

TOWN OF SCITUATE  
600 Chief Justice Cushing Highway  
Scituate, Massachusetts 02066  
Phone: 781-545-8710  
FAX: 781-545-8704



**Advisory Committee Meeting Minutes**  
**Thursday, September 14, 2023**  
**Scituate Town Library Community Room, 85 Branch St – 7:00 pm**

**Committee Members Present:** Jamie Gilmore; Chair, Elise Russo, Vice-Chair; Lynda Ferguson, Patrice Metro, Conor Doherty, Jerry Kelly, Marc DiCosimo and Missy Seidel

**Committee Members Not in Attendance:**  
Dan McGuiggin

**Also in Attendance:** Nancy Holt, Finance Director/Town Accountant; Dave Ball, Petitioner; Dr. William Heggerick, Petitioner; George Simmons, Petitioner; Jim Boudreau, Town Administrator

Mr. Gilmore called the meeting to order at 7:01 p.m.

**Mr. Kelly made a motion to accept the agenda which was seconded by Ms. Seidel and voted unanimously in favor (8-0).**

**Ms. Russo made a motion to accept the minutes of the August 31, 2023 meeting which was seconded by Ms. Seidel. The minutes were voted majority in favor (6-0-2). Mr. DiCosimo and Mr. Kelly abstained.**

*Re-organization of Advisory Committee*

Mr. Gilmore nominated Ms. Russo as Chair and Mr. McGuiggin as Vice-Chair. Mr. Gilmore asked members for any other nominations and none were made.

**Mr. Kelly made a motion to appoint Ms. Russo as Chair and appoint Mr. McGuiggin as Vice-Chair of the Advisory Committee which was seconded by Ms. Russo and voted unanimously in favor (8-0).**

*Review of October 16, 2013 Special Town Meeting Articles*

*Petition Article for \$7M for Cedar Point Area Seawall*

Mr. Ball introduced his fellow petitioners and informed members that the seawall was built in

1900. Mr. Ball noted the anecdotal information about the need for a seawall in that area was confirmed in an official document from the Commonwealth confirming the root cause was from the great storm of November, 1898. Mr. Ball detailed the damages that would occur if there was breach from a storm that have been seen in recent history including damage to water lines, sewer lines, property, the harbor as well as terrible flooding that would cut off access to the lighthouse area. He noted that one section of wall is in far worse shape and that is the part that this article would address totaling 570 linear feet. He stated that there was a \$7M on the capital plan which was not brought forward two years ago. Mr. Ball stated that their estimate is \$10,000 per linear feet based on the cost of Oceanside seawall of \$8,500 per linear feet with inflation. He stated that the length they are seeking to replace would cost less than \$7M,

Mr. Ball stated that having the Town vote the \$7M would put it in a better position to apply for a \$5M Dam & Seawall Repair Fund grant. Mr. Ball stated that even without Commonwealth assistance, the cost should still be less than \$7M. Mr. Ball noted that the placement of armor stone on the outside of the other section would potentially support it for a few more years. Mr. Ball noted the water, sewer and lighthouse improvements that had been replaced in the last few years that would be negatively affected if there was a failure. He noted that Mr. Cantwell had called the group to inform them that Senator Markey had placed a \$5.5M earmark in the federal appropriation bill but that did not guarantee there would be funds furnished. He also noted the group has been in contact with Representative Kearney and Senator O'Connor. He stated that applications to the Dam & Seawall Repair Fund would be due at the beginning of next year and that is why it is important for the article to be approved at the October special town meeting.

Mr. Simmons stated that Congressman Lynch had visited the wall and noted that the infrastructure built by prior generations now falls on the current generation to fix. Mr. Heggerick noted the worsening of the storm impacts. He stated that the group is now contacting businesses in the harbor and others and distributing their flyers. He stated that the seawall protects \$16M in assets in just the Yacht Club area alone.

Mr. Gilmore stated he wanted to hear from Mr. Boudreau about the Army Corps of Engineers. He noted that if the town moves away from the Army Corps, it will lose its funding. He also noted that permitting is difficult to get even though funds are on hand for work on other walls. He stated that they have not yet spoken about easements. Mr. Simmons responded that the group was in a meeting between the town and the Army Corps of Engineers in early June. He felt that the Army Corps of Engineers was not interested in the pursuing the project as their grant program is only \$10M. Mr. Simmons stated that permitting is always difficult but that the project has to get started. Mr. Ball stated the meeting with Army Corps was related to a Section 103 program and the study has been ongoing since 2017. The project being examined was for 1,200 linear feet. Mr. Ball stated the Army Corps committed to come back and inform the town of their final intent but that has not happened yet.

