



Advisory Committee Meeting Minutes
Thursday, September 23, 2021
Zoom Video/Audio Conference – 7:00 pm

Pursuant to Chapter 20 of the Acts of 2021, Scituate Advisory Committee Members held the September 23, 2021 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, Missy Seidel, Elise Russo, Lynda Ferguson, Patrice Metro, Lincoln Heineman and Jerry Kelly

Committee Members Not in Attendance: Dan McGuiggin, Michael Westort

Also in Attendance: Nancy Holt, Finance Director/Town Accountant; Kevin Cafferty, DPW Director; William Burkhead, Superintendent of Schools; Robert Dutch, Director of School Business and Finance; Chris Carchia, Capital Planning Committee Chair; Dan Fennelly, Community Preservation Committee Chair

Mr. Gilmore called the meeting to order at 7:00 p.m. Mr. Heineman made a motion to accept the agenda which was seconded by Ms. Seidel and voted unanimously in favor (6-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Ms. Metro joined the meeting.

Ms. Ferguson called for a motion to accept the minutes of the September 14, 2021 meetings seconded by Mr. Kelly. The minutes were voted in favor (6-0-2) by roll call vote for September 14, 2021; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-abstain, Mr. Heineman-abstain and Mr. Kelly-yes.

Discuss/Vote Special Town Meeting Articles

Article #4 – Feasibility Study & Schematic Design of Hatherly Elementary School.
Mr. Gilmore invited Superintendent of School William Burkhead and Director of School Business and Finance Robert Dutch to speak on the article. Mr. Burkhead provided a summary

of the actions that led up to this article being presented including the 270 day requirement to complete the study which was approved by the Massachusetts School Building Authority (MSBA) in July. The project would be to hire an Owners Project Manager and architect for design. He noted that any funds not used would be put towards any construction phase that comes from the study. Dr. Dutch noted that this portion of the project is eligible for reimbursement through MSBA but the full amount needs to be appropriated in case it is not approved.

Mr. Kelly asked for clarification on the timeline of the MSBA process. The first phase is due in March 2022 and the feasibility and design phase must be done next and any vote for construction would not be approved until June 2023 at the earliest. The earliest construction date would be the school year of 2025 and the construction phase would be 18-24 months.

Mr. Gilmore asked about funding sources which Dr. Dutch deferred to Ms. Holt. She replied that over \$600,000 in other available articles have been identified and the balance would be from Free Cash.

Mr. Heineman asked which option was being studied and Mr. Burkhead replied that the Owners Project Manager would assist in that process. Mr. Heineman asked if the \$450,000 article funded at the prior fall special town meeting from Stabilization would be applied and Ms. Holt replied a decision had not been made yet.

Article #5 – Capital Plan.

Mr. Gilmore welcomed Capital Planning Committee Chair Chris Carchia and DPW Director Kevin Cafferty. Mr. Carchia stated the Capital Planning Committee met on Monday, September 21, 2021 and the Committee voted unanimously in favor of all of the articles. Mr. Carchia noted the \$3M for water mains was needed as the funds previously allocated had all been used and this would keep the project moving.

The second project he covered was the site assessment of the old Stockbridge landfill raised by concerned citizens and required by DEP. Mr. Gilmore asked what the study entailed. Mr. Cafferty noted that the landfill was closed in the early 1970s and the paperwork was thought to be complete but some items were missing so this will close-out the project. It is unknown at this time if DEP will require additional items after the study is completed.

Mr. Carchia reviewed the \$175,000 water transfer pump system for Widows Walk to move water between the irrigation ponds for irrigation. The current system is hoses and rental pumps and this would be a permanent solution and has a 15-20 year life span to be funded from retained earnings. Mr. Heineman asked for the retained earnings balance and Ms. Holt replied \$731,125.

Next, Mr. Carchia moved onto Widows Walk replacement of maintenance equipment. He noted it would move the enterprise from lease to own to an outright purchase from retained earnings.

Mr. Carchia discussed a new loader for the Sewer Department for \$135,000 from Sewer retained earnings. Mr. Gilmore asked Ms. Holt for the retained earnings balance to which she replied \$909,620.

Mr. Carchia noted the next project was the replacement of the transfer station backhoe for \$140,000 from transfer station retained earnings. Mr. Gilmore asked Ms. Holt for the retained earnings balance to which she replied \$564,461.

