

TOWN OF SCITUATE
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**Advisory Committee Meeting Minutes
Tuesday, October 21, 2020
Zoom Video/Audio Conference -- 7:00 pm**

Meeting conducted pursuant to the March 12, 2020 modifications to the Open Meeting Law made by Governor Baker pursuant to the state of emergency due to COVID-19.

Committee Members Present: Jerry Kelly; Chair, Lincoln Heineman, Jamie Gilmore, Dan McGuiggin, Lynda Ferguson, Missy Seidel, Patrice Metro, Mike Westort, Elyse Russo (dialed in late)

Also in Attendance: Finance Director; Nancy Holt, Town Administrator; Jim Boudreau, School Committee Liaison; Janice Lindholm; Dan Fenelly from Community Preservation Committee, Superintendent of Scituate Public Schools; Bill Burkead, Director of Finance to Scituate Public Schools; Dr. Arthur Dutch

Committee Members Not In Attendance: None

Jerry Kelly called the meeting to order at 7:02 p.m.

Jerry Kelly made a motion to approve the agenda, which was seconded by Lincoln Heineman, and voted majority in favor (8-0) to accept the agenda as submitted by roll call vote; UNANIMOUS.

Jerry Kelly made a motion to approve the October 13th meeting minutes with amendments made by Lincoln Heineman, which was seconded by Jamie and voted majority in favor (6-0), Both Patrice Metro and Mike Westort abstained as they were not in attendance to at the mentioned meeting.

• Discuss and Vote on Remaining Special Town Meeting Warrant Articles

▪ Article 3, Full Day Kindergarten to Hybrid Kindergarten

Jamie Gilmore voiced his opinion on this Article and stated that the notion that the School Department used to have the Kindergarten students attending full day, now has all of the kids coming in for half days, but this doesn't alleviate us from making sure there is enough staffing if there is still the same amount of kids. He feels that staff shouldn't be shortened just because the hours have been. He then asked if his understanding was

correct. Director of Finance to Scituate Public Schools, Dr. Dutch, responded to Mr. Gilmore's statement by saying that this is correct. He said that staffing is even more challenging during these times as there are half as many students in each classroom. Mr. Gilmore confirmed that this is pretty straight forward and he had nothing more to discuss on this.

Dr. Dutch stated that he realizes this came to the Advisory Committee at the last minute and would like as a board to understand that Superintendent of Scituate Public Schools, Mr. Burkhead, and himself do not plan to do things this way going forward. This was necessitated by schedule when they came on board to The School Department.

Lynda Ferguson asked if we were asking the tax payers to pay for this to which Dr. Dutch responded that we are asking for wherever it's coming from in the town. Finance Director, Nancy Holt, and Town Administrator, Jim Boudreau are aware of where that is coming from as a onetime expense. This is not something they're looking to do on an annual basis. Ms. Ferguson then asked if we were thinking we were going to get this money back from The Covid Relief Fund from Plymouth County. Mr. Boudreau responded that we will apply for it but cannot be sure. Lynda Ferguson mentioned that it is all over Facebook that Scituate is looking to staff a position within the system and she worries residents are going to be unhappy and wonder where that money is coming from if we're asking the town to pay more money. Ms. Ferguson stated she wouldn't want to see the positions cut but wanted to provide this feedback. Mr. Dutch commented "understood".

Superintendent of Scituate Public Schools, Mr. Bill Burkhead gave a brief background on the situation. He stated that this is not due to mismanagement or poor finance. This budget was inherited and it is pretty typical that Kindergarten is a fee based program. In Scituate there are several fee based programs. He stated that this is a problem in itself. The School Committee is well aware of the tax payers' burden, which is why they tried to scramble to find money on their own before coming to the town. Mr. Burkhead said that the town is also incurring losses in busing fees. Because of Covid, they are only allowed 23 students on a bus versus the usual 70+. There are also a lot less kids taking the bus this school year. The busing system is also fee based so this is another hit to the town/committee. Mr. Burkhead stated that the town also has a preschool, The Early Childhood Program that is fee based that we are also incurring the costs of. They tried to responsibly balance things and felt that the kindergarten program was the most appropriate one as the same staff had to be kept to service both a.m. and p.m. cohorts while keeping the same level of education for the kids. This decision was made during the summer planning when the hybrid model was decided on. It was clear that parents could not be charged. The bus income was then looked at and as more riders started to want their money back, for choosing to not ride the bus this school year, they had to start being reimbursed. Mr. Burkhead stated that both he and Dr. Dutch are new and don't want to start out on the wrong foot. He also feels he can justify this new position as it is prorated and will not start until December. This makes the cost less than a substitute teacher. He said that he feels asking for this money is reasonable and fair.

