



**Advisory Committee Meeting Minutes**  
**Thursday, August 4, 2022**  
**Zoom Video/Audio Conference – 7:00 pm**

*Pursuant to Chapter 22 of the Acts of 2021, Chapter 22 of the Acts of 2022 and Chapter 107 of the Acts of 2022, Scituate Advisory Committee Members held the August 4, 2022 meeting via Zoom Video and/or Audio (Dial-in for those with only phone access). All participants participated remotely.*

**Committee Members Present:** Elise Russo, Jerry Kelly, Lynda Ferguson, Dan McGuiggin, Patrice Metro and Jamie Gilmore; Chair

**Committee Members Not in Attendance:**  
Missy Seidel and Lincoln Heineman

**Also in Attendance:** Nancy Holt, Finance Director/Town Accountant; Seth Pfeiffer, SCTV Facilitator; James Boudreau, Town Administrator; Karen Joseph, Town Planner; Patricia Lambert, Planning Board Chair; Chris Carchia, Capital Planning Committee Chair;

Mr. Gilmore called the meeting to order at 7:00 p.m.

Mr. Gilmore read the following opening statement.

*The Scituate Advisory Committee is committed to providing an environment of respect during meetings. We ask all members to interact in a polite manner even when there is disagreement.*

*We value the participation of our community and want all participants, including marginalized and minoritized communities, to feel welcomed and respected.*

*We ask our committee members, and all who participate, to commit to these standards to support and respect our community.*

**Mr. Kelly made a motion to accept the agenda which was seconded by Ms. Russo and voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

**Ms. Russo made a motion to accept the minutes of the June 14, 2022 meeting as amended which was seconded by Ms. Ferguson. The minutes were voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr.**

## **McGuiggin-yes and Ms. Metro-yes**

### *Special Town Meeting Article Discussion*

#### *Article 7 & 8 Zoning Bylaw Amendments*

Ms. Joseph noted the Planning Board wanted to change the setback/stepback graphic in the zoning bylaw in Article 7. She noted that the graphic in Section 750.5A Figure 6 does not agree to the language and this is a housekeeping article to correct the graphic to more accurately reflect the bylaw to stop confusion with developers. Mr. Kelly if this applied to single family residences and Ms. Joseph confirmed no and noted the districts in which it applied.

Ms. Joseph stated the Planning Board proposed to eliminate the penthouse provision in Section 750.5 a 2 c as the penthouse is not supposed to be visible from the sidewalk in Article 8. She noted that it was not appropriate for Scituate and penthouses can exceed the height limit as well. Mr. Kelly asked if mechanicals are part of the height. Ms. Joseph said no but they are seeing some creative developments coming forward.

**Ms. Russo made a motion to recommend Article 7 which was seconded by Ms. Metro. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

**Ms. Metro made a motion to recommend Article 8 which was seconded by Ms. Russo. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

#### *Article 1 – Siting of New Water Treatment Plant*

Mr. Boudreau noted that due to an amendment at annual town meeting, this article was necessary to move forward with the water treatment plant final design and construction. He noted the site on Chief Justice Cushing Highway would allow for the most rapid construction and is the best site for the plant and was the intent when the property was purchased.

Mr. Kelly noted the concerns of the neighbors raised at annual town meeting and stated the current plans on the website does not seem to allow a blind for the neighbors. Mr. Boudreau noted the current design iteration has moved the plant as far away as possible and other concerns would be addressed in the final design process. Mr. Kelly stated he was looking at the July plan with a 30 foot rear setback and Mr. Cafferty responded that the original plan was for two buildings and the current plan is for a single building. Mr. Boudreau stated the 30 foot setback would not be cleared. Ms. Metro asked what permanent structures would be used to shield the neighbors from the plant. Mr. Boudreau stated the report was speaking about wind impact and the permanent structure was the plant building.

Ms. Ferguson stated that the concern from the neighbor meeting was the availability of other sites and had that been addressed. Mr. McGuiggin concurred with Ms. Ferguson and further stated he recalled that the Commonwealth would have to approve the final site once all other sites had been reviewed. Ms. Russo stated she recalled that town meeting expected the cost if

the current plant location were to be used. She was also concerned about the current housing starts and whether a new sewer plant would also be needed. Mr. Kelly responded that he felt that there was insufficient land to construct a new plant on the existing property while still operating the old plant. Ms. Ferguson agreed but stated that town meeting is expecting the answer on other possible parcels. Mr. Cafferty responded to these concerns and referenced the members to the interactive website map that allows users to check all the other parcels in town that are sufficiently large enough for the plant. Mr. McGuiggin said that was the piece that is expected to be provided to town meeting members. Mr. Gilmore wanted to ensure that preparations would be in place to resolve those questions at town meeting and Mr. Boudreau stated he could pull that site up at town meeting if needed. Mr. Gilmore asked if the addition of trees at other locations could be done to offset those lost at this site which was seconded by Ms. Russo. Mr. Boudreau said he could look at it.