Mr. Gilmore asked Mr. Cafferty for more information on the water main replacement project. Mr. Cafferty stated it was more than a five year plan as there are more than 100 miles of pipe. The cast iron pipe has been replaced. There is also about 55-60 miles of transite pipe which has a life span of 40-70 years and these pipes are exceeding that in some areas. Mr. Cafferty noted the goal is to do 2 miles of pipe per year. Mr. Heineman asked if these funds were for Humarock and Mr. Cafferty said no that it is for Scituate proper and that other funding was being sought for Humarock and deferred to Ms. Holt. Ms. Holt noted that there were ARPA funds, infrastructure and resiliency funds that would be more suited for that area due to resiliency criteria. Mr. Heineman noted that managed retreat should be examined in this area. Mr. Cafferty noted that the water supplied to Humarock is from Marshfield and that the loss of water costs the town money and those costs could be minimized by replacing the water mains.

Ms. Russo asked how many miles of pipe had been replaced and Mr. Cafferty estimated 28 miles. Ms. Russo asked if the 2 miles per year plan would be sufficient. Mr. Cafferty said the pipe quality is better and they hope to get a 100 year life span and they are now wrapping the pipes in bags which might 2-3 years additional in pipe life. Ms. Russo is more concerned with the pipes waiting to be replaced and if they will be okay to wait at the current replacement schedule. Mr. Cafferty said there fewer major breaks and there a more service breaks. He noted they are now targeting areas that are having issues, such as Utility Road. Ms. Russo asked how much it costs per mile and Mr. Cafferty said they have been using \$1M/mile but the shortages in supplies such as brass fittings is driving costs up.

Ms. Seidel asked if there was a percentage of remaining pipes that are in dire need. Mr. Cafferty aid they have a list in their office of all the pipes and their condition and that directs their projects. Mr. Cafferty stated that it is hard to know as the pipes are underground and sometimes an area that they think is okay experiences problems and that indicates there are issues. He noted that when the transite pipes get wet, they become like cardboard.

Article #6 - Community Preservation Act Projects.

Mr. Gilmore invited Community Preservation Committee chair, Mr. Fennelly to present his projects to the members. Mr. Fennelly noted that the Town had received almost \$9M in state match since the statute was accepted. He highlighted that additional funding sources had been allocated to the program after the matching funds declined due to additional communities, especially cities, adopting the legislation. He pointed out that there is almost \$5M in available funds. He specified that the undesignated fund balance is typically used for recreation programs or any of the other three categories permitted under the statute. He noted there are currently seven projects and there had been changes to the request including the increase of the Border Street application from \$1M to \$2M.

Ms. Russo asked for an update on projects that had been approved in the past. Specifically, she

was interested in the Mordecai Lincoln acquisition and the MacDonald Farm. Mr. Fennelly noted that the MacDonald Farm had been delayed due to death of owners and the Mordecai Lincoln acquisition was dragging on and he did not know the reason for the delay. She asked Mr. Fennelly to confirm that funds for those projects were not needed from the available funds and he confirmed.

Mr. Fennelly noted that the Scituate Arts Association had asked for \$8,000 for drainage improvements to the basement of the Bailey-Ellis House to address infiltration issues which are damaging the house. He noted there had been prior projects at the site but due to costs, the work could not be completed and this funding would complete the work. He praised the work of the Scituate Arts Association in their efforts to restore the facility. He noted the Community Preservation Committee (CPC) voted unanimously to support the project.

Mr. Fennelly discussed the Appleton Community Garden project next off Clapp Road. The application is for start-up costs to provide fencing, ADA paths and raised planting beds. Access and parking had been provided as part of a prior project. An additional request is expected in future such as a well. The project was unanimously approved by CPC in the amount of \$46,754. Mr. Heineman asked if there was a demonstrated desire for another community garden. Mr. Fennelly noted that both the Appleton and Teak Sherman are heavily used.

The next project was the Teak Sherman Community Garden off First Parish Road. The garden is in disrepair and this would repair a bridge, tree removal, add fencing, supply a single handicapped parking space, replace a yard hydrant and included a contingency. Mr. Fennelly stated that the CPC unanimously approved the request at \$52,649. Ms. Ferguson asked who is responsible for maintain the gardens. Mr. Fennelly replied that Teak Sherman is supported by Sustainable Scituate and its volunteers and the Appleton Field was through the Conservation Commission and volunteers. Ms. Ferguson asked if the groups would be coming back in a few years for maintenance funds. Mr. Fennelly said it is likely they would return but regular maintenance is not an eligible expense for community preservation funds.

The Town Archives project would provide \$10,000 to preserve 11,000 death records and 9,500 marriage records by digitizing them and some other media that are stored in the Town Hall basement. This project was unanimously approved by the CPC.