Mr. Heineman asked if he could ask the men a couple of questions. First, he asked for clarification on his understanding that this would not be to purchase any additional instruction or hours than we currently have, and would be more to prevent any layoffs of staff that is currently employed. Mr. Burkhead stated that this is correct. He said that 95% of the kindergarten is staffed.

Mr. Heineman then stated that he is supportive of this but not supportive of the article itself, not to anyone's fault, but feels this is a little misleading. He thinks if one were to just read the warrant, they would think we were appropriating money for full day kindergarten but that is not the case. Mr. Boudreau informed Lincoln, that per the board's suggestions at last week's meeting, the wording had been changed. Nancy Holt read the new wording aloud;

"To see if the town will vote to transfer available funds of/from the treasury \$450,000 for the purpose of providing kindergarten for the 2020/2021 school year or take any other action relative thereto."

Mr. Heineman thanked Ms. Holt for sharing that language. He then wanted to ask one last question on the Article, asking if this request has been made to the county. Nancy responded that it has and if the town thinks it's eligible to submit and see what happens. It is not funded by this date. She hoped to have something back for The Town Meeting but doesn't feel likely as we are still waiting for responses from June.

Mr. Westort then spoke and stated that if 95% of the kids are going full day and 5% are not, you can't say they are all getting the same education. He said he doesn't know how we can charge it at all. He feels if other towns have done it so should Scituate and this is a good year to implement. Mr. Burkhead responded that he 100% agrees. He stated that he couldn't believe how many fees were in town when he interviewed for the position. He is hoping to phase this out. He wants to make this the highest priority so that all kids get it for free. He said that it may take a number of years, we have to start here. Mr. Kelly thanked Mr. Burkhead and Dr. Dutch for their time.

Mr. Kelly made a motion to approve Article 4, which was seconded by Dan McGuiggin and voted majority in favor, (8-0) by roll call vote; UNANIMOUS.

Mike Westort asked if he could bring up a quick question on The SPED Account at this time as he was not present at the last meeting. Mr. Kelly told Mr. Westort that he can certainly raise the question. Mr. Westort stated that he would like clarification. His understanding is that with the SPED account, we are taking the budget in the year that we're in and we're setting aside funds for future expenses in SPED that were unforeseen. Also meaning that we're not hiring people with the budget that we have in the year that we have to cover future years. Mr. Westort then stated that this means that the kids in the grade that they're in may not get half of a math teacher or half of a Latin teacher so that we can fund this account. He then asked if this is basically the gist of it. Mr. Kelly spoke

up saying that his understanding is that at this point article 9 is simply establishing a SPED Account and that it is not funded yet. Mr. Boudreau then said that the intention would be to put in operating funds and fund it with cash leftover at the end of the year. What this fund is set up to do is allow the School Department to go in to it if they get an expensive SPED case after the budgets done, without having to lay someone off someplace else. The following year, a reimbursement from the state is given. This is just to help the schools with unexpected SPED costs without having to take from the rest of the budget. Mr. Kelly then spoke up saying that this is just giving us the ability to fund it, knowing that there is a one year lag. There is no set place these funds will come from and Mr. Boudreau said it would most likely be something to come from Free Cash as this is the usual funding source for something like this. If there is unexpected moneys leftover somewhere by a Spring Town Meeting, that could be transferred but it will not come out of budgets needed elsewhere. Mr. Boudreau then gave the example of the town not hiring summer help for The DPW this year and now that money is still available. Therefore that money could be transferred to fund the account. He then reiterated that for the most part this money is going to come from Free Cash. Mr. Kelly reminded Mr. Westort that at this time we are just voting on the establishment of a SPED account. Mr. Westort stated that he understands this. Mr. Gilmore then asked where the reimbursement money will go once received from the state. Mr. Boudreau informed him that this money would go back to The School Department budget to continue funding the SPED for that in particular student. Mr. Burkhead then mentioned that this can only happen when voted for by the school committee and the town. This would be the same for withdrawing funds from the account. Mr. Westort then asked Mr. Burkhead if the intent was to put money in so that it was there. Mr. Burkhead stated that yes, as this makes sense to do so. Mr. Burkhead then stated that the circuit breaker funds and any other surplus funds have to be expended within one calendar year of when they were originally budgeted for. There is no time limit on these types of accounts making this a better place to leave the money. Mr. Westort was ok with how this conversation ended.

