



**Advisory Committee
Meeting Minutes
Thursday, September 19, 2019
Community Room, Scituate Public Library
7:00 pm**

Committee Members Present: Lincoln Heineman, Chair; Jerry Kelly, Vice Chair, Patrice Metro; Mike Westort, Elise Russo, Dan McGuiggin, Andrew Goodrich

Committee Members not present: Jamie Gilmore and Sean deLacy

Also in Attendance: Nancy Holt, Finance Director, John Boehmke, Rich Bowen, Andrew Fanno, D'Ambrosio Brown; Tony Vegnani, Board of Selectmen, Ann Burbine, Planning Board Chair Kevin Cafferty, Director of Public Works, Ken Duval, Humarock petitioner

The meeting was called to order at 7:03 PM by Lincoln Heineman

Lincoln welcomed the new members to the Advisory Board, Dan McGuiggin and Andrew Goodrich.

Lincoln Heineman made a motion to approve the agenda; seconded by Mike Westort; Unanimous vote (7-0)

Lincoln announced that they were going to reorganize the Committee and asked for nominations for chair.

Mike Westort nominated Jerry Kelly as the new Chair for the Advisory Committee, seconded by Lincoln Heineman; Unanimous vote (7-0)

There were no other nominations or discussions.

Lincoln Heineman nominated Mike Westort for Vice Chair of the Advisory Committee, Jerry Kelly seconded he motion, Unanimous vote (7-0)

There were no other nominations or discussions.

Jerry Kelly announced that the articles would not be discussed in order and that the people who were in the audience would speak first to respect their time.

Discussion of Warrant Items:

ARTICLE 7. Zoning Bylaw Amendment – Signs (Section 710)

ARTICLE 8. Zoning Bylaw Amendment – Greenbush/Driftway

ARTICLE 9. Amend Zoning Map to Extend Humarock Village Residential Overlay

Ann Burbine, Chair of Planning Board stated that there had not been a public hearing yet on the three zoning articles and that the meeting was scheduled for September 26th. Ann requested to come and present at the October 3rd meeting.

The Committee agreed and the members present said they would be able to attend on October 3rd except for Jerry Kelly. Mike Westort will chair in place of Jerry.

It was discussed that the last possible meeting could be October 17th.

ARTICLE 3. Capital Improvement Plan: Kevin Cafferty:

Design, Engineering & Replacement of Water Pipes – This \$3,000,000 project will focus on eliminating another source of brown water in the 2" galvanized pipes that are too small for hydrants to allow a flushing program to be effective in some areas of Town. The funding for this project would be from borrowing with the associated debt service supported Water Enterprise revenues.

Kevin explained that a Capital request for \$3,000,000 was made to replace the 2 inch galvanized pipe which currently cannot be flushed. He explained that the Town has replaced most of the cast iron pipes and that we only have 2 inch galvanized pipe left. He said that his department has not met with Capital, but tentatively plans to do so next week.

Andrew Goodrich asked if this was part of a bigger plan, Kevin said that the plan is to get it engineered and then to go out to bid. We need to add hydrants, which we will incorporate if the money is approved. Andrew Goodrich asked how much pipe was going to be replaced, Kevin said that 28-30 miles of pipe originally needed to be repaired, this will be about 2 miles, which they try to do every year so it will not be too disruptive to the Town.

Jerry asked if this money will accomplish this, Kevin said yes.

Andrew asked if there was a timeline, Kevin said they have to have surveyors in and that the snow may push off the design. It might go to an April timeframe for bidding if we get a lot of snow this winter. Andrew asked how many hydrants were being replaced, Kevin said they do not know what hydrants need to be replaced or added at yet.

Mike Westort asked if Water Enterprise Fund will pay the debt, Kevin said yes.

Jim Hunt, Mann Lot asked if this project was included in the Master Plan for pipe work, Kevin said we do not have the results back yet and that this was identified in 2001. Jim thinks this should not be presented at a Special Town meeting and should be voted on at Annual Town Meeting.