Ms. Metro asked if the Army Corps recognized the critical aspect of that wall and is there any other corroborating information of the critical nature of that wall. She asked why the Corps was only studying the longer section of the wall. Mr. Simmons responded that they wanted the Army Corps to provide other design alternatives but it has not happened. Mr. Simmons stated the town had provided \$220,000 to the Army Corps to study the 1,200 linear section of the wall. Mr. Ball

asked Ms. Holt to confirm the funds spent which she did. Mr. Simmons said he has the hard copy of the June presentation that laid out three or four design options. Ms. Metro asked if there was a town document supporting that and Ms. Holt referred to the previous seawall study and that the Army Corps partnership was to move that section forward. Ms. Holt noted that permitting was extremely difficult. Ms. Ferguson asked if the \$6M could be applied and Ms. Holt said no as it was a grant or the Oceanside area. Mr. Ball stated the wall will not make it through the winter and the damages if there was a failure would be +/- \$80M.

Mr. Simmons stated the funds needed to be appropriated **and** then permitting could be pursued. Mr. Gilmore responded that there was not a defined project that had been engineered or designed. Ms. Russo asked the rating of the wall and Mr. Ball and Ms. Ferguson stated it was the 2011 study. Ms. Metro asked who was responsible if there was a breach and Mr. Ball responded in the affirmative. Ms. Holt stated that armor stone was deployed in the area and could be moved into the area. Ms. Russo asked if there was an analysis of all of the seawalls costs in the context of other projects and Ms. Holt said yes. The town had started with the worst area in Oceanside and was moving down that section until the permitting requirements changed.

Ms. Ferguson asked if the town could use the \$6M if there was a failure and Ms. Holt responded in the negative as it was specific to Oceanside. She noted that project is fully designed and cannot go out to bid because of permitting issues. Ms. Seidel asked if the regulations had changed and Ms. Holt responded that the agencies interpretation of the regulations had changed. She noted that multiple coastal projects were completely stalled due to additional requirements such as beach nourishment. Ms. Holt noted concerns about how to finance

Mr. Doherty asked if money was the roadblock or if it was the federal partners. He asked what would happen if the town started to work without permits and Ms. Holt stated that regulatory agencies would order us to stop including the local Conservation Commission. Mr. DiCosimo stated that town meeting members will be looking for an estimate based on more than just an estimate.

Mr. Kelly commented that he had visited the wall as had other members and the wall is going to breach.

*Mr. Boudreau joined the meeting.*

*Discuss/Vote Special Town Meeting Articles*

Mr. Gilmore took up the articles individually.

*Articles*

1. Unpaid Prior Year Bills – *Article assigned to Mr. Gilmore*

**Mr. Doherty made a motion to approve the article with the understanding that it could increase which was seconded by Ms. Metro and voted unanimously (8-0)**

2. Compensation of Elected Officials – Town Clerk - *Article assigned to Mr. Gilmore*

**Mr. Kelly made a motion to approve the article which was seconded by Ms. Seidel and voted unanimously (8-0)**

3. FY24 Budget Reconciliations – still to be confirmed by Select Board at their 9/12/23 meeting - *Article assigned to Mr. Gilmore*

**Ms. Russo made a motion to approve the article which was seconded by Mr. Doherty and voted unanimously (8-0)**

4. Establishment of Opioid Stabilization Fund (legislation was not passed to reserve these funds so they closed out to Free Cash and need to be recaptured and set-aside for the purposes allowed by the settlement agreements) and establishment of PFAS Stabilization Fund for the same reasons. - *Article assigned to Ms. Seidel*

Mr. Kelly asked if there would be more funds received and Mr. Boudreau replied in the affirmative.

**Ms. Metro made a motion to approve the article which was seconded by Ms. Seidel and voted unanimously (8-0)**

5. Old Stockbridge Landfill – additional funds required for DEP study - *Article assigned to Mr. Doherty*

**Mr. Doherty made a motion to approve the article which was seconded by Ms. Kelly and voted unanimously (8-0)**

6. Maintenance, Improvement of Open Spaces - *Article assigned to Ms. Ferguson*

Ms. Holt noted the deletion of the words “to the Conservation Fund” as requested by the Conservation Commission Chair so the funds could also be used in the town forests.

**Ms. Ferguson made a motion to approve the article which was seconded by Mr. DiCosimo and voted unanimously (8-0)**

7. Grant Matches - *Article assigned to Mr. DiCosimo*

Ms. Holt explained the three items at Mr. Gilmore’s request.

**Mr. DiCosimo made a motion to approve the article which was seconded by Ms. Metro and voted unanimously (8-0)**

8. Transfers to Reserves - *Article assigned to Ms. Metro*

Ms. Holt explained the Select Board had reduced some reservations in order to keep more funds on hand during the fiscal year.

**Ms. Metro made a motion to approve the article which was seconded by Mr. Kelly and voted unanimously (8-0)**

9. Retirement of Debt - *Article assigned to Ms. Russo*

**Ms. Russo made a motion to approve the article which was seconded by Mr. Doherty and voted unanimously (8-0)**

10. Rescission of Borrowing Authorizations - *Article assigned to Mr. Kelly*

Ms. Holt noted the removal of the Jenkins Roof project until the spring as the project is complete but not all invoices have been paid yet.

