

MINUTES – SELECTMEN’S MEETING

Wednesday, February 1, 2017

Selectmen’s Hearing Room

Present: Stephen G. Robbins, Chairman; Michael G. Bradley; James J. Fitzgerald; and Rocco J. Longo, Town Administrator

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

Town Administrator Report – Rocco Longo provided the Board with his weekly brief:

- Mr. Longo said that this meeting which was originally scheduled for Monday had to be postponed due to a technical glitch with the Town’s website that interfered with the Open Meeting Law requirement that all meetings be posted online for 48 consecutive hours prior to the meeting. The issues have been resolved, and the new website is up and running.
- Bylaws have been codified, the new Code will go to Town Meeting for approval.
- Public Information meeting regarding flood insurance is scheduled for February 7 at 6:00 p.m. at the Furnace Brook Middle School auditorium. Representatives from FEMA’s Washington DC and Region I offices will be available to address residents’ concerns and questions.
- Met with representatives from the Food Pantry today, they are very excited about the possibility of relocating to the new space at Library Plaza. Town Counsel will draft an agreement to be approved by bond counsel and Town Meeting.

Chief Tavares – Safety Update – Chief Tavares gave some background on neighborhood Scout. Chief Tavares said that the organization has ranked Marshfield as the 14th safest town in the country. Chief Tavares gave some details on the reasons for this high ranking, including community partnership, geography, technology, demographics and cooperation of Town officials and volunteers. The Board thanked Chief Tavares for his leadership and commended the entire Marshfield Police Department for the great work they do.

Oceanview Grille at Fairview Inn – Public Hearing to Consider Suspension and/or Revocation of Alcoholic Beverages License – Town Counsel Robert Galvin gave some background on the reason for this hearing and the recommended procedure for conducting this hearing. Steve Robbins read into the record the letter that was sent to Mr. Davis and Mr. Clancy on January 17, 2017 notifying them of this hearing. Mr. Galvin swore in all parties interested in speaking at this hearing. Mr. Galvin went through a timeline of events that have taken place since this license was issued in February 2016. Chief Tavares gave some details of the Marshfield Police Department’s knowledge of Mr. Davis’ history and background. Chief Tavares said that Mr. Davis has a long term pattern of financial and legal trouble and said that he has no faith in Mr. Davis’ ability to operate a restaurant of this size. Steve Robbins read into the record the reports from the Building Department and Board of Health regarding the status of inspections and permits at the restaurant.

John Davis appeared before the Board with his attorney, Jon Aieta. Mr. Davis gave his version of the ongoing criminal case against him in the Town of Millis. Attorney Aieta gave some background on the history of the license and stated that Mr. Davis takes this very seriously and is working hard to get the restaurant open. Mr. Aieta said that the Board has precedent of allowing businesses time to complete repairs and renovations prior to opening. Mr. Aieta noted that some of the delays have been caused by complaints and lawsuits filed by a group of neighbors. Mr. Davis gave the Board some details on the work that he has done and the reasons for the delays. Mr. Davis said that he has hired Liz Bruce as the Food and Beverage Manager and she is currently living onsite at the Inn. Mr. Davis explained to the Board why he parted ways with Chefs Julio and Jennifer Lazzarini. Mr. Aieta said that his client is requesting additional time to prepare to open the restaurant.

Mike Bradley asked when the falling out with the Lazzarini’s took place. Mr. Davis said it was about 2 ½ months ago. Mike Bradley asked if the Lazzarini’s were part of the original management plan. Mr. Davis said they were. Mr. Bradley asked for clarification on some of the issues Mr. Davis has had with the renovations. Mr. Bradley asked about the case in Millis and said that it seems that Mr. Davis deflects blame for all of his problems on to someone else. Attorney Aieta said that they were not made aware that they would be

MINUTES – SELECTMEN’S MEETING

Page 2 of 3

Wednesday, February 1, 2017

Discussing this criminal case tonight and suggested that these issues should be discussed in Executive Session.

Steve Robbins asked about parking. Mr. Davis said that he has a couple of ideas for parking but does not have a plan in place. Mr. Robbins asked for details on the problems with the refrigeration system. Mr. Davis said that the building was left in much worse condition than was evident during his one hour inspection prior to signing the lease. Mr. Robbins said that there is a lot that still needs to be done, including coming up with a parking plan, hiring staff and having them TIPS trained, and finishing all of the work necessary to obtain permits from the Board of Health and Building Department. Mr. Robbins opened the hearing for public comment.

Eric Murphy, 252 Ocean Street, spoke in support of Mr. Davis and said that the delays are typical with a project of this scope.

Mike Savage, Brant Rock, spoke about some of the contractors who have worked for Mr. Davis without being paid. Mr. Savage also spoke about judgement attachments against Mr. Davis in excess of \$80,000.

Jimmy from Dan’s Custom Flooring, said that he was not paid for the work he did at the restaurant.

Beth Kirwin, Ocean Street, said that she was at the meeting on behalf of her friend Karie O’Donnell who did painting for Mr. Davis and was not paid for her work.

Attorney Alessi, representing Jack Clancy the owner of the building, said that he could not speak about the former tenants because of a settlement agreement, but said that they did not leave the property in the condition the owner expected.