ARTICLE 13. New General Bylaw - Water Moratorium

ARTICLE 14. Petition Legislature - Water Moratorium

ARTICLE 15. Petition Legislature – Elected Water Commission

John Boehmke and Rich Bowen:

John said that Article 13 and Article 14 are similar to the article that was presented at the Annual Town Meeting. He believes we need to do further research and studies to resolve the issues of brown water and to figure out what the right level of water is before we add more consumers to our system. He added that the Town almost ran out of water in 2016 (luckily it rained) so he decided to get involved, especially when Toll Brothers was approved to build. He explained that there is an average consumption number that the State allows and if we do not go over that number we cannot

stop more people being adding to the system. The State forces conservation instead of limiting the number of consumers. He said the Town could add a by-law or ask the State to mandate a moratorium. John wants to do it legally. Lincoln said Town Counsel thought it was illegal because it was limited to residential homes and not commercial, so it was deemed to be discriminatory. Rich Bowen added that the other issues were that it also did not have a clear objective (lack of purpose) and a timeframe. In the by-law article we added a rationale that explains the brown water and that time is needed to rectify the problems with water supply. A time frame of 1 year was added. He thought a by-law should be sufficient to initiate a moratorium.

Jerry Kelly asked about the creation of a Scituate Water Commission, and asked if other towns our size have separate Water Commissioners. Rich said that Marshfield and Hingham do and Cohasset did until recently.

Mike Westort asked if they would only look at water issues, Rich said yes. Mike said if people are not satisfied with the Board of Selectmen then they would vote in new people. John said he thinks they are doing an amazing job, but “focus” is what solves problems and they have so many problems that they have to solve. He feels that we have a real water problem.

Mike asked if it was full time job, John said no but they would be focused on having a strategy. We thought that we currently did not have a plan.

Jerry reminded everyone that the discussion should be limited to the article.

Jerry thought that having a by-law for a one year issue did not make sense. He thinks the water issue would take longer than one or even two years to resolve, and asked if it was an appropriate use of the Town’s by-laws. Rich said that it has to be limited and that the by-laws are used for people to solve problems as they arise.

Andrew asked why a year and not 3 – 6 months like other states and asked if we are in the minority by not having a water commission. John said that some Towns were longer than a year and we have a water study started already, the year might not be long enough, but we will have more information to act on.

Lincoln said that the Town gave the authority to the Board of Selectmen to be in charge of water, so wouldn’t it be simpler to revoke the authority from the Board of Selectmen. Rich said for a major Town Charter change, legislation is quicker.

Lincoln said that you would not want to vote out the Board of Selectmen for one issue [water for example] that you were not happy with. The Board of Selectmen has recommended articles for \$17.1 million dollars for direct improvements to the water system. He asked what Water Commissioners would do differently. John said that 2 different engineers have said that we need to understand the problem first before we throw money at it to try to fix it.

Elise brought up the fact whether or not the people on the Commission would be specialists in the field.

Mike asked if they were concerned about lawsuits. John said they cannot stop people/builders from suing.

Andrew confirmed that the moratorium would also apply to businesses, John said yes.

Anne Burbine, 10 Pennycress Road, said that she could not support this article because we don't know who would end up on the board, you need to appoint them so we have people with expertise. She asked why we couldn't empower the Water Resource Committee.

Steve Bjorklund, 38 Ladd's Way, a developer in Town, said the houses he builds are both water and energy efficient. He feels his houses do not create brown water. The water rates are low and we do not charge enough for people who use the water. The Board of Selectmen, Water Resource and DPW are doing more than has ever been done. If we stop 30-50 houses from being built, we are still going to have brown water.

Jerry asked if the water rate was based on usage, Tony Vegnani said yes.

Sandra Higgins, 25 Holly Crest Road, asked if we could we put another water tank in.

Tony Vegnani, Board of Selectmen said that there is a water plan, we do not make rates based on getting re-elected and we are currently in the process of raising them. They know that brown water is a big issue and we always have a consultant come in and give proposals. I am not opposed to a water commission. People are upset about the brown water, but it is not as bad as it was years ago. He just wanted the argument to be based on facts.

Kevin Cafferty, DPW said that the pipe request has been on the Capital Plan and will remain until 2021. We try to do 2 miles a year at a minimum. We have replaced all pre-1935 pipes. We should now be able to flush the pipes that replaced the 2 inch pipes which should help the brown water. He said that we do need an additional water tower, but the new green sand filter will be added and this will help with the water supply. Scituate did not start replacing pipes until around 10 years ago.

Patrice asked about the water supply running low. Kevin said that we go into water restrictions May and June which are required by our DEP permit. As the reservoir goes down we have more restrictions. We have to do fish releases in May – June which is required by the DEP. Well 17 (Tack Factory Road) is getting a green sand filter and we will be able to use that well. Well 18 is now being run. We are always looking for additional well sources.

Tony added that we are also expanding the size of the reservoir.

Andrew asked how many new houses would be problematic, Kevin said you have to talk to the DEP they would say just conserve more water. Kevin said anytime we have a drought it causes a problem. Kevin could not say exactly how many more houses we could add to the water supply.

