

BOARD OF SELECTMEN MEETING MINUTES JUNE 9, 2020

MEMBERS PRESENT: Mr. Steven H. Kitchin, Chairman
Mr. Christopher R. Carreiro, Vice Chairman
Mr. Derek W. Heim, Clerk

ALSO PRESENT: Mr. James P. Purcell, Acting Town Administrator
Mr. Jordan Remy, Administrative Assistant

A regular Board of Selectmen meeting was held on Tuesday, June 9, 2020, at the Swansea School Administration Building, One Gardners Neck Road, Swansea, Massachusetts.

EXECUTIVE SESSION

M.G.L. c30A, S21(a)(3): To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares:

Town of Swansea Board of Selectmen, et. al v. Crawford Kirkpatrick, Zoning Board of Appeals, Afonso et. al

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to reconvene to open session at 6:10 p.m.

ALL IN FAVOR – UNANIMOUS.

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

Mr. Kitchin announced due to COVID-19, this evening's meeting is closed to the public. It is being broadcast live and is being recorded and available on Swansea Cable Access TV Channel 15, Swansea Cable Access's Facebook page at www.facebook.com/swanseacableaccess, and www.swanseacabletv.com.

Mr. Kitchin asked if anyone present wished to record the meeting.

No one responded.

Mr. Kitchin said he would like permission to take two items out of order – Item 3 and Item 4 prior to Item 2.

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to take Item 3 and Item 4 out of order prior to Item 2.

ALL IN FAVOR – UNANIMOUS.

DISCUSSION – ALLOWING OUTDOOR SEATING TO SERVE FOOD & ALCOHOL

Attorney Anthony Savastano said on June 1, 2020, Governor Baker issued Covid -19 order #35 emergency orders to authorize the Board of Selectmen to appoint the approval authority for outdoor table service. He has created an application for approval of temporary outdoor table service that is valid through November 1, 2020, unless the order is rescinded, whichever is soonest.

Attorney Savastano suggested preparing the application, with the understanding the final approval shouldn't take place until legislation is finalized and signed by the Governor. He said this application is an expedited temporary site plan review process and suggested involving officials consisting of the Fire Chief, Police Chief, Director of Public Health, Building Commissioner, and Mr. Purcell, to review the proposals.

The Board of Selectmen reviewed the requirements that were listed. There was a discussion on the application.

Mr. Carreiro said he is ready to move on this. This is the Governor's order and he's not going to set up any red tape for these restaurants.

He commented there were actually two applications in the packet. He asked who prepared the second application.

Mr. Purcell said Janet Helley, the Selectmen's Administrative Assistant is a part of a Professional Association Administrative Assistants group, and she provided the application.

Mr. Purcell asked the Board of Selectmen to designate him to be the signatory for the packet.

Mr. Carreiro read the requirements for acceptable barriers. He had concerns that the restaurant owners haven't had revenue in three months and will have to rent specialized aluminum rails.

Attorney Savastano noted any changes to outdoor liquor licenses will need to go through the ABCC. He cautioned the Board that treating outdoor seating is separate from outdoor liquor licenses.

Mr. Carreiro spoke about the alcohol component. He said we need to expedite the order to allow alcohol consumption as soon as we can.

He said there are several restaurants that are set up with tents that are currently operating.

Attorney Savastano said he is interpreting this as requiring a vote from the Board. He will be calling Ralph Sacramone, head of the ABCC to ask him his position.

Mr. Kitchin said technically these restaurants are in violation of their license.

Mr. Carreiro agreed, but said they are confused and he would like to be able to interpret this in their favor. We should do whatever we can do.

Mr. Heim asked if there is a way we can quickly put together an approval process, meeting minimum safety standards. He has concerns with the safety of outdoor seating.

Mr. Kitchin said in order to expedite this discussion and get to the point where business owners have some comfort that we will move quickly on this, he would ask the Board of Selectmen to look at the document prepared by Attorney Savastano and indicate to him if they would give Mr. Purcell and the four signatories authority to proceed, but authorization for consumption of alcohol would come before the Board of Selectmen for an expedited meeting.

Mr. Kitchin said he is prepared to go forward with this document.

MOTION made by Mr. Derek W. Heim and seconded by Mr. Steven H. Kitchin, to adopt the application for approval of a temporary outdoor table service as presented by Attorney Savastano, and to amend the document to include the Planning Department official and correct scrivener errors where appropriate as amended.

