**BOARD OF SELECTMEN MEETING MINUTES MARCH 28, 2023**

**MEMBERS PRESENT:** Mr. Steven H. Kitchin, Chairman

Mr. Christopher R. Carreiro, Vice Chairman

Mr. Robert Medeiros, Clerk

**ALSO PRESENT:** Mrs. Mallory Aronstein, Town Administrator

A Board of Selectmen meeting was held on Tuesday, March 28, 2023, at the School Administration Building, One Gardners Neck Road, Swansea, Massachusetts.

Mr. Kitchin called the meeting to order at 6:30 p.m.

Mr. Kitchin led the meeting with the Pledge of Allegiance.

Mr. Kitchin stated the meeting is currently broadcast live on television, being streamed online, and will be replayed later on Swansea Community Network. He stated if anyone in the audience would be recording the meeting to notify the Board. There were no confirmations from the audience.

**6:30 – Public Hearing – Transfer of All Alcohol license from Wing TAI Corp. d/b/a UMI Japanese Steakhouse to Team Swansea, Inc. d/b/a Fiesta Mexican Restaurant**

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to enter into a public hearing for the purpose of an All Alcohol license transfer.

ALL IN FAVOR – UNANIMOUS

Attorney Daniel Rich spoke on behalf of his client Zoel Ramirez. He stated that Fiestas has been operating successfully in Somerset for over ten years and has eight other locations. Attorney Rich stated that his client has provided all of the proper documentation to complete this transfer, and the staff is TIP certified.

Mr. Carreiro stated that he is very excited to have this new business in Swansea. He asked if there was a monetary value on the license being transferred.

Mr. Ramirez stated that there is no monetary value to the license.

Mr. Medeiros asked how many employees will be employed at this new location.

Mr. Ramirez stated roughly thirty.

Mr. Kitchin asked what was the price point for the average check.

Mr. Ramirez stated that an average check was around $40.00, and entrées range between $9.00 and

$23.00.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to close the public hearing.

ALL IN FAVOR – UNANIMOUS

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to approve the Transfer of an All Alcohol license from Wing TAI Corp. d/b/a UMI Japanese Steakhouse to Team Swansea, Inc. d/b/a Fiesta Mexican Restaurant.

ALL IN FAVOR – UNANIMOUS

**Discuss violations of Class II License Conditions - A & M /Gas on the Run**

Mrs. Aronstein stated that A&M was cited on February 24, 2023, for having too many vehicles on the lot. She stated that it was reported that Mr. Zaatar has 60 vehicles and his license only allows for 30. Mrs. Aronstein stated that Mr. Zaatar submitted a site plan today to add additional spots to his lot.

Mr. Zaatar stated that 25 of the 30 extra cars belonged to customers. He stated that some of the extra cars were returned due to check engine lights, some vehicles were purchased and had not been picked up and a few cars were headed to the junkyard. Mr. Zaatar stated that this is the first violation under his ownership since its purchase in June 2020.

Mr. Medeiros asked how quickly could he fix the overflow of cars.

Mr. Zaatar stated that after that violation it took him 10 days to get the cars down to 20.

Mr. Kitchin asked if any of the cars are being stored for another business.

Mr. Zaatar stated that one car was being stored for another dealership. He stated that tax season is a busy time for his business, so there was a substantial movement with the vehicles.

Mr. Kitchin stated that Mr. Zaatar needs to honor the regulations on the Class II license to the letter of the law.

**Kostyas Auto Sales Class II – Revocation Hearing**

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to open the public hearing for the stated purpose of revocation of Class II license, Kostyas Auto Sales.

ALL IN FAVOR – UNANIMOUS

Mrs. Aronstein stated that there are multiple violations from Kostyas Auto Sales. She stated that Kostyas Auto Sales was found to have too many cars on the lot, and cars parked on Route 6, both of these violations have been brought before the Board before. Mrs. Aronstein stated that the Selectmen’s office has received more than ten customer complaints in the last seven years. She stated that some of these complaints pertained to, check engine lights, faulty tires, rotted frames, transmission issues, altered documentation, and poor customer service. Mrs. Aronstein stated that on a Class II license, the dealer needs to designate a repair shop, and there is documentation that this requirement is not being followed.