▪ **Article 13, Sign Bylaws**

Mr. Kelly started off by saying that the board went through a long review on this article at last week's meeting and decided to wait on voting until the Selectmen had. Mr. Boudreau informed the board that the Selectmen voted in favor (4-1) last night. Jamie Gilmore brought up his thoughts and observations on this article saying that he feels that the writing has stayed the same and is pretty poor. He brought up the scenario of a candidate, who raises their own funds and wins a primary having to take down their signs for a few days before election as their 60 day limit would be up. Asked how this could be required. Mr. Kelly responded that he cannot answer that. Mr. Heineman echoed what Mr. Gilmore had to say and added that he believes the Advisory Committee said that they did not agree with this sign bylaw the last time and nothing has changed at all with the wording. He then brought up that in the last year the use of temporary signs has gone way up; i.e. Back The Blue and Black Lives Matter, and

doesn't think many people would agree to take these down after 60 days if the town were to enforce this. Mr. Gilmore then made his final point stating that he feels that 10 feet from the pavement is a pretty far distance for signs such as campaign for a lot of places in town. Mr. Gilmore stated that he would be in favor of this Article with some amendments but without those he would be against it.

Mr. Kelly stated that it is not the business of the Advisory Committee to write sign bylaws. He then asked Mr. Boudreau what language was changed on this. Nancy Holt stated that this is all the same language as it was back in April. Mr. Boudreau then informed the board that if someone wanted to make changes to it at this time, they would have to do so on the town meeting floor.

Mr. Kelly then said at this time the vote is simply to vote to support or not support the Article.

Lynda Ferguson spoke up to try and give a different look at this, but although we can't change this, something needs to be said. She acknowledged that yes, as Americans, people have the right to put 400 signs in their yards, but it's the town's responsibility to not let other's property values go down.

Mr. Gilmore understood how Ms. Ferguson put this but stated he would like to this worded differently and he'd have no problem with it. He feels ten feet is just too far away. Brought up the possibility of it being at residential mailbox be the marking for this. Mr. Kelly stated that some mailboxes are attached to homes or other places so that would not work. He asked why the planning board won't correct this to which an answer cannot be given at this time.

Dan McGuiggin then asked how strict the police were going to be on the sign limits. Mr. Boudreau said that it's going to be on zoning not the police. They may give you a warning and if that is not respected, cite you. This is a bylaw so that we have the town has some guidelines.

Mr. Kelly made a motion to end the conversation and vote to support Article 13, which was seconded by Mike Westort and was voted majority in favor, (5-3) by roll call vote; PASSED.

(Patrice Metro, Jamie Gilmore, and Lincoln Heineman voted against this article.)

Lynda Ferguson will write up Article 13. She asked the Chairman, Jerry Kelly if she could include the reasons why the individuals voted no. Mr. Kelly responded of course. Mr. Gilmore stated this could cause a change on the floor. To which Mr. Kelly said it very may well. Mr. Heineman and Ms. Metro both stated that they agree with all Mr. Gilmore had brought up on this article. Jerry says that we must get a new sign bylaw but he agrees with all above. Mr. Kelly said he also agrees but we have to get a bylaw. Jamie then stated that he just wishes The Planning Board would have come in front of The Advisory Committee after expressing concerns. Mr. Kelly then said that in the future we will invite The Planning Board where they have a warrant article for Town Meeting.

- **Article 7, Capital Improvement Plan**

Mr. Kelly asked Nancy Holt to speak on this Article as Chris Carchia was not present. Nancy stated that there are seven items on The Capital Improvement Plan which is Article 7.

1. The Humarock Fire Station

Nancy informed the board that this had a dollar value of TBD. The question that Ms. Holt and Mr. Boudreau discussed with The Capital Planning Committee is, what dollar figure would make it appropriate to move the project forward and what beyond amount do we need to stop and reevaluate the project. The issue is that although it's out to bid and the files specs has been received, the general contractor bids aren't due back until 10/30. This is the same day as the Advisory Committee needs to be submitted to the publisher and the warrant posted. This means that the actual bids won't be received until after a number is posted.