ALL IN FAVOR – UNANIMOUS.

Mr. Al Monte, Gridiron Sports Bar, 2416 G.A.R. Highway, addressed some concerns on safety barriers. He also asked the Board of Selectmen to assign one safety officer instead of four individuals. He said the Police Chief could see it one way and the Planner could see it another way, so there are not three or four different opinions.

Attorney Savastano said each town official brings their own expertise, and his experience is that Swansea has top notch officials.

Mr. Purcell said he converses with these people on a daily basis and meets with them every week, and we are committed to an expedited process.

The Board of Selectmen discussed the hours of operation for serving alcohol and agreed establishments should stop serving at 9 pm in Business A District, and at the time listed on their liquor license for Business B District.

Mr. Kitchin recommended appointing Mr. Purcell as approval authority.

Mr. Heim said he is comfortable with the proposal as presented with the amendments.

Mr. Purcell said we will respond to any application within two working days as long as the application is complete.

MOTION made by Mr. Christopher R. Carreiro and seconded by Mr. Derek W. Heim, that the Board of Selectmen appoint the Town Administrator to approve or deny on premise alcohol consumption for an outdoor footprint contingent upon him being able to confirm with the ABCC Director in writing.

ALL IN FAVOR – UNANIMOUS.

REQUEST – OUTDOOR SEATING TO SERVE FOOD AND ALCOHOL

Gridiron Sports Bar, 2416 G.A.R. Highway – Al Monte (*via Zoom*)

Mr. Carreiro abstained from participation.

Mr. Monte informed the Board of Selectmen he has filled out the complete ABCC package and paid the fee. He is serving outside on the left area and is looking to expand the front area with ten tables, ten feet apart.

Mr. Monte said the Town Administrator and the office personnel have been helpful and friendly in the process. He is asking the Board of Selectmen to authorize inspection by the authorities so he can move forward.

MOTION made by Mr. Derek W. Heim and seconded by Mr. Steven H. Kitchin, to approve the Gridiron Sports Bar, 2416 G.A.R. Highway, expansion of their liquor license to include liquor service outside their establishment.

Mr. Christopher R. Carreiro abstained.

MOTION PASSED BY MAJORITY.

In regards to the food portion, Mr. Heim advised Mr. Monte that all he would need to do is staple the completed application to the packet.

UPDATE ON BEACH OPENING REGULATIONS

Tim Haley and Fran Kelley, Beach Committee

Mr. Haley and Mrs. Kelley said on June 1, 2020, the Beach Committee submitted its analysis and recommendations of the EOEEA Beach Guidelines for Managers.

Mr. Haley said the Committee felt the Covid -19 guidelines as issued, expands more than the authority they have as a Beach Committee.

Mrs. Kelley said they are here tonight to seek guidance from the Board of Selectmen.

They read over the first five questions relative to opening the beach in order of priority.

The Board of Selectmen discussed the questions and commented. There were no objections.

The final item on the questionnaire stated that in conjunction with the Board of Health and the Beach Committee, they have regretfully recommended not opening the new bath house or have Porta-Jon's on site this year, due to the sanitation regime and expectations to manage "social distancing" at the facilities.

Mr. Carreiro said having a Porta Jon onsite is a requirement to open the beach.

Mr. Heim said if it is not in the bandwidth to hire someone to clean the restrooms all day, every day, we cannot open the beach as it cannot conform with state regulations without this.

Mr. Kitchin said without facilities, the beach cannot open.

The Board of Selectmen agreed.

Mr. Carreiro asked how much daily cleaning would cost.

Mr. Remy said when it was priced out for a contract with a janitorial company, it was priced to hire several full-time custodians and janitors.

Mr. Heim said it would cost \$500.00 a day for deep cleaning twice a day and sanitation.

Mr. Kitchin asked for the names of the Beach Committee and thanked the Committee for their service.

The following are members of the Beach Committee:

Barry Hetherson, Chairman

Carole Hyland

Fran Kelley

Bernie Huck

Mike Kelley

George Jenkinson

Tim Haley

APPOINTMENT – SOUTH COAST BIKEWAY ALLIANCE (appointment does not expire)

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to appoint Catherine DeFarias, Swansea, to the South Coast Bikeway Alliance.