Attorney Aieta said that the judgement mentioned by Mr. Savage has been settled.

Chief Tavares said that he would like answers to the following questions: Why was Karie O’Donnell not paid? What are Mr. Davis’ plans for parking? Why has Mr. Davis not reached out to the Marshfield Police Department for TIPS training? Did Mr. Davis cut the lock on the gas meter at the building?

Mr. Davis said that he gave a deposit to Ms. O’Donnell for the painting, but she did not complete the job. Mr. Davis said that he is still in negotiations for purchasing abutting property to be used for parking, but in the meantime will reach out to the owner of the vacant lot in Brant Rock. Mr. Davis said that he will reach out to the Marshfield Police for TIPS training before the restaurant opens. Mr. Davis said that he did not want to get into what happened with the gas meter.

At 8:22 p.m. Jim Fitzgerald moved, seconded by Mike Bradley, to close the public comment portion of this hearing. The vote was unanimous.

Mike Bradley said that Mr. Davis has an issue with credibility and he feels that he has had enough time to get this restaurant open. Mr. Bradley said that the lawsuits are very concerning and go to Mr. Davis’ credibility, and the allegations regarding the gas meter and the parking issues are also very concerning.

Jim Fitzgerald said that he was not on the Board when this license was issued, but this has been ongoing since he was elected in May. Mr. Fitzgerald said that he questions the credibility and character of Mr. Davis and said that he has a history of making bad decisions. Mr. Fitzgerald said that he would vote for revoking the license.

Steve Robbins said that the Board took a leap of faith in issuing the license a year ago, but he feels that the business should be opened by now and he has deep concerns about Mr. Davis’ ability to run this business.

MINUTES – SELECTMEN’S MEETING

Page 3 of 3

Wednesday, February 1, 2017

Mr. Bradley moved, seconded by Mr. Fitzgerald, to approve the revocation of the liquor license granted to Mr. Davis as Manager and Marsh Restaurant Group, LLC on the grounds that the license has been available since July 2016, no substantial effort was made to open the restaurant since July, the applicant never paid for the license until renewal time, has not fulfilled repeated promises to obtain inspections or open, has significant legal troubles civil and otherwise which are reasonably likely to prevent the operation of the restaurant and on the basis that the conduct violates state law and local regulation which require licensed premises to open. The vote was unanimous.

FY2018 Budget Presentation – Rocco Longo thanked Patrick Dello Russo, Barbara Costa and all of the Department Heads for their efforts and noted that the budget presentation will be posted on the Town’s new website tomorrow. Mr. Longo gave the Board a budget presentation including an update on FY17 revenues and expenses and FY18 expected revenues, budget requests and fixed costs.

Bonnie Parker’s Inc. dba Rafferty’s Pub – Request for Change of Hours – Steve Robbins read through the application for a change of hours on Sundays to allow Rafferty’s pub to begin serving alcohol at 11:00 a.m. instead of 12:00 p.m. After a brief discussion, Mike Bradley moved, seconded by Jim Fitzgerald, to approve this request. The vote was unanimous.

Discussion and Vote on Disposition of House and Barn on Pratt Property – Steve Robbins noted that he was not present when this was discussed at a previous meeting, but a decision was postponed pending a revised recommendation from the Open Space Committee. Jim Fitzgerald said that at their meeting of January 12, 2017, the Open Space Committee voted to recommend that an assessment of Town departments be initiated and completed as soon as possible, and if there is no interest by any Town department in utilizing the barn, the Open Space Committee would recommend that the Board consider possible salvage and/or demolition. After a brief discussion, Mike Bradley moved, seconded by Jim Fitzgerald, to have Rocco Longo and Brian Adams reach out to Town Departments to see if there is any interest in using the barn. The vote was unanimous.

Drug Task Force – Permission to Accept Donation – Mike Bradley read the letter from Tom Sullivan of the Drug Task Force requesting permission to accept \$2110.00 in donations from various donors in memory of Manny Lopes. Mike Bradley moved, seconded by Jim Fitzgerald, to accept these donations. The vote was unanimous.

New Appointment to Capital Budget Committee – Lisa Westgate – Steve Robbins read through Ms. Westgate’s application for appointment to the Capital Budget Committee. Mr. Robbins noted that the Capital Budget Committee sent a letter supporting this appointment. Mike Bradley moved, seconded by Jim Fitzgerald, to appoint Lisa Westgate to the Capital Budget Committee for the remainder of a three year term that expires on June 30, 2017. The vote was unanimous.

The meeting was adjourned at 9:35 p.m. There was no executive session held.

Respectfully submitted,

Catherine Burke

The following documents and exhibits were presented at the meeting: letter to John Davis notifying him of hearing, reports from Board of Health and Building Department, recommendation from Town Counsel and other accompanying documentation; Budget presentation and FY2018 budget worksheets; application for change of hours from Bonnie Parkers Inc. dba Rafferty’s Pub; email from Open Space Committee regarding Pratt Property; letter from Drug Task Force requesting permission to accept donations; application for appointment to Capital Budget Committee from Lisa Westgate and recommendation from Capital Budget Committee.