Nancy said even if you have dedicated boards, you still only have the same amount of staff unless you add more funds.

Nancy added that there was also a ban on irrigation systems that the Board of Selectmen implemented.

Jim Hunt, Mann Lot thought that water rates need to increase to meet demand. This Town just started concentrating on water. I am thrilled to see initiatives like this.

ARTICLE 1. Unpaid Bills/Amounts Due Town - \$20,308.50 (Consent Agenda) Nancy Holt:
This article seeks to resolve two instances of amounts due to the Town which will not be received.

Nancy said that there were no unpaid bills.

Two items will not be reimbursed for emergency medical training which need Town approval one additional item is in an escrow account for the Walden Wood Development the previous owner (2 owners back) left and never paid at least prior to 2007. Nancy wants to get them off the books.

ARTICLE 2. Fiscal Year 2020 Budget Reconciliations - \$TBD

This article seeks to appropriate the \$859.50 in ride share fees received from the Commonwealth to an acceptable use which includes roadway improvements.

We have \$858.50 from Uber and Lyft. We want to put in roadway budget.

It also seeks to appropriate \$28,127 in additional funds for the Inspection Department PT Salaries line as the rates for inspectors were increased as well as the estimated number of inspections which was budgeted at 2,300 but was actually 2,859 in FY19. The building, gas and permit fees were increased for FY2020 which will fund these costs. The year to date permit fee revenue for FY20 as of the end of August is \$21,668 more than FY2019 for the same time period. The annual local receipt budget estimate was not changed from FY19 to FY20.

These issues were raised by the Board of Selectmen that we had problems retaining inspectors because our salaries were so low.

Due to additional "cherry sheet" state aid funds the Town would like to be proactive and increase the BOS/Town Administration budget line for Contractual Bargaining/Retirements by \$75,000 based on anticipated retirements as well as unanticipated retirements. The Town had three retirements at June 30th last year resulting in unexpected year-end transfers. Also, the Town would like to increase the Information Technology budget by \$46,300 to cover the annual cost to bring the Town into compliance with Microsoft licensing. This will be an annual increase that will be seen in future budgets. Finally, the School Department would also like to amend their budget request by the additional state aid funds provided.

We want funds for upcoming retirements that we may not know about.

Our new IT director discovered that we were lacking in licensing on servers. This was not budgeted. We will pay this fee every year.

An increase in the Widows Walk enterprise repair & maintenance budget line of \$21,000 is requested. That budget line was increased by \$16,000 for FY20 which allowed the course to address temporary parking lot repairs and basic clean-up to the front beds. The course has incurred unexpected repairs to the pump station and maintenance building which will likely exceed \$10,000. These additional funds will allow the course to address other non-capital level repairs which have had to be deferred due to recent revenue shortfalls in the last several years.

We had positive retained earnings, but we need funds for maintenance. They are having a good year so we may be able to take from receipts. There is an issue with pumps and the maintenance building. Lincoln asked about the long-term plan for the Club House, Nancy said we hired someone to create a design.

As discussed during the FY20 budget cycle, the Sewer Enterprise and Transfer Station recommended budgets were insufficient to cover anticipated FY20 costs based on actual FY19 expenses but could not be amended until a funding source was identified in FY20.

Nancy said this depends on if the rate increase vote passes.

The Town marina pilings project financed predominantly through a Seaport Advisory Council grant (80%) may need additional funding to be completed. The project has been delayed during the permit process and litigation resulting in an increase in overall costs. An amendment to the grant will be filed with the Seaport Economic Council for the additional amount needed but in case that is unsuccessful; the full amount needed to complete the project is being requested from Waterways Retained Earnings.

They need additional funds and Nancy needs to confirm the amount. It could be retained earnings or other money left over or not used from other Capital Items. Everything was redesigned by the engineer, she is just waiting for Paul Scott to provide her with cost information.

ARTICLE 4. Acceptance of Loan – Third Cliff FEMA Subsidized Storm Repairs (Consent Agenda)

This is a placeholder article in case the Town is successful in its application to the Dam & Seawall Repair Fund for the FEMA subsidized repairs of storm damage to the Third Cliff area.

Lincoln asked Kevin Cafferty where the damage was because he has heard two different locations. Kevin and Nancy said Third Cliff. Nancy added that the article may be pulled if we were not awarded the FEMA money (\$10,000,000 for Third Cliff for damage from the 4 storms). FEMA matches 75%. Lincoln thinks we need another funding source for the future.