Ms. Russo asked what would have occurred if we had not had this land. Ms. Ferguson noted that this was the reason the land was purchased. Mr. Boudreau responded the property was purchased with the knowledge that it could be for a future plant. Mr. Boudreau also noted that the Planning Board has made it clear that the project would have to adhere to the Route 3A requirements for clearing.

Ms. Ferguson was concerned that the building only be as big as necessary and Mr. Boudreau responded that the plant is based on the treatment science from the pilot studies. The exception to that would be an allowance for future PFAS treatment. Ms. Russo asked how the size of this plant compared to our neighbors. Mr. Cafferty noted the plant size is based solely on the type of treatment process and not specific to population. Mr. Kelly asked if the current layout is sufficient for the Town's needs and Mr. Cafferty responded yes based on the information from the studies and experts.

Ms. Ferguson asked if there was another public meeting to discuss the project and Mr. Boudreau stated yes with the Select Board.

**Mr. McGuiggin made a motion to recommend Article 1 which was seconded by Ms. Metro. The article was voted majority in favor (5-1) by roll call vote; Mr. Gilmore-yes, Ms. Russo-no, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

#### *Article 5 – Capital Plan*

Mr. Carchia stated the first item was an additional \$1,275,000 for the dock replacement at the Cole Parkway Marina project. He noted the existing docks are over 20 years old and this funding was in addition to the \$1.3M already approved for the project. The fingers will be wider and the central docks will be longer. The total moorings will decrease by two but the total footage will increase allowing larger boats. He noted the debt service will be declining and the new debt service would be about \$142/year. He reviewed the financial discussions held with the Waterways Commission members including the rate increase a year ago and the private marina rates. He informed members that the Capital Planning voted to recommend to the Waterways Commission should increase their rates. The Capital Planning Committee also voted to recommend the project from borrowing. Ms. Holt explained that the Waterways Commission

would seek an amendment to their \$1M existing grant for the project which could provide up to 80% funding of the additional cost if approved. She also noted the project would be going out to bid shortly with bids expected in September,

**Ms. Russo made a motion to recommend the \$1,275,000 in additional funding for the Cole Parkway dock replacement project which was seconded by Ms. Ferguson.**

**The project was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

Mr. Carchia noted that the \$1,235,000 Jenkins roof replacement was deferred from the FY23 capital plan to the FY24 capital plan. He stated the School Department had been approached by a solar vendor to place solar panels on some schools in return for replacing the roof on Jenkins and potentially the high school. It is not clear yet if National Grid will allow the Town to produce any more renewable energy and if the proposals are allowable. He noted that if the solar process does not pan out the project will move forward as an MSBA project.

Mr. Kelly raised concerns that if National Grid did not allow the plan to proceed and the roof was too young for MSBA, what would happen to the leaking roof. Mr. Carchia responded that there were funds in the current budget which was confirmed by Ms. Holt at \$80,000.

**Ms. Metro made a motion to recommend the \$1,235,000 for the Jenkins School roof replacement project which was seconded by Ms. Ferguson. The project was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

Mr. Carchia moved onto the Police Department's request for \$145,800 for the Town's share of a new SAFE boat to purchased with a grant. Mr. Carchia noted the existing boat would be sold as surplus and due to its new engines, it is expected to generate revenue of \$100,000. He also informed members that under Police Reform the Harbormaster has no policing authority. Mr. Kelly asked for confirmation that this is for the town share of the new boat which was confirmed. Ms. Russo noted that the placement of the request on the special town meeting was due to the grant application deadline which was confirmed.

**Mr. Kelly made a motion to recommend the \$145,800 for the town share for a grant for a new SAFE Boat for the Police Department which was seconded by Ms. McGuiggin. The project was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

Mr. Carchia stated that the request for a new ambulance was moved forward to the fall town meeting instead of waiting until the April 2023 town meeting as the lead time is now 24 months for the vehicle. He also noted the increased cost.

**Ms. Russo made a motion to recommend the \$435,719 for a new ambulance which was seconded by Ms. Metro. The project was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and**

**Ms. Metro-yes**

Mr. Carchia discussed the final item for \$250,000 for emergency repairs to the water treatment plant. Ms. Metro asked about the notification about the manganese level being exceeded and its impacts on newborns or other immune compromised situation. She asked why it is taking so long for the letter to go out. Mr. Boudreau said the letter should have gone right out after they announced it.

**Mr. Kelly made a motion to recommend the \$250,000 for emergency water treatment plant repairs which was seconded by Mr. McGuiggin. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

*Article 2 – Unpaid Prior Year Bills*

Ms. Holt noted that there is about \$11,000 in unpaid prior year bills due to the early close of the fiscal year necessitated by the September special town meeting. She stated the amount might need to be increased prior to the warrant being posted.