Mr. Kharzis stated that he deals with economy vehicles. He stated that he receives the car wholesale, and certain items need to be fixed. Mr. Kharzis stated that this is why his customers are receiving a good deal because they are aware that the car will need attention. He stated that a vehicle that he sells has over 125,000 miles, it only comes with an implied warranty it doesn’t come with a 30-day warranty. He stated that there is an option to purchase a 90-day warranty, but not too many people opt for that.

Mr. Kharzis stated that his business deals with lower-income people who expect everything for little payment. He stated that over the past year, he hasn’t parked any cars on Route 6 overnight, and tries to keep the count at 25 vehicles. Mr. Kharzis stated that he has had a few instances where the count went over slightly due to unforeseen circumstances. He stated that he does use multiple repair shops for the benefit of good customer service; if one repair shop is busy, he will send the car to another. Mr. Kharzis stated that the documentation fee is not refundable and is posted in his shop, but some customers don’t want to recognize the time he spends on the sale.

Mrs. Aronstein stated that we are here to document that some of these vehicles that Mr. Kharzis is selling are unsafe and shouldn’t be on the road. She said that the Police are being called regularly.

Mr. Carreiro stated that you get what you pay for, and most of these cars probably have issues. He stated that it is seven days from the date of purchase to have the car inspected. He stated that it is not the Boards job to mediate customer service. Mr. Carreiro stated that in every instance Mr. Kharizis has resolved the lawsuit. He said that at the price point of Mr. Kharzis inventory, customers are inclined to have issues. He stated that he is less inclined to revoke Mr. Kharzis license due to customer service and is more inclined because Mr. Kharzis has been before the Board numerous times due to having too many vehicles on the lot.

Mr. Kharzis stated that he is working with Pro Line Engineering to create a site plan to add ten more cars. He stated that Pro-Line is quite busy and has not received the proposal.

Mr. Carreiro stated that Mr. Kharzis should reach out to another engineer if he wants to maintain his Class II license. He stated that Mr. Kharzis’s continual, habitual violation of having too many vehicles on the lot is the problem. Mr. Carreiro questioned the nonrefundable deposit.

Mr. Kharzis stated that he puts time and resources into the sale of each vehicle. He said that it is stated by a sign in his office as well as on the receipt. Mr. Kharzis stated that each receipt is signed by the purchaser.

Mr. Medeiros asked how many vehicles on the lot exceed 125,000 miles.

Mr. Kharzis stated that 80% of his vehicles have over 125,000 miles. He stated that with those vehicles there is an implied warranty, meaning that the vehicle will need to fail the safety inspection. He said if the repair exceeds more than 10% of the sale the customer has a right to a repair or refund.

Mr. Medeiros asked when Mr. Kharzis takes in a car, it does get inspected before the sale. He also asked if the issue is disclosed to the buyer.

Mr. Kharzis stated that if there is an issue it is disclosed. He stated that all vehicles are required to have a safety inspection done. He stated that if something is broken, he has no problem fixing it.

There was a discussion regarding a photo submitted by a complaintant.

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Mrs. Aronstein stated that this picture came from the customer who purchased a 2010 Chevy Equinox. She stated that this vehicle was brought to Mr. Kharzis repair shop in Seekonk a handful of times.

Mr. Kharzis stated that he does not work on his vehicles, and has been in business for 20 years. He stated that he has developed many relationships and can resolve customers’ problems. Mr. Kharzis stated that this frame could be fixed for around $400.00.

Mrs. Aronstein asked why that repair was not offered to the customer.

Mr. Kharzis stated that he goes by the law, if a vehicle is sold with high miles it doesn’t come with a warranty. He said it is not his responsibility that a car broke a month after ownership.

Mr. Kitchin stated that the responsibility of the Board is to uphold the rules and regulations pertaining to granting the Class II license. He said that on February 24, 2023, there was a violation of the number of cars on the lot. Mr. Kitchin stated that this is Mr. Kharzis’s fifth violation for this issue.

He stated that Mr. Kharzis has always stated that he would try to do better. Mr. Kitchin stated that it was previously noted that Mr. Kharzis was in a dispute with Pro-Line Engineering, and now tonight he wants to do business with them.

Mr. Kharzis stated that Pro-Line did a great job on his last project.

Mr. Kitchin asked if there was a site plan when the business was opened.

Mr. Kharzis stated that the plan was grandfathered in.