ARTICLE 6. Cell Tower Lease at 600 Chief Justice Cushing Hwy

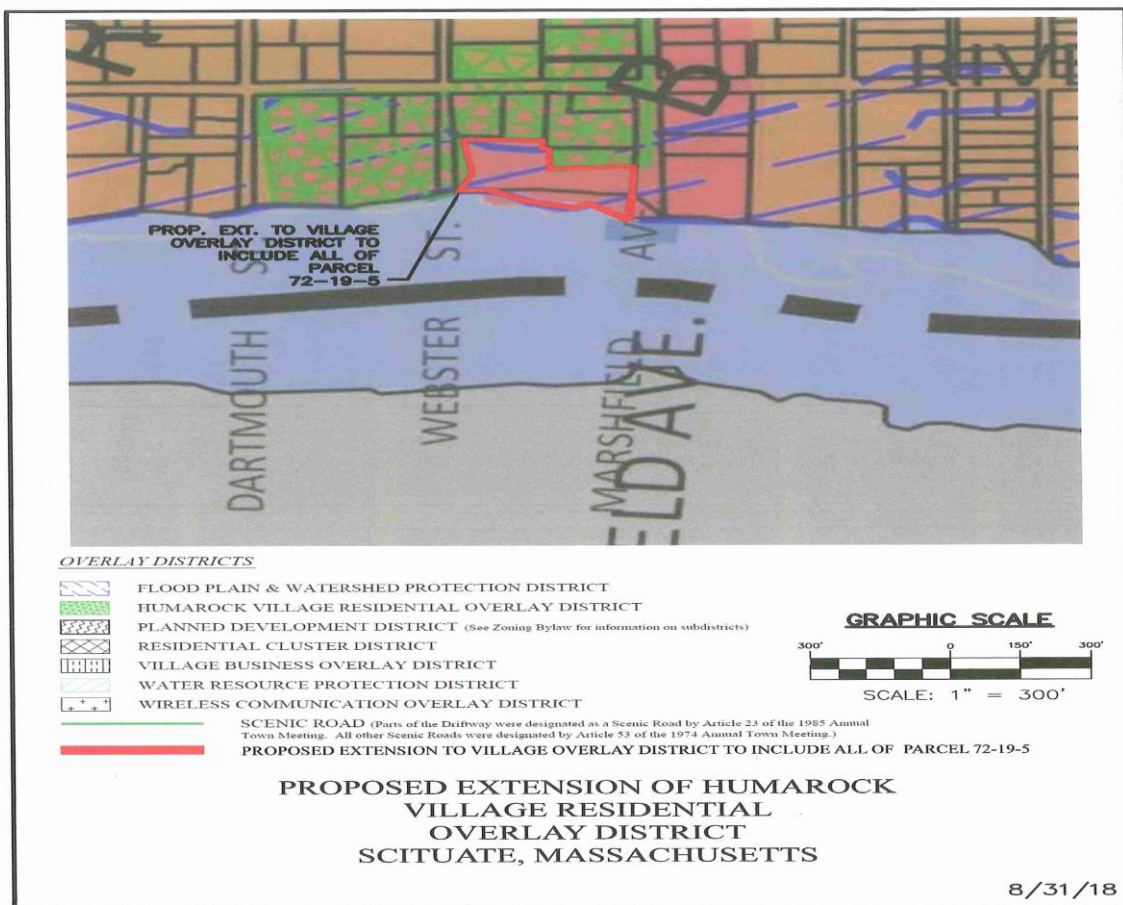
The Town has been approached by two of the lessees to renew the lease on the cell tower located at Town Hall. The current leases expire in 2021. Town Counsel has opined that the 1997 vote of town meeting was not site specific and it was for a set 25 year period therefore town meeting would need to authorize a new lease. The current proposals being received are for 30 year periods. Procurement of new lessees would also have to be done.

Nancy said that it will be withdrawn

Lincoln thought that a 30 year lease was long because we do not know what the technology will be by then and also felt that the Town could use the land for something else. The Committee thinks that the Town should vote on whether or not they want to keep the lease. **Nancy said she will pass the message to Jim Boudreau to notify Town Counsel of the Committee's decision.**

ARTICLE 9. Amend Zoning Map to Extend Humarock Village Residential Overlay Zoning District

This article is sponsored by the Planning Board and was previously a citizen's petition to amend the Zoning Map by amending the Zoning District shown as the Humarock Village Residential Overlay Zoning District to include all of the parcel shown on the plan entitled "Proposed Extension of Humarock Village Residential Overlay District Scituate, Massachusetts" prepared by Morse Engineering, Inc. dated August 31, 2018, and identified on the Town of Scituate Assessor's Maps as Parcel ID: 72-19-5. An updated map has not yet been provided.



