

Board of Selectmen Meeting Minutes

Tuesday, May 26, 2020

Facilitated @ Scituate Town Hall, 600 Chief Justice Cushing Highway with Remote Participation due to COVID- 19 Emergency

In attendance on site: Mr. Vegnani, Chairman, Ms. Curran

In attendance via remote participation: Ms. Canfield, Ms. Connolly and Mr. Harris

Also in attendance on site: Mr. Boudreau, Town Administrator

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

Ms. Curran made a motion to accept the agenda for May 26, 2020 at 7:03 p.m.

Second by Mr. Harris Unanimous, vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

Mr. Vegnani reviewed the call in procedures for any resident who would like to participate in the meeting by commenting or asking questions.

REPORT OF THE TOWN ADMINISTRATOR

Scituate Police & Fire with assistance from Norwell responded to an emergency medical need on the Driftway. The young woman was stabilized and taken via medi vac helicopter to a Boston hospital. Excellent job by all.

Mr. Boudreau provided the Selectmen with an update on the number of COVID-19 tests for Scituate. There were three new cases in Scituate. People have asked why the Town's numbers are different from the State. Mr. Boudreau said we track Scituate residents and the State is tracking nursing home cases, which were originally not reported to Scituate back to Scituate. So there are three numbers; the Scituate residents, the residents and nursing home cases and both. We are consistent with the total number it is a little bit off depending on time of day reporting and when the information comes in. Yesterday, May 25th was the first day of reopening the economy. Barbershops & hairdressers are open, retail shops are available for pickup and online shopping. You can't go in the stores yet. The dog park is open. Masks and social distancing are required. If it gets too crowded, we will have to close the dog park. Beaches are open and people are doing their best. The young people are congregating together too much. The athletic fields are open but not the new fields behind the high school. Those are closed due to construction and have not been turned back to the town yet. Police will begin enforcement at the active construction site. Mr. Boudreau asked people to stay off the new athletic fields. Ms. Curran asked if the school can send something out. No organized sports are allowed at this time due to COVID-19. Widows Walk is open and the new golf pro Ian Kelly is doing a great job to get it open to the public. People will need to start separating paper and cardboard at the transfer station. 96% of taxes have been collected and Mr. Boudreau thanked the residents.

Two-inch lines are being replaced in town in mid-July. This is the next big phase to address the brown water problem. We have had no brown water calls at the water department. Things are looking better right now. July 4th is always challenging so we will see.

We have only received 25% of easements back from the residents at Cedar Point. Another letter will be going out this week. We need to get these back to get the bids out for the job. The funding will be on the Town

Meeting agenda. We will go out to bid in July. Ms. Curran asked that we outline the ramifications if we do not receive the easements with Cedar Point residents. Mr. Boudreau will share a copy with the Board of Selectmen. Mr. Harris said the issues with the easements are the cost to the residents. Mr. Boudreau said it would even out in the end. Ms. Connolly said the cost of the laterals are included in the cost of the project and it will not matter if the individual laterals are long or short. This is common community and it is all included in the group project with costs spread across everyone. Mr. Vegnani said the laterals were always included in the project. This is the project the residents asked for and we cannot have 130 people putting in their own laterals. Mr. Boudreau will find out when the Drew project is supposed to begin. Ms. Canfield is concerned about the MassWorks grant and there is a great deal involved in this.

Mr. Vegnani said the Selectmen want to open everything and hoping residents do this smartly by social distancing and wearing masks. There will be a car parade at the high school for the seniors.

SCHEDULED ITEMS:

National Grid Pole Petition Sedgewick Drive, Jose Vazquez, Engineer, National Grid

Mr. Vasquez said that there was an outage on Sedgewick Drive and the guy wire was on a tree. National Grid needs to install a pole. Letters were sent to inform abutters by the Selectmen's office. This was approved by DPW, Fire and Police.

Move to approve National Grid Plan #29527766 to install a new pole on Sedgewick Drive, 40 feet Northwest of Townsend Road as indicated on the map provided. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

Comm-Tract Corp. Fiber Ring Contract \$193,550, Michael Minchello, IT Director

There are 12 buildings in total that will be connected to the Fiber Ring. This was approved at Town Meeting. This is for speed and security. Every building joins the ring in two different directions. Ms. Canfield asked if this would impact our ability to use community cable. Mr. Minchello said that is provided by Comcast and is completely separate.