Mr. Kitchin asked if there was an indication of the price of a car being altered on the receipt.

Mrs. Aronstein stated that there is an indication of falsified receipts.

Mr. Kitchin opened the floor to members of the public.

No one stepped forward to address the Board.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to close the public hearing.

ALL IN FAVOR – UNANIMOUS

Mr. Carreiro asked if there is an option for a civil fine. He stated that this may curb this habitual violation. He asked if the Town could implement a generic fine for violation of a Class II auto license.

Mrs. Aronstein stated that there is a By-Law in place for fines for unregistered vehicles.

Mr. Carreiro stated that due to Mr. Kharzis business model, it is inevitable to have vehicles with problems.

Mr. Kitchin stated that the applicant needs to understand that they have named one shop for inspections and repairs.

Mrs. Aronstein stated that the repair shop needs to be designated, if you have multiple vendors, please send a list to the Selectmen’s office. She stated that the Town has a $20.00-$50.00 fine per day for unregistered vehicles.

Mr. Kitchin stated that if the law allows a civil opportunity to fine Mr. Kharzis he would like to proceed. He stated that he will not revoke but a fine needed to be in place. He stated that it is the Boards responsibility to get this applicant’s attention.

Mr. Medeiros suggested a license suspension. He said that he agrees with the fine. Mr. Medeiros stated that he does not want to go forward with revocation but does need to get his attention.

Mrs. Aronstein stated that this license is issued under Chapter 140. She asked for some discussion on whether or not to issue a fine. She stated that Mr. Kharzis will be notified in writing through the mail. She requested time to look into both laws to review what the civil penalty could be.

Mr. Carreiro asked if Mr. Kharzis was willing to pay a $300.00 fine, and put his license on probation for 90 days while he petitions the Planning Board for a site plan review.

Mr. Kharzis agreed to these terms.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to put Kostyas Auto Sales Class II license on probation for 90 days to allow time for preparation of a site plan to increase the number of vehicles on the lot, as well as a potential fine up to $300.00.

ALL IN FAVOR – UNANIMOUS

**Budget Presentation - 210 Police Department**

Police Chief Marc Haslam presented the budget for the Swansea Police Department. He stated that this budget includes an increase for the Union employees. He stated that the lion’s share of the increase reflects contractual services. Chief Haslam stated that a market increase in contractual services is for body-worn cameras and in-car video licensing. He said that licensing for a warranty on software is $10,000.00 per year. Chief Haslam stated that the department did have a few decreases such as custodial and tires. Chief Haslam stated that the training budget has been increased by $3500.00, as a result of contractual salary agreements. He stated that the equipment budget has increased due to the skyrocketing cost of ammunition. Chief Haslam stated that his department used ammunition for training, recruits enrolling in the Academy, and SWAT training.

Mr. Carreiro stated that the Board had discussed reserve Police officers, and is the Town now able to hire reserves?

Chief Haslam stated the training requirement is what has changed with the Police reform.

Mr. Medeiros asked about the expense of the ammunition.

Chief Haslam stated that the ammunition is for all training. He stated that ammunition is $331.00 per case. Chief Haslam stated that in June every member of the department is required to participate in training, and for that one week of the ammunition is a cost of $11,800.00. He stated that the training for a tazer is a four-hour class, with the use of a special target.

Mr. Kitchin asked if Chief Haslam was going to be able to live within his 2023 budget.

Chief Haslam stated that he is on budget.

Mr. Kitchin questioned if Swansea was experiencing the same recruiting trials as other communities.

Chief Haslam stated that four years ago the department had 72 people apply, this year the department received 27 applications. He stated that there is no step system in salary so a seasoned officer coming in from another community would receive the same pay as a new recruit. Chief Haslam stated that the only difference is the vacation time.

time to look into both laws to review what the civil penalty could be. Mrs. Aronstein stated that the Board can reconvene

Mr. Kitchin stated that the Board has addressed a lot of the challenges the Police Department has had. He stated that during this time other departments have taken the back seat. Mr. Kitchin said that he does not want the Police Department to have retention problems, but the Town has other obligations with real structural challenges. He said that this action is not to be taken as an insult to the personnel, this is just a budgetary necessity.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to Approve budget 210 Police Department in the amount of $4,640,679.00.

