint Mr. Scheepers to the Housing Partnership. The vote was unanimous.

Harbor Fire Bar & Grill – Change of Manager – Mr. McDonough asked the representatives of Harbor Fire Bar & Grill to come forward and introduce themselves, Mr. Matthew Barnes introduced himself as the liquor manager, Ms. Krystina Sheppard introduced herself as one of the owners and Ms. Lindsay Disch introduced herself as the general manager. Mr. McDonough then read the letter regarding tonight’s hearing and opened the hearing. Mr. Robbins asked if they had all their employees TIPS trained and Mr. Barnes answered yes, they were all trained by the Marshfield Police Department. Mr. McDonough mentioned that they had all their paperwork in order. Mr. Robbins moved, seconded by Mr. Bradley to approve the change of manager from Tina Carr to Matthew Barnes at the Harbor Fire Bar & Grill. The vote was unanimous.

North Community Church – Application for Entertainment License (Rib Cook Off) – Mr. McDonough read through the application and mentioned that there would be a police detail. Mr. McDonough also stated that they have included a map of the event and that the various town departments have no issues with the event. Mr. Robbins moved, seconded by Mr. Bradley to approve the One Day Entertainment License for the North Community Church on September 12, 2015 at the V.F.W. Hall from 12 – 5 p.m. The vote was unanimous.

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Police Department – Permission to Accept Donation – Mr. McDonough read the memo from the Police Department requesting to accept a donation from Roche Bros. for the DARE program. Mr. Robbins moved, seconded by Mr. Bradley to accept the donation in the amount of \$200.00 for the Police Department’s DARE program. The vote was unanimous.

Application for Wine & Malt License for South Shore Irish Festival – Mr. McDonough recused himself as his family may have some involvement in the Irish Festival. Mr. Robbins read the application for a Wine & Malt for the Irish Festival to be held at the Fairgrounds. Mr. Robbins moved, seconded by Mr. Bradley to approve the One Day Wine & Malt License for the Irish Festival on September 12, 11:00 a.m. – 9:00 p.m. and September 13, from 11:00 a.m. – 7:00 p.m. The vote was 2-0. Mr. McDonough did not vote.

Application for Wine & Malt License for Diva Dash (9/26/2015) – Mr. McDonough read through the application for a Wine & Malt License for the Diva Dash to be held at the Fairgrounds. Mr. Robbins moved, seconded Mr. Bradley to approve the One Day Wine & Malt License for the Diva Dash on September 26, 2015 from 9:00 a.m. – 6:00 p.m. The vote was unanimous.

Applications for Common Victualler’s Licenses for the Farmer’s Market - Mr. McDonough read the application from Molly Drane d.b.a. Donde Thiago. Mr. Robbins moved, seconded by Mr. Bradley to approve the Common Victualler’s License for Molly Drane at the Farmer’s Market. The vote was unanimous. Mr. McDonough read the application from Wardell Loatman d.b.a. South Shore Barbecue Man. Mr. Robbins moved, seconded by Mr. Bradley to approve the Common Victualler’s License for Wardell Loatman at the Farmer’s Market. The vote was unanimous. Mr. McDonough read the application from Patience Thomas d.b.a. Great Cape Baking. Mr. Robbins moved, seconded by Mr. Bradley to approve the Common Victualler’s License for Patience Thomas at the Farmer’s Market. The vote was unanimous. Mr. McDonough read the application from George Cronin d.b.a. Fire it Up Flatbread. Mr. Robbins moved, seconded by Mr. Bradley to approve the Common Victualler Application for George Cronin at the Farmer’s Market. The vote was unanimous.

Reappointment to Waterways Committee – Steven Carver – Mr. Robbins mentioned that Mr. Carver has been an outstanding member of the Waterways Committee. Mr. Robbins moved, seconded by Mr. Bradley to reappoint Mr. Carver to the Waterways Committee. The vote was unanimous.