**Mr. Kelly made a motion to recommend Article 2 for \$15,000 in unpaid prior year bills which was seconded by Mr. McGuiggin. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

*Article 3 – Budget Reconciliation*

Ms. Holt reviewed the budget reconciliation components including the \$552 in ride share funds, additional funding for the historic buildings line for the recently acquired Mordecai Lincoln property and additional funding for fuel and electricity for town and school departments based on a revision of the FY23 forecast by the Financial Forecast Committee. She also noted the increases in multiple expense lines for the Sewer Enterprise Fund as the Select Board increased rates by 165 to accommodate these increases discussed in the FY23 budget cycle. The final increase was for debt service costs for the Water Enterprise fund budget for a loan that was supposed to occur in FY22 but did not.

Mr. Kelly noted that Sewer increases are driven by petroleum costs and would there be a lessening of the costs as petroleum costs declined. Ms. Holt responded that the chemical costs were by contract for the fiscal year but relief could be possible for FY24.

**Ms. Metro made a motion to recommend Article 3 for FY23 budget reconciliations which was seconded by Ms. Russo. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

*Article 4 – Transfers to Reserves*

Ms. Holt Commented that the School Department had requested to set-aside \$20,000 in the SPED Reserve Fund as they did not need the full amount of revenue available from the revised

FY23 forecast for their FY23 operational budget.

Ms. Ferguson asked why the School Department chose to set-aside funds for SPED and not other costs, Ms. Holt replied that the School Department felt their budget was sufficient and wanted to increase the reserve for future unknown and unbudgeted SPED costs.

**Mr. Kelly made a motion to recommend Article 4 Transfers to Reserves which was seconded by Ms. Metro. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

*Article 10 – Amend General Bylaws Section 10260 Revolving Funds – Senior Center Food Service Fund*

Ms. Holt noted that there were occasions such as veterans' luncheons that were non-senior events that created an issue as there is not a funding mechanism due to the current wording of the general bylaw for the Senior Center Food Service Revolving Fund.

Ms. Ferguson asked about catered events and Ms. Holt said the ones that had occurred had been catered by outside parties. Mr. Gilmore asked about Marshfield & Duxbury. Mr. Kelly responded they had extensive food service programs.

**Mr. McGuiggin made a motion to recommend Article 10 to amend the Senior Center Food Service Fund to allow for non-senior catered events which was seconded by Ms. Russo. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

*Article 11 – Local Option Re-Acceptance – MGL c. 32B§20 OPEB Trust Fund*

Ms. Holt stated that the local option relevant to OPEB trusts was accepted in 2011 but the statute was revised in 2016. She noted that the OPEB funds could not be invested with the PRIT Fund unless the 2016 amended statute was re-accepted.

**Mr. Kelly made a motion to recommend Article 11 Local Option Re-Acceptance of MGL c. 32B§20 OPEB Trust Fund which was seconded by Mr. McGuiggin. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

*Article 12 – Acceptance of Easement at 27 Brook Street*

Ms. Holt stated that when the old council on aging at 27 Brook Street was sold, it landlocked a piece of town owned conservation land abutting the river. In order to retain access, the sale was contingent on the new owners providing an easement. The agreement was signed at the time of sale but now needs to be accepted by town meeting in order to be filed with the Plymouth County Registry of Deeds.

Mr. Kelly asked for clarification on the map which was provided by Ms. Holt

**Mr. Kelly made a motion to recommend Article 12 to accept the easement at 27 Brook Street which was seconded by Ms. Metro. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

*Article 13 – Acceptance of Easement for Border Street Property*

Ms. Holt informed members that the purchase of the Border Street property included statements from the Gulf Association about private landowners who would be willing to provide easements to connect the Border Street property with the 40 acre Hubbell Preserve. This article would allow the Town to accept the easement provided by these two landowners and record it at the Plymouth County Registry of Deeds.

Ms. Ferguson if it was wide enough for a path and Mr. Boudreau responded in the affirmative.

**Ms. Metro made a motion to recommend Article 13 to accept an easement for the Border Street property which was seconded by Mr. McGuiggin. The article was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

*Meeting Venue and Format*

Members discussed the current meeting format in ZOOM and whether to move forward in the same manner. Ms. Ferguson wanted to ensure that there was sufficient discussion during the meeting prior to votes for clarity. Mr. McGuiggin noted the convenience of the ZOOM format and attendance was better but he did miss the in person meetings. Ms. Metro said the digital component was appealing for handling all of the paperwork.

**Mr. Kelly made a motion to remain in a ZOOM format which was seconded by Ms. Russo. The meeting format was voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

Mr. Kelly asked if it was an open meeting law violation if two members got together to discuss matters. Ms. Holt responded in the negative that a quorum was required. Mr. Kelly asked about three members. Ms. Holt responded that it was not a quorum but could provide the appearance of meeting out of session and advised against it. Ms. Metro asked if guidance on the Open Meeting Law could be provided and Ms. Holt responded in the affirmative.

*FY24 Budget Calendar*

Mr. Kelly noted the advance of the dates for review in the schedule and Ms. Holt noted the January deadline for final warrant article language.

**Mr. Kelly made a motion to adjourn the meeting which was seconded by Ms. Russo at 8:44 p.m.; the Committee; voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes,**

**Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Mr. McGuiggin-yes and Ms. Metro-yes**

Respectfully Submitted,

Nancy Holt  
Recorder