ALL IN FAVOR – UNANIMOUS

**Vote to Ratify Contract: Director of Highway & Engineering – William Anderson**

Mrs. Aronstein stated that Mr. William Anderson, Director of Highway & Engineering is seeking a contract renewal. She stated that there is a slight increase in salary and language change.

Mr. Kitchin stated that there is a request for a change in the vacation structure.

Mrs. Aronstein stated that Mr. Anderson requested that his vacation be granted in lump sums instead of monthly accrual. She said this is since he is unable to take a vacation during the winter months.

Mr. Carreiro stated that Mr. Anderson’s requests are reasonable and he commends the fact that Mr. Anderson acknowledges that he needs to be here during inclement weather.

Mr. Kitchin stated that Mr. Anderson is a constant professional on many issues in the Town.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros approve to ratify of the contract for William Anderson Director of Highway and Engineering.

ALL IN FAVOR – UNANIMOUS

**Budget Review**

Mrs. Aronstein stated that the Beach Committee has based its budget on all sunny days, meaning in theory the beach will be open every day. She stated that the beach fees for this season have increased: a resident season pass is $25.00, and $70.00 for non-residents. She said the daily fee is $10.00 for residents and $25.00 for non-residents.

Mr. Kitchin stated that the Beach Committee is very dedicated, and there was at lease one member of the committee at the beach every day last season.

Mrs. Aronstein stated that Town appointed staff is going to help with the nitty-gritty of the daily functions of the beach.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to approve budget 192 Beach in the amount of $45,000.00

ALL IN FAVOR – UNANIMOUS

Mrs. Aronstein stated the Board of Library Trustees is trying to line up actual expenses with projected expenses. She stated that there is an increase in other supplies which are e-books, databases, subscriptions, and patron materials. She stated that the library is required to spend money on patron materials, as part of the accreditation requirements. Mrs. Aronstein stated that the cost to run the library is supplemented with grant funds.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to approve budget 610 Library in the amount of $448,435.62.

ALL IN FAVOR – UNANIMOUS

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to have a brief recess.

ALL IN FAVOR – UNANIMOUS

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to reconvene the Board of Selectmen Meeting.

ALL IN FAVOR – UNANIMOUS

**Vote to Appoint Board of Registrars – effective April 1, 2023, term to expire April 1, 2026**

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to re-appoint Theodora Gabriel Board of Registrar term to expire April 1, 2026.

ALL IN FAVOR – UNANIMOUS

**Vote to Approve Second-Hand License**

Mrs. Aronstein stated that the second-hand retailers have returned their documentation and have completed their requirements with the Police Department.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to approve to following second-hand licenses:

Mullen Brothers Jewelers, 167 Swansea Mall Drive

Plante Jewelers, Inc. 147 Swansea Mall Drive

Tool Consignment 1211 GAR Highway

Thrifty Shoppe 1113 GAR Highway

Town Line Thrift & Antiques 2555 GAR Highway

Salvation Army 534 GAR Highway

ALL IN FAVOR – UNANIMOUS

**Approval of Minutes**

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to approve the Open Session minutes: February 28, 2023.

ALL IN FAVOR – UNANIMOUS

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to approve the Open Session minutes: March 14, 2023.

ALL IN FAVOR – UNANIMOUS

**Town Administrator’s Report**

Mrs. Aronstein stated that the Financial Management Policy was created to document how Town items are funded. She stated that she is soliciting feedback from the Board, Advisory and Finance Committee, and Town Accountant.

Mr. Carreiro stated that he is pleased that Mrs. Aronstein is taking the lead on this document.

Mr. Kitchin stated that he wants to make sure that the collections from Meal Tax only to be used for Capital Projects.

Mrs. Aronstein stated that it is included.

Mrs. Aronstein stated that the Social Equity Policy and Procedure are required by state law and give those who have been harmed by the criminalization of marijuana, the right to address those disparities.

Mrs. Aronstein stated that the Sewer design bid went out and it was a unanimous vote to choose Wright-Pierce. She stated that their qualifications, and history with the project made them the clear top choice. She stated that she is going over some contract terms with them.

Mr. Medeiros stated that he looked over these bids and that Wright-Pierce is qualified and prepared.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to award the Sewer Design Bid to Wright-Pierce pending satisfactory project negotiations.