**Mr. Kelly made a motion to approve the article which was seconded by Mr. DiCosimo and voted unanimously (8-0)**

11. Capital Plan - *Article assigned to Mr. McGuiggin*

**Mr. Doherty made a motion to approve the article which was seconded by Ms. Seidel and voted unanimously (8-0)**

12. Community Preservation Committee - *Article assigned to Ms. Russo*

**Ms. Russo made a motion to approve the article which was seconded by Mr. Doherty and voted majority in favor (7-0-1). Mr. Gilmore abstained.**

13. Amend a 1961 street acceptance for Cavanagh Road - *Article assigned to Ms. Seidel*

**Ms. Seidel made a motion to approve the article which was seconded by Ms. Ferguson and voted unanimously (8-0)**

14. Remove Police Officers from Civil Service - *Article assigned to Mr. Doherty*

Ms. Seidel asked for an explanation of the need for the article. Mr. Boudreau stated civil service does not work for small communities any more and it is handcuffing the town not allowing for transfers from non-civil service communities and the list of available civil service candidates is dwindling. He noted there is a summer police officer that the town cannot hire because he is not in civil service. He stated this action had been negotiated with the police union.

**Ms. Metro made a motion to approve the article which was seconded by Ms. Russo and voted unanimously (8-0)**

15. Petition - \$7M for Cedar Point Seawall - *Article assigned to Ms. Metro*

Mr. Boudreau stated the town has a plan to replace seawalls and it is moving forward on Oceanside and the Army Corps project was to pick up where that project left off. Mr. Boudreau stated the current estimate had increased from \$17M to \$25-\$30M. Mr. Boudreau commented the Army Corps will only build their design which includes an addition of four feet in height. He stated the town has \$2M in seawall funds but they are waiting for the Army Corps to decide if they are going to participate further in the project. He stated the town will take the project over and do the design which will take at least a year and then the difficult **portion** is permitting if Army Corps cannot move forward. He stated the town has storm related projects from 2014 still waiting on permitting. Ms. Ferguson asked if there was a plan to address the seawalls and Mr. Boudreau stated that there is a plan to continue down Oceanside. The plan was just to the end of Oceanside and Army Corps was to take it up from that point. Mr. Boudreau stated that the Army Corps is not out of it yet but it will be likely that the town will exit the partnership.

Ms. Metro asked about the additional four feet and Mr. Boudreau stated the residents are not in favor of it and town would not have to do it. Mr. Boudreau stated if the town were going to do the full section, it would have to be a debt exclusion. Ms. Metro asked Mr. Boudreau for his opinion on the imminent failure of the wall as presented by the petitioners. Mr. Boudreau stated that there is material close by on Oceanside that could be put in place if there was a breach. Mr. Boudreau stated he was concerned about it and he had raised that issue with the Army Corps to help the town to qualify for the project. He said Oceanside was a higher priority at the time as it protects the sewer pump station that supports 40% of users.

Mr. Doherty asked what would happen if there was a breach. Mr. Boudreau stated the town could spend funds for an emergency repair and find the funds after the fact. Ms. Ferguson asked if the Army Corps pulls out can the town move forward with design and Mr. Boudreau stated that \$2M is available to start design, engineering and permitting.

Mr. Gilmore stated the estimate is based on a prior project. Mr. Boudreau said if the \$7M is approved and \$11M is needed then we have to go back to town meeting. He also noted there are not any easements or a design yet. Ms. Seidel asked about the deadlines for the grant applications and if the town could pursue the state grant while pursuing the Army Corps grant. Mr. Boudreau responded in the affirmative.

Mr. Kelly asked Mr. Boudreau how to move forward with CZM and Mr. Boudreau said he is pursuing multiple options. Mr. Boudreau noted that the town has retained a consultant to pursue other federal grants and file applications on Cedar Point. Mr. Boudreau stated that the town asked Senator Markey's office for the earmarked funds and they are tied to an Army Corps project.

**Ms. Doherty made a motion to approve the article which was seconded by Mr. Kelly and failed unanimously (0-8)**

16. Petition – Amend General Bylaws Section 30460 Leash Law to allow for voice control -  
*Article assigned to Mr. McGuiggin*

**Ms. Metro made a motion to approve the article which was seconded by Ms. Seidel and failed unanimously (0-8)**

*Other Business*

Mr. Gilmore thanked the members for their support during his tenure as Chair.

**Mr. Doherty made a motion to adjourn the meeting which was seconded by Mr. Kelly at 9:11 p.m.; the Committee voted unanimously in favor (8-0).**

Respectfully Submitted,

Nancy Holt  
Recorder