The preservation of a Gaelic-English journal written by Patrick O'Keefe in the 1800s which is in the custody of the Scituate Historical Society. The \$2,100 would digitize the document, preserve it and provide an archival appropriate storage box. He noted there is quite a bit of interest in the journal here and in Ireland. The value of the document is in excess of the repair and restoration funds requested. The request was approved unanimously by the CPC.

Ms. Ferguson asked who Patrick O'Keefe was and Mr. Fennelly was not sure if he was connected to Scituate but the journal was an interesting item document in life in that period here and in Ireland.

Mr. Fennelly moved onto the construction request for a 90 foot baseball field. He provided the history of the loss of the JV field which was replaced by the girls' field as part of the fields

project. The loss of that field is causing hardships for the private sports groups as well as the school baseball program. In 2019, the Select Board voted to put the field at the old Gates location. Mr. Fennelly said the CPC received an estimate of \$600,000 from Mark Novak that worked on the athletic fields project which they felt was conservative. Mr. Fennelly noted that Toll Bros had provided \$400,000 for fields and that all or part of that could be used to reduce the \$600,000. He noted that the Select Board had not voted on how to use the funds yet but discussion included this project as well repair of other fields. He noted that if funds were allocated, the unused CPA funds would be rescinded. The CPC has not yet voted on the project yet as they were waiting on additional project cost estimates. The project will be before the CPC for a vote on September 28, 2021. Mr. Gilmore asked if there would be lighting included and Mr. Fennelly said no due to abutter concerns for this field and other fields.

Ms. Russo if this is a grass field or a turf field. Mr. Fennelly replied that it would be a grass field. He further noted that the fencing would be temporary to allow other sports to use the fields. He also pointed out that a new field would probably cost double the current estimate. This location was thought to be the least impactful. Ms. Metro asked the make-up of the 150 players that were disadvantaged. Mr. Fennelly said that it could be male or female players and the high school baseball teams and the little league 13 years and above and at least two adult teams which are predominantly male. He noted the girls' field on the high school campus addressed an existing Title IX issue.

Mr. Heineman asked how much space would be remaining at old Gates after this field. Mr. Fennelly said there is currently a 60 field in the back corner that would stay and this field would be in the opposite corner which would provide space between the two fields. It might not be regulation size but it would be a level field. There is also a walking track on the property. Mr. Darrin Campbell of Scituate Little League commented that there would a 100 x 200 foot area left in that area and the only other users were the girls' lacrosse team.

The final project is a 17 acre parcel off Border Street which is valued at \$2.3M which is proposed to be a six home lots. Mr. Fennelly noted that there was a potential that the builder would set-aside an area with access but it was not confirmed. A private group called the Gulf Association put in the application for the acquisition. The property is currently a Chapter 61A parcel. Mr. Fennelly noted the Committee and town had received many letters of support for the purchase of the property. He further noted that there was a future possibility to connect this property to the Hubell property. He stated that the CPC would decide at their September 28, 2021 meeting. He noted that the Select Board had not voted on the purchase of the property and the deadline under 61A was in November 2021. Mr. Fennelly noted the per acre price as compared to other CPC purchased was more expensive and the most that had been spent on a CPA acquisition.

Ms. Metro asked about the letters of support received by the CPC. Mr. Fennelly stated that the CPC had received about 80 letters of support from residents, residents in Cohasset and past residents. Mr. Heineman asked about the area in the West Field and Mr. Fennelly noted that he believed that it had been previously sold and his understanding was this was a single buyer for a single home. Mr. Heineman asked for the price of the piece that sold and Mr. Fennelly state he did not but the entire property was appraised for over \$6M.

Ms. Russo noted that the Mordecai Lincoln property was more attractive than this project. She was also concerned about rumors that the owners of Mordecai Lincoln would be seeking additional funds. Mr. Fennelly noted that the parcels were very different and there were different standards as one was a full appraisal and the other was through the Chapter 61A statute.

Ms. Ferguson asked for confirmation that the connection from this parcel to another town owned parcel did not exist yet and Mr. Fennelly confirmed. Ms. Ferguson asked how much a parking lot and trails would cost to make this property useful to residents. Mr. Fennelly replied that he thought it would be several hundred thousand dollars including handicapped access.

Ms. Ferguson noted that the potential loss of tax revenue from the potential six homes. Mr. George McGoldrick of the Gulf Association noted the Association is a 501c3 created more than four years ago that is a private fundraising group to try and keep the Gulf River is clean and the area around the river is maintained. He noted that the Gulf Association had tried to get the 75 acre parcel under conservation protection but it could not be completed. He stated they had raised over \$250,000 in private donations to purchase the property. He further stated that they have an agreement with a private landowner in the area for an easement to connect the property to the Hubell property. Mr. McGoldrick said the Gulf Association would pay to put in a parking area.