ALL IN FAVOR – UNANIMOUS

Mrs. Aronstein stated that Electricity Aggregation is a Town wide program that was entered in with several other communities to help lower the rate for the residents. She stated that the group as a whole has saved 2 million dollars. Mrs. Aronstein stated that the Town is about to go out to bid again. She stated that residents that are coming out of long-term contracts and getting correspondence stating that they are going to be automatically put into the Town’s program. She stated that if anyone is looking for information on this program it can be found on the Town’s website.

Mrs. Aronstein stated that the Annual Town Meeting warrant articles are in draft form. She said that the Community Preservation Act Committee, CPA is having another meeting to talk about the fitness court. She stated that she is waiting for the Town election, to be able to move forward with whether or not the Treasure/Collector will become appointed. Mrs. Aronstein stated that there are a few vehicles on the warrant since it is difficult to receive them at this time. She said that she has increased the contribution to the stabilization fund. She said that a priority of this Board, senior incentives will be modified. Mrs. Aronstein said that the work-off will increase to 1000, the blind exemption will increase and the senior age will be lowered to 69. She said there will be 2 new By-Laws and a street acceptance. She stated that this snapshot will give the Board a sense of what will then be available in free cash.

Mrs. Aronstein notified the residents that the Annual Town Election will be held on April 10, 2023, from 12:00 pm through 8:00 pm at Joseph Case High School.

Mrs. Aronstein stated that Prysimian Group will be holding an informational meeting on April 6, 2022, at 6:30 pm at the Gardner School.

**Old Business**

There was no old business at this time.

**New Business**

There was no new business at this time.

**Correspondence**

Mr. Kitchin stated that he received a resignation letter on March 15, 2023, from Carole Hyland, from the Fair Housing Committee, and Beach Committee. He stated that he regretfully accepts Mrs. Hyland’s resignation.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to accept Ms. Carole Hyland’s resignation with regret.

ALL IN FAVOR – UNANIMOUS

Mr. Kitchin stated that he received a resignation letter on March 22, 2023, from Thomas Blakey from the Capital Building Committee. He stated that he regretfully accepts Mr. Blakey’s resignation.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros to accept Mr. Blakey’s resignation with regret.

ALL IN FAVOR – UNANIMOUS

Mr. Kitchin stated that Comcast is informing customers of the change that will be made to the Band Internacional channel.

Mr. Kitchin stated there is a need for an Executive Session pursuant to M.G.L.c30A, §21(a)(7): To comply with or act under the authority of, any general or special law or federal grant-in-aid requirements: Review Executive Session Minutes – March 14, 2023, M.G.L.c30A,§21(a)(6): To consider the purchase, exchange, lease or value of the real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body: Tax Incentive Consideration: Isabellenhutte.

The Board will not reconvene in an open session.

**MOTION** made by Mr. Carreiro, seconded by Mr. Medeiros, to enter into executive session.

ROLL CALL VOTE: Mr. Carreiro – Aye, Mr. Medeiros – Aye, Mr. Kitchin – Aye,

ALL IN FAVOR – UNANIMOUS

**MOTION** made by Mr. Carreiro and seconded by Mr. Medeiros to recess to clear the room at 9:02 p.m.

ALL IN FAVOR – UNANIMOUS

Respectfully submitted,

Melissa Heilborn, Administrative Assistant

Document List:

All Alcohol License, Team Swansea d/b/a Fiestas Mexican Restaurant

Kostyas complaints

William Anderson, Director of Highway & Engineering Contract

Appointment letter Board of Registrar – Theodora Gabriel

Second-Hand License

Mullen Brothers Jewelers, 167 Swansea Mall Drive

Plante Jewelers, Inc. 147 Swansea Mall Drive

Tool Consignment 1211 GAR Highway

Thrifty Shoppe 1113 GAR Highway

Town Line Thrift & Antiques 2555 GAR Highway

Salvation Army 534 GAR Highway

Budgets:

192 Beach

210 Police Department

610 Library

Annual Town Meeting Warrant

Minutes - February 28, 2023

Minutes – March 14, 2023

Social Equity Marijuana Establishment Policy and Procedures - Draft

Financial Management Policy

Electricity Aggregation Program

Leah Chassee Resume

Resignation letter Thomas Blakey

Resignation letter Carole Hyland