What The Capital Planning Committee came up with is \$500,000. If the project is going to cost more than another \$500,000, the project should stop and go back, and all of the bids will be rejected. If the project is going to require less than \$500,000, then we have enough in the article for the project to move forward. Nancy stated that The Board of Selectmen also discussed this last night and they voted unanimously in favor of the \$500,000.

Mr. Kelly asked is this \$500,000 is in addition to the funds that were already allocated toward the project. Ms. Holt responded to him that, yes, this would be in addition to the million dollars given this far. Mr. Kelly asked Ms. Holt if this means that it will cost \$1,500,000 to build a new fire station, to which Nancy confirmed it would. She stated that it started with the replacement of the apparatus bay and moved on to the replacement of both the apparatus bay and the residential quarters.

Elyse Russo asked Ms. Holt what has yet to be done and where are they with the project currently. Ms. Holt responded to Ms. Russo that part of the problem is that the money was in pieces. This started as one thing and then became something else. It has been put out to bid three times already. Often times it comes in and there is enough overall money but not enough money in one or the other building to move forward.

Ms. Russo stated, Ok, so it's been started.

Ms. Holt said that it has been fully designed.

2. Replacement of the Overhead Doors at Fire Station 1

Ms. Holt stated that this project has been around multiple times. She said that The Capital Planning Board was familiar with it. This was going to be funded through the escrow but the remaining escrow funds are spoken for another project at The Town Hall. Ms. Holt explained that these doors are a source of budgetary issues because they keep having to repair them and the fire department budget can't support the repairs. They have been

splitting the repairs of the doors between Facilities and The Fire Department. Ms. Holt stated that so far this year, one door has fallen on an engine and another door won't open. This issue has reached a critical stage and we need to address the doors. Three different quotes have been received and The Capital Planning Committee was supportive of \$70,000 as was The Board of Selectmen.

3. Minot Beach Parking Lot

Ms. Holt reminded the Committee that this was deferred at The Annual Town Meeting. It was recommended by all of the committees including The Advisory Committee. The issue was concern that there was not enough beach sticker revenue at the time. Since then, the beach sticker revenue has taken off. Ms. Holt said that this ended up being the best sticker revenue seasons. There is now well over \$300,000 and Nancy is comfortable in this budget moving forward without taking the revolving fund into a deficit position as this is a project that is much needed. Mr. Heineman asked if this is referencing just the back lot that is currently dirt or all of Minot. Nancy said that this would be the U-Shaped, paved lot and thanked him for asking that question as she had just received that information at last night's Board of Selectmen meeting.

4. Septic Replacement Loan Program

Ms. Holt stated that this is something that the board hasn't seen in two years. Nancy said that this was approved in 2018 for \$200,000. It provides loans for people to replace their septic systems who cannot finance them any other way. She stated that the \$200,000 that was approved in 2018 has all been lent out. These homeowners have all signed betterments against their property and those betterments will pay the debts service on the loan. The Board of Health has a wait list and has asked if another \$200,000 could be authorized by The Town Meeting date. The Capital Planning Committee was in favor and reported it out favorably as did the Board of Selectmen.

5. Replacement of the Permitting System

Ms. Holt stated that the current online inspections permitting systems is no longer supported by the vendor. She said that the town has to get off by June 30th. It was in the capital plans but it was not defined as a priority cost so it never went forward at The Annual Town Meeting. This has been talked about with Plymouth County because this enables the town to be able to do more remotely. Ms. Holt said that she has been informed that this would potentially and likely be reimbursable by Plymouth County. The requested amount is \$141,940. This amount is more than the original permitting software estimate of \$60,000. Ms. Holt said that the

\$60,000 estimate was for just the inspections program. It was said that it will now also add remote online permitting for The Fire Department, The Board of Health, The Town Clerk and Selectmen's Office. The Planning Board and Conservation Board aren't ready to move forward but the system could be updated at a later time and there is an FAQ on The Plymouth County's website currently specific to online permitting. Nancy said that although we don't have 100% guarantee that we'll be reimbursed, we have about a 95% guarantee.