Appointment does not expire.

ALL IN FAVOR – UNANIMOUS.

RECREATION COMMISSION – PENDING VACANCIES

Chad Rosen – Board of Selectmen appointment

Becky Rosen – Parks Commission appointment

Mr. Kitchin said he received two notices of intent not to seek reappointment on the Recreation Commission at the end of their term.

The Board of Selectmen accepted the resignations of Chad Rosen – Board of Selectmen appointment and Becky Rosen, Parks Commission appointment.

Mr. Kitchin stated the Board of Selectmen will not be in the position to reappoint Chad Rosen and Becky Rosen, and asked that the word go out for the two open positions on the Recreation Commission.

He noted one appointment is a Board of Selectmen appointment and one appointment is a Parks Commission appointment.

TRASH ABATEMENTS (attached)

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to approve the trash abatement in the amount of \$120.00 for June 2, 2020.

ALL IN FAVOR – UNANIMOUS.

TOWN ADMINISTRATOR'S REPORT

Mr. Purcell said he has a meeting tomorrow morning with Mr. Kitchin, the Town Clerk, Town Counsel, and Town Moderator, to go over next Monday's motions for the Town Meeting.

Mr. Purcell said he will be commencing discussion tomorrow morning for collective bargaining with the Police Patrolmen Union.

ACCEPTANCE OF MINUTES

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to approve the open session minutes of May 12, 2020, as amended.

ALL IN FAVOR – UNANIMOUS.

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to approve the executive session minutes of May 12, 2020. Do not release at this time.

ALL IN FAVOR – UNANIMOUS.

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to approve the open session minutes of May 19, 2020, as amended.

ALL IN FAVOR – UNANIMOUS.

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to approve the executive session minutes of May 19, 2020. Do not release at this time.

ALL IN FAVOR – UNANIMOUS.

OLD BUSINESS

None

NEW BUSINESS

None

CORRESPONDENCE

Mr. Kitchin received correspondence from Mid City, Inc, Warwick, RI. This gentleman owns three parcels at Route 6 and Route 136, and has concerns with the Route 6 improvements as proposed by the Massachusetts Department of Transportation.

Mr. Kitchin would like to find a way to communicate to him that this is a state project, and his concerns need to be addressed with the Massachusetts Department of Transportation.

Mr. Kitchin received correspondence from resident Dick Van Dongen. Mr. Kitchin said Mr. Van Dongen is an active participant in the Town of Swansea. He shared the correspondence with the Board of Selectmen to reflect upon, and asked that this is on the next meeting agenda.

MOTION made by Mr. Derek W. Heim and seconded by Mr. Christopher R. Carreiro, to adjourn.
ALL IN FAVOR – UNANIMOUS.

Respectfully Submitted,



Madeleine L. Lopes
Board of Selectmen Minutes Clerk

List of Documents in the June 9, 2020 Open Session Meeting

- Analysis and recommendations of the EOEEA Beach Guidelines for Managers
- Application for Approval of Temporary Outdoor Table Service
- Letter of interest for appointment to the South Coast Bikeway Alliance
- Letter from Chad Rosen – not seeking reappointment to the Recreation Commission
- Letter from Becky Rosen – not seeking reappointment to the Recreation Commission
- Trash Abatement

Item 7

THE COMMONWEALTH OF MASSACHUSETTS

SWANSEA
NAME OF CITY OR TOWN

OFFICE OF THE BOARD OF SELECTMEN

SHEET NO. 1

TO THE COLLECTOR OF TAXES:

20

Acting upon notification dated June 2, 2020, setting forth that the following
Trash fees or portions thereof as listed herewith are adjusted

for the reason specified, abatement of said taxes is hereby certified after due inquiry.

You are accordingly discharged by this certification from further obligation to collect the taxes so abated.

NAME AND ADDRESS OF PERSON ASSESSED	ORIGINAL TAX	AMOUNT ABATED OR EXEMPTED	REASON FOR ADJUSTMENT
Lebeau-253 Cummings Road #20281	120.00	120.00	Dumpster Contract
TOTAL SHEET NO. 1	120	120	

TOTAL NUMBER OF SHEETS ATTACHED _____

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BOARD OF SELECTMEN
SWANSEA
NAME OF CITY OR TOWN