Attorney Andrew Fanno from D'Ambrosio Brown who represents South River Realty, LLC and Ken Duval the owner, explained that the property at 21 Central Avenue in Humarock, is located near the business district and that the current owner would like the whole parcel to be added into the overlay district as originally planned. He said that they had a public hearing where the matter was discussed. The previous lease owner requested that the parcel was not put in the overlay district so they could still do operations near the waterfront. This article was presented last year, but had objection from the Board of Selectmen, it is currently supported by the Planning Board. Attorney Fanno explained that the Town created the overlay district which overlays the business district and allows for residential structures. The current owner has to change the overlay before he can make any decisions on what to do with the property. He further stated that there is a large steel building on the parcel and that there is no need for this building in this area, the owner will keep the marina on the property.

Jerry asked if there was public access, Ken said there was a ramp and it would stay public access

Elise asked about how the neighborhood hearing went, Andrew said it went well. They like the idea of having residential multi-use housing.

Lincoln asked how people were notified about the public hearing, Attorney Fanno said by the Patriot Ledger and the 12 abutters who attended were notified by certified mail.

Patrice asked why the Board of Selectmen did not like the original article, Andrew said they thought it could be considered "Spot Zoning" which Andrew clarified that it was not. The entire parcel was originally supposed to be in the overlay district and we are just requesting to put it back, which was the Town's original intent.

Dan asked if it was in the flood zone, Ken Duval said yes.

Dan asked why the boat yard was not viable, Andrew said they don't need the travel lift anymore and most of the building is winter storage which they do not use.

ARTICLE 10. Amend General Bylaws – Section 20510 - Council on Aging (Consent Agenda)

This article proposes to expand the membership of the Council on Aging by up to two additional voting members and three new non-voting members. It also changes the role of the Council of Aging from being responsible for budget preparation to assisting in budget preparation.

The Council wants to increase membership to 9 permanent members.

ARTICLE 11. Amend General Bylaws – Section 32070 - Plastic Bag Reduction Bylaw (Consent Agenda)

This article proposes to make some minor changes to the Town's recently adopted Plastic Bag Reduction Bylaw by deleting some language that was inadvertently carried over from a different version of the proposed bylaw language prior to adoption.

They want to strike language from the by-law that was included in error in the final version.

ARTICLE 12. Local Option Acceptance – Property Tax Exemptions Gold Star Parents (Consent Agenda)

This local option acceptance would provide a full exemption for surviving parents and/or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2019. A qualifying resident approached the Town relevant to this local option.

This would be property tax relief .

Jerry asked about the fiscal impact, Nancy said that the fiscal impact to the town would be one family at the current time.

Patrice asked if there was relief for spouses, **Nancy said she will ask Joe if there is another section for spouses.**

ARTICLE not assigned Community Preservation Act Reconciliations

CPC not expecting any rescissions at STM.

Jerry announced that the next meeting would be on October 3rd.

Jerry Kelly made motion to approve the minutes from the June 15, 2019 meeting, seconded by Patrice Metro; Majority in Favor (5 in favor -2 abstained)

Jerry asked Lianne to send the liaisons list to Committee

Liaisons Update:

Financial Forecast:

Lincoln said he enjoyed being the liaison for this Committee and wouldn't mind staying on.

Waterways:

Elise said that Waterways is in the process of establishing Rules and Regulations for Shellfishing
Brian Kelly is up for re-election for chair

Planning Board:

Jerry said they voted 3 -2 in favor of the Senior Center

New Business:

Nancy Holt said that a Town-wide Facilities Study is being done to provide analysis of the current condition and 20 year maintenance costs for each of the buildings included.

Jerry Kelly made a motion to adjourn the meeting at 9:23 PM, Lincoln Heineman seconded the motion; Unanimous Vote (7-0).

Respectfully Submitted,
Lianne Cataldo (Recording Secretary)

Referenced Materials:

- Agenda
- Minutes
- Draft Warrant
- Background Information
- Capital Projects Submissions

Outstanding Items:

- The next chairman of the Committee attend the Association of Town Finance Committees training
- Nancy said she will pass the message to Jim Boudreau to notify Town Counsel of the Committee's decision regarding the Cell Tower Lease
- Property Tax Relief for Gold Star Families, Nancy will ask Joe if there is another section for spouses.
- Liaison List