Vote to Open and Close the Special Town Meeting Warrant – Mr. McDonough read the notice of the Special Town Meeting for October 26, 2015. Mr. Robbins moved, seconded by Mr. Bradley to open the Special Town Meeting Warrant on August 17, 2015 and close the Special Town Meeting Warrant on August 27, 2015. The vote was unanimous.

Acceptance of Minutes – Mr. Robbins moved, seconded by Mr. Bradley to approve the minutes of July 20, 2015. The vote was unanimous. The minutes of July 27, 2015 were not done.

Mr. Robbins asked if he could speak and mentioned that the Molly Movie Mania would be showing the movie “Airport” at the Marshfield Airport on Friday at 8:15 p.m. and that people should bring chairs and bug spray and that it will be held inside a hanger if it rains.

Patrick’s Harborview Restaurant – License Suspension/Revocation Hearing – Mr. McDonough mentioned that the Board of Selectmen, Town Counsel Bob Galvin and Rocco Longo Town Administrator would be part of the hearing. Mr. McDonough indicated that this hearing was being held in accordance with Mass Gen. Law Chapter 138 Section 64 to consider the potential modification, suspension, revocation or cancellation of a license to sell alcoholic beverages issued in the case of bars, restaurants and inns under Gen. L.c. 138 Section 12 and in the case of liquor stores under Gen. L.c.c.138 Section 15 for package stores. Mr. McDonough explained that a letter had been sent to Mr. Patrick Flaherty regarding his hours of operation and the

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keeping of appropriate licenses and permits relating to food service and storage and other violations of the MA Health code and local Board of Health Rules and Regulations. Mr. McDonough then read through the procedures for conducting a hearing. Mr. McDonough swore in Patrick Flaherty. Mr. Flaherty stated his name, home address and place of business. Town Counsel explained that there had been an issue with the hours of the restaurant and that Mr. Flaherty had not obtained a food handlers permit nor had any inspections and had to be shut down by the Board of Health which was why he prepared the liquor license hearing notice. Town Counsel indicated that Mr. Flaherty now does have a food handler’s permit and that it is a requirement of any restaurant that has an all alcohol license to have food at the establishment. Town Counsel indicated that he was unaware of any other violations.

Mr. McDonough asked Matt Tanis of the Board Health to come forward and swore him in. Mr. Tanis explained that he was the Assistant Director of the Board of Health and that he had closed the restaurant for not having a food handler’s permit. Mr. Tanis also explained that when he had gone to the restaurant for inspection, he had found numerous violations. Mr. Tanis indicated that they had to close the establishment until they received the proper paperwork. Mr. Tanis mentioned that they now have all the paperwork and he has done a re-inspection and there is food there but it is very minimal. Mr. Tanis mentioned that all the critical violations have been cured as of now. Mr. Robbins asked about the food that was there and Mr. Tanis said there was very little but the quality was okay. Mr. Bradley asked Mr. Tanis what his main concerns were and he said he was concerned about where the food was coming from because Mr. Flaherty told him that he buys the food he needs on a daily basis. Mr. Tanis also stated that when they were trying to get his paperwork for his permits Mr. Flaherty told them he would come to their office six different times and never showed up. Mr. Robbins mentioned that a lot of the restaurants use vendors such as Cisco for their food and asked Mr. Tanis if it was okay for them to use a local grocery store and he said yes. Mr. McDonough asked Mr. Flaherty if he had any questions for the Board of Health and he said no.

