



**Advisory Committee Meeting Minutes**  
**Thursday, February 17, 2022**  
**Zoom Video/Audio Conference – 7:00 pm**

*Pursuant to Chapter 20 of the Acts of 2021, Scituate Advisory Committee Members held the February 17, 2022 meeting via Zoom Video and/or Audio (Dial-in for those with only phone access). All participants participated remotely.*

**Committee Members Present:** Jamie Gilmore; Chair, Elise Russo, Jerry Kelly, Dan McGuiggin, Michael Westort, Lincoln Heineman and Lynda Ferguson

**Committee Members Not in Attendance:**  
Missy Seidel, Patrice Metro

**Also in Attendance:** Nancy Holt, Finance Director/Town Accountant; Seth Pfeiffer, SCTV Facilitator; Karen Canfield, Select Board Member; Ellen Kasper, petition article; Mark McKeever, petition article.

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. Russo and voted unanimously in favor (5-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Mr. McGuiggin-yes and Ms. Ferguson-yes**

**Mr. Gilmore called for a motion to accept the minutes of the February 10, 2022 meeting as amended which was made by Ms. Russo seconded by Ms. Ferguson. The minutes were voted in favor (5-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Mr. McGuiggin-yes and Ms. Ferguson-yes**

*Review of Non-Monetary Articles for April 2022 Town Meeting*

Mr. Kelly asked if the language was final and Ms. Holt said none of the draft articles had been approved by their respective committees or Town Counsel. Mr. Gilmore said the meeting on March 3<sup>rd</sup> should start at 6:30 pm to provide more time for discussion and if needed add another Meeting on March 10<sup>th</sup>.

Ms. Holt shared her screen showing the draft language of the non-monetary articles stating that several articles were unlikely to change. The first was the annual Chapter 91 liability article to

allow work on the foreshore and harbor. The second was the new general bylaw to address tenting, camping and sleeping in public. The final article was the donation of land at Deer Common Drive which came from the Select Board's office. She shared her screen of the map of the land so members could see it was a triangular piece across the street from the entrance to Deer Common Drive. She noted the assessed value was \$10,800 and it was about 8,000 SF. Ms. Holt informed members that the Charter Review Committee needed more time and had removed their article from consideration for the annual town meeting.

#### *Review of Wind Turbine Petition Article*

Mr. Gilmore noted that the members had received additional documentation from the petitioner but had not heard more information from the town side. Ms. Russo stated the members should hear the associated costs of the article and Mr. Gilmore concurred. Mr. Kelly noted that other towns had just treated the concerns related to the wind turbine as a public health issue and not look at the revenue component.

Mr. Gilmore asked the estimates that were being prepared for the wind turbine. Ms. Holt confirmed the Town Administrator was working with Scituate Wind LLC to obtain an estimate for a full shutdown and a partial year-round nighttime shutdown.

Ms. Kasper asked to confirm that the members received the materials provided and Mr. Gilmore confirmed receipt. Mr. McKeever stated that if the issue was not simple and asked the members if they had questions on the information provided by Ms. Kasper. Mr. Gilmore stated he had a good understanding of the issue but needed the cost estimates and comments from the town.

#### *Mr. Heineman joined the meeting.*

Ms. Russo stated the case had been made well by the petitioner that it is a health issue and that she felt that further information was not needed. Mr. McGuiggin agreed that sufficient data had been provided about the impact.

Ms. Canfield informed the members that the Select Board confirmed the language of the Select Board's article for a nighttime shutdown year-round. She stated the summer shutdown was not found to be sufficient so they had moved forward to involve town meeting for a year-round solution. Ms. Holt noted that the non-monetary articles are the ones before the members tonight.

#### *Mr. Westort joined the meeting.*

Mr. Heineman noted that it was not within town meeting's purview to cancel a contract; it is an executive role not a legislative role. Ms. Russo noted that the Town Administrator advised at the last meeting that town meeting could not cancel a contract. Mr. Heineman asked which contract and Ms. Russo responded the one between the Town and Scituate Wind. Ms. Canfield stated there is a contract between the town and Scituate Wind and the website has copies of the full document and other documents related to the wind turbine. She noted they were still waiting on more data to quantify the cost.

Ms. Kasper stated that they had their own lawyers look at the contract. She stated the wind turbine is non-compliant which would negate the contract. She said the town could use the nuisance regulations but the town has refused because they fear being sued. Ms. Canfield responded that this is the petitioner's feeling that the town is not using the tools at their disposal and the Select Board and the petitioner disagree on that point. Ms. Canfield said that if it was non-compliant, the town could go to Scituate Wind, LLC to require them to address it. Mr. Westort asked if there was anything preventing the petitioners from suing Scituate Wind LLC. Ms. Canfield said she was not aware of anything prohibiting the petitioners from taking that action. Mr. Gilmore noted that the Advisory Committee was a recommendation board and not a legislative one.

*Other Business*

Mr. Gilmore reviewed his request to Mr. Kelly to draft a letter to the Plymouth County Retirement Association. Mr. Kelly stated he would draft a letter to Treasurer O'Brien thanking them for their attendance and to the Select Board expressing their concerns. Mr. Heineman stated the only remedy is in the Legislature. Mr. Heineman recommended a citizens' petition to request special legislation to address the issues of the retirement board if the Select Board does not do it.

**Mr. Kelly made a motion to adjourn the meeting which was seconded by Ms. Russo at 7:55 p.m.; the Committee voted unanimously in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Mr. McGuiggin-yes, Ms. Ferguson-yes, Mr. Westort-yes, and Mr. Heineman-yes.**

Respectfully Submitted,

Nancy Holt  
Recorder