She said we need authorization in order to move forward with the project and we need to expend our funds by December 30th in order to file a claim with the county.

Mr. Heineman asked if this was a new permit. Ms. Holt stated that right now they're looking at Full Circle technology.

6. Yard Jockey Replacement at the Transfer Station

Ms. Holt stated that this was a holdover item from the Annual Town Meeting. It was favorably voted off by all boards. The issue was that the Transfer Station's revenue was not up to par. It finished the year as the only enterprise fund that did not meet its revenue projections. The revenue is better now, said Ms. Holt. She said that because of Covid, they were letting residents in with expired stickers as they weren't able to get in to The Town Hall to get new stickers. This shifted the revenue to the summer and crossed fiscal years. It has now picked up significantly. Ms. Holt stated that it's still not recommended that this be funded by The Transfer Station's retained earnings because their retained earnings are just over \$400,000 and we need \$120,000 to acquire the yard jockey.

7. Reservoir Dam Project

Ms. Holt said that this is a project that the board has probably heard about through water resources and through the discussion on the water system. This is to expand the reservoir and fish passage. Ms. Holt stated that this project is about 60% designed and with permitting, this will get it all the way to the 100% mark so that they can go out to bid for construction. She then said that there have been multiple grant attempts to get this final piece done, never ending positively. Up until this point, Ms. Holt said, this project has been predominantly funded by grants. She stated that this has been a very important issue to The Board of Selectmen as well as The Water Resources Committee, both wanting the project to be finished with its design and permitting. This is why it was recommended by The Capital Planning Committee and The Board of Selectmen, both voting on it favorably. Nancy then said that she and Mr. Boudreau met with The DPW earlier today and found unused funds that can be applied to this and then the balance would be put in Water Enterprise retained earnings.

Mike Westort asked Ms. Holt if expanding the reservoir means there would be more capacity to hold water as well as the fish to which Ms. Holt responded that it would.

Mr. Westort then asked if so far while we've been funding this, has it been based on the fish, or were we expanding the reservoir since day one? Ms. Holt told Mr. Westort that these go hand in hand and this is what made it such an attractive grant proposal. Mr. Westort then asked what 'supported' means in the line saying - "Funded from borrowing supported by Water Enterprise fund". Nancy said that this would be Water Enterprise receipts but since articles have been identified, there isn't a need to borrow for it.

Mr. Heineman asked if Ms. Holt could tell the board what the balances are for the Transfer and Water Enterprise Funds. Ms. Holt said that The Transfer Station has retainings of \$401,884 and approximately \$58,000 on The Special Town Meeting between unpaid bills and to establish their reserve account. She also said that The Water Enterprise Fund has \$1,063,000. To which she added that she can't do this another year so is doing it this year.

Mr. Westort asked Ms. Holt if there were thoughts of waiting another cycle to see if we'd be able to get grants or is this being looked at as the continuation just won't be approved by grants? Ms. Holt responded, saying that we have been on a grant cycle for a year and a half to two years and it has stalled the project. She said that we will still be applying for grants, but right now we just haven't been successful.

Ms. Lynda Ferguson asked Ms. Holt that if The Septic Loan Program is funded from betterments from wouldn't that be over time? Ms. Holt responded saying, yes, financing is through The Mass Clean Water Trust, which is 20 years as well. She said that we have already had one betterment loan that was paid off so we have separate funds. Ms. Lynda Ferguson thanked Ms. Holt and stated that she wasn't sure prior to asking where the upfront money was coming from.

Mr. Kelly asked Ms. Holt if The Selectmen voted unanimously on all seven line items. Ms. Holt said that they did. Mr. Kelly then asked her if The Capital Planning Committee did as well, to which Ms. Holt responded yes.

Mr. Kelly made a motion to support Article 7, which was seconded by Jamie Gilmore and voted majority in favor, (9-0) by roll call vote; UNANIMOUS.

Mr. Kelly asked Ms. Holt if there was a week to get the write ups in. Ms. Holt responded that they have to be posted by October 30th. Being a small warrant, as long as the write ups are submitted by October 27th, she and Recording Secretary, Alicia Anthony would get it done.

With no further business to discuss, Mr. Kelly made a motion to adjourn the meeting at 8:00 p.m., which was seconded by Mike Westort and voted majority in favor, (9-0) by roll call vote; UNANIMOUS.