Mr. Flaherty indicated that it was due to his own neglect that he had problems but that his food comes from Boston and the Restaurant Depot in Avon and that all the food he has is fresh and sometimes he has to throw food out. Mr. Flaherty explained that he doesn’t use the walk-in freezer because it is expensive. Mr. Flaherty mentioned that he didn’t know he was supposed to notify the Board of Selectmen if he changed his hours. Mr. McDonough asked what his hours are and Mr. Flaherty said they are Tuesday through Friday 4:00 p.m. – 11:00 p.m., Saturday and Sunday 11:30 a.m. – 11:00 p.m. and that he is closed on Mondays. Mr. Bradley asked why he closed the restaurant on Mondays and Mr. Flaherty answered that it was because it was a dead day. Mr. Tanis then mentioned that the Board of Health had been there in April and the prep sink had no hot water and no hand wash at the sink. Mr. McDonough then mentioned he was closing the public portion of the hearing at 8:25 p.m. Mr. McDonough indicated that there were violations and Mr. Flaherty was shut down for a period of time and then reapplied. Mr. McDonough also stated that Mr. Flaherty should have notified the Board of Selectmen with his new hours because it is the obligation of the licensee to notify the Board of Selectmen immediately. Mr. Robbins mentioned that he knows for a fact that the Board of Health sends out their paperwork early so the restaurants have plenty of time to get everything in. Mr. Robbins also mentioned that Mr. Flaherty also has an outstanding issue with the Building Department. Mr. Bradley mentioned that everything Mr. Flaherty does is reactive and not proactive and that he would like to see everything done in advance. Mr. McDonough stated that there is credible evidence of violations of the liquor license and asked Town Counsel what he would recommend as there is no history of violations or other issues. Mr. Galvin stated that there should be no suspension or revocation but there should be a modification of hours. Mr. Robbins mentioned that the outstanding paperwork with the Building Department needs to be resolved by the end of this week, Friday August 7, 2015 at 12:30 p.m. Mr. Bradley mentioned that the Board of Health should not have to waste time with one restaurant.

Mr. Robbins moved, seconded by Mr. Bradley to issue a verbal warning to Patrick’s Restaurant, LLC, and modify the hours to Tuesday through Thursday 4:00 p.m. – 11:00 p.m., Saturday and Sunday 11:30 a.m. – 11:00 p.m. and closed on Monday contingent upon over-due paperwork

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being received this Friday. The Board also reserved the right to reopen the hearing if the conditions are not complied with. The vote was unanimous.

Acquire Keene Road Property via FEMA Grant – Mr. Longo indicated that this property located at Keene Road has suffered severe repetitive losses and that the Town can acquire the property through a FEMA grant, have it torn down and restricted for open space. Mr. Longo explained that the grant covers all costs including open space. Mr. Longo explained that it will be a purchase by the Town Planner at Town Meeting. Mr. Longo also explained that there are 3 other FEMA grants that have also been applied for and that two are for 100% to be elevated and another one for 75% to be elevated. Mr. Longo also mentioned that he hopes that they receive the funding. Mr. Longo mentioned that if any residents were interested in the FEMA program they should contact the Town Planner and Jack Sullivan who is a volunteer. Mr. Robbins moved, seconded by Mr. Bradley to approve the acquisition of the Keene Road property via FEMA grant as discussed and then go to Town Meeting for approval. The vote was unanimous.

Executive Session – Mr. Robbins moved, seconded by Mr. Bradley to go into Executive Session at 8:40 p.m. to conduct strategy sessions in preparation for negotiations with nonunion personnel and not to return to Open Session. The vote was unanimous. Roll call vote: 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: Pole hearing notices and information from Verizon for Central Street hearing and Cherry Street hearing, application and other pertinent information for Change of Manager for Harbor Fire Bar and Grill, e-mails from Board of Health, letter from Board of Health, letter from Board of Selectmen copy of plans and e-mails from Building Department, regarding Patrick’s Restaurant , application from Nobel Scheepers to Housing Partnership and letter of recommendation from Housing Partnership, application for an entertainment license from North Community with corresponding e-mails from other departments noting approval, letter from Chief Tavares requesting permission to accept donation from Roche Bros., application for wine and malt license for Irish Festival, application for wine and malt license for Diva Dash, application for common victualler licenses from Molly Drane, Wardell Loatman, Patience Thomas, and George Cronin for the Farmer’s Market, letter from Steven Carver for reappointment to Waterways Committee, emails and appraisal for property on Keene Road, Notice of Opening and Closing of Special Town Meeting Warrant, copy of minutes of July 20, 2015 and minutes of July 27, 2015 which were not done.