Mr. Kelly stated that he supported the acquisition of the property. Mr. Kelly asked Mr. Fennelly that if an increase to the Mordecai Lincoln purchase price would require a town meeting vote and he replied in the affirmative. Mr. Fennelly also noted that the existing price was one that was agreed upon by all parties so he was unsure of the legality and process to change it. Ms. Ferguson asked for the price on Mordecai Lincoln and Mr. Fennelly replied \$900,000.

Article #10 – Petition to the Legislature for special legislation for up to 3 marijuana establishments.

Mr. Gilmore noted the Committee had referred this article to this meeting as the petitioner was seeking to amend the language. Mr. Gilmore asked for Mr. Saunders to speak but he did not appear to be on the call.

Article #9 – Endorsement of the Master Plan

Mr. Kelly noted that the document was well researched but alarming. Ms. Ferguson commented that she was on some of the committees that this master plan now encompassed. Mr. Gilmore noted that it was good guide to go by for the future. The master plan identifies the problem but not necessarily the situation. Ms. Russo was concerned that the master plan not just be shelved. Mr. Gilmore noted that this is just a start and the various committee need to get involved.

Mr. Gilmore called for Mr. Saunders and he still did not appear to be on the call. **Mr. Kelly made a motion to postpone this article to the next meeting to discuss which was seconded by Mr. Heineman.** Ms. Russo was concerned that there would be insufficient time to write up the article. Ms. Holt commented that Mr. Saunders informed the Select Board on September 21, 2021 that he had submitted an amendment to article 10 to the Moderator. Mr. Kelly stated the comment in the booklet is that the Committee had not received sufficient information had been

received for the Committee to decide. Several members did not want to delay the vote as it was expected to be discussed at this meeting. The members discussed their concerns with not being able to get answers and not knowing the actual language of the article that would go before town meeting. Mr. Gilmore noted that the petitioner has sent an e-mail advising the members that he would not be moving forward with Article 11 for the amendments to the zoning bylaws for marijuana establishments. **Mr. Kelly withdrew his motion.**

Mr. Gilmore suggested the members vote on all articles as written.

Mr. Kelly made a motion to approve Article 4 seconded by Ms. Russo; voted in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Ms. Metro made a motion to approve Article 5 which was seconded by Ms. Russo to approve Article 5; voted in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Mr. Heineman made a motion to vote as a block Article 6, Items 1-5 seconded by Ms. Ferguson; voted in favor (6-1) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-no, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Mr. Heineman made a motion to approve Article 6, Items 1-5 seconded by Mr. Kelly; voted in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Ms. Russo made a motion to approve Article 6, Item 6 for the baseball field which was seconded by Ms. Ferguson; voted in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Ms. Metro made a motion to recommend Article 6, Item 7 for the \$2M land acquisition on Border Street which was seconded by Ms. Russo; voted in favor (5-2) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-no, Ms. Metro-yes, Mr. Heineman-no and Mr. Kelly-yes.

Mr. Heineman made a motion to approve Article 10 as written which was seconded by Mr. Kelly; the motion failed (1-6) by roll call vote; Mr. Gilmore-no, Ms. Seidel-no, Ms. Russo-no, Ms. Ferguson-no, Ms. Metro-no, Mr. Heineman-yes and Mr. Kelly-no.

Mr. Gilmore made a motion to approve Article 11 which was seconded by Mr. Kelly; the motion failed (1-6) by roll call vote; Mr. Gilmore-no, Ms. Seidel-no, Ms. Russo-no, Ms. Ferguson-no, Ms. Metro-no, Mr. Heineman-yes and Mr. Kelly-no.

Ms. Seidel made a motion to approve Article 9 which was seconded by Ms. Metro; voted in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Assign the Special Town Meeting Articles

Mr. Gilmore stated he would prepare Articles 1 through 3. Mr. Kelly stated he will write-up Article 4. Ms. Russo volunteered to write-up Article 5. Article 6 was assigned to Mr. Westort. Mr. Heineman agreed to write-up Articles 7 and 8. Ms. Seidel volunteered to prepare Article 9. Ms. Metro will prepare Articles 10 and 11.

Mr. Kelly made a motion to adjourn the meeting which was seconded by Ms. Metro at 9:35 p.m.; the Committee voted unanimously in favor (7-0) by roll call vote; Mr. Gilmore-yes, Ms. Seidel-yes, Ms. Russo-yes, Ms. Ferguson-yes, Ms. Metro-yes, Mr. Heineman-yes and Mr. Kelly-yes.

Respectfully Submitted,

Nancy Holt
Recorder