Move to award a contract to Comm-Tract Corp for the production and installation of fiber optic cabling at municipal facilities in an amount not to exceed \$193,550. Motion by Ms. Curran Second by Ms. Canfield Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

BCM Controls Security Contract \$394,484, Michael Minchello, IT Director

This is for cameras and security access in all town buildings. This was already completed with the schools and

now we are moving to Town facilities. This will be done after the fiber is installed. They will complete it as the fiber is rolled out. Card access and cameras within the first 4 weeks

Move to award a contract to BCM Controls Corporation for the production and installation of security measures at municipal facilities in an amount not to exceed \$394,483.56. Motion by Ms. Curran Second by Mr. Harris Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

Recreation Field Permit Rules & Regulations Update, Maura Glancy, Recreation Director & Jennifer McMellen, Chair Recreation Commission, Kevin Devin, Field Coordinator

Mr. Vegnani gave an overview. There were many meetings where this was discussed with input from the sports organizations. There was a good program in place and it is being readapted to the times and the needs. Jennifer McMellen, Chair Scituate Recreation said there was a lot of feedback from the youth groups. The final draft was provided to the Board of Selectmen. The edits to the field permit regulations were highlighted with changes. The revised permit application was attached. The rental chart was attached with highlighted changes. A violation policy was provided. A special exemption request form was included. Blanketed permitting is not allowed. Fireworks fires and cooking are not allowed. Use of weapons, drugs, alcohol and tobacco are prohibited on Scituate public grounds. Anyone under any permit using the Town of Scituate Public Fields not abide by the regulations, you could subject to possible fines, suspension or loss of permit. It is fine with Recreation Commission to vote at the next Selectmen meeting. Ms. Canfield asked Jennifer McMellen what happens if a for profit wants to use our fields. Ms. McMellen said the for Profits are not allowed to use the grass fields. The fields cannot take the abuse of too much use. Ms. Canfield asked if the fine could be defined in the final draft version. Ms. McMellen gave several examples and said it is hard to determine the fine. If a janitor is needed the cost of the janitor would be charged, if the field was burned the cost to fix this would be charged. The fine is at the sole discretion of the Town of Scituate. The Recreation Commission should impose the fine and if the party wants to dispute the fine it can go to the Board of Selectmen. Ms. Connolly asked about the fees and are they enough to enable us to keep up and improve the fields in 5 to 10 years and to create a maintenance fund. It has not been determined yet if there will be a fund to improve the fields down the road. Kevin Devin has checked the rates with 8-10 towns to compare and it is priced accordingly. In terms of revenue, it is unknown because the fields are new and there is no history. Ms. Connolly wants to be sure the money that is generated and ad space that it is sold this money is used to maintain and improve the fields. Ms. Holt said there is an article at the Annual Town Meeting to create a recreation revolving fund. Ms. Connolly said she wants to make sure the rental fees go to the Town recreation fields and not school funds for maintenance of the fields. Ms. Curran asked about the lights and who pays for the lights. The lights have been handled by the school. Whatever fees are associated with the lighting are paid by the school. Ms. Glancy said there will be an app to turn the lights on. The permitting for the field will be done by the Field Coordinator unless it is a school event. Mr. Vegnani asked that analysis be done on the lights by the recreation commission. Ms. Glancy said she would look into it. Ms. Curran asked if the document will be updated every year. Ms. McMellen said it hasn't been updated since July 2017. It is changing now because of the new fields. Ms. Curran suggest changing the field coordinator as a more general email address. Mr. Vegnani said the Recreation Department and Commission did a great job on this document and the process. Mr. Bill Collins

joined via the conference call line and asked if he could review a copy of the proposal. Mr. Devin said he would forward it along to Mr. Collins. This item will be voted at a future Selectmen meeting.

1/12th Budget for FY2021, Nancy Holt, Finance Director/Town Accountant

Due to the COVID-19 pandemic, the Town has not been able to hold a town meeting in order to vote on operating budgets for FY 2021 which begins on July 1, 2020. Pursuant to Chapter 53 of the Acts of 2020 enacted in April 2020, the Town may continue operations after July 1, 2020 by adopting a 1/12th budget upon approval of the Division of Local Services' Director of Accounts based on the FY20 budget. Though the Town may still be able to successfully hold a town meeting by June 30, 2020, it must plan for the alternative of continuing operations under a 1/12th budget. The Division of Local Services has requested that the 1/12th budget requests be submitted as soon as possible via their online portal in order to ensure that they can be processed in a timely manner. The DLS will be reviewing these submissions for any community/district unable to hold a town meeting or other authorizing vote prior to July 1, 2020.

Attached is the line by line operational budgets for the FY20 general fund, water enterprise, golf enterprise, transfer station enterprise, sewer enterprise and waterways enterprise indicating the 1/12th (8.3%) amount as well as the amount actually being requested for operations in July 2020. The first month of the fiscal year has many annual payments that will cause the Town to exceed the 1/12th limit including pension assessment, insurance premiums, debt service, seasonal activities and other contractual liabilities. All of these variances have been called out and labeled accordingly. The total amount requested for the general fund is \$12,184,046 (15.3% of FY20), golf enterprise is \$118,246 (10.8% of FY20), transfer station enterprise is \$132,015 (8.8% of FY20), sewer enterprise is \$1,061,317 (29.6% of FY20), water enterprise is \$457,643 (8.6% of FY20) and waterways enterprise is \$121,271 (8.7% of FY20).

The Director of Finance for the School Department has reviewed the 1/12th submission and is comfortable with the amount requested.

We do not know how long it will take the State's and districts to follow this process. The workflow hitting the Department of Revenue is going to be intense and it will be better if we could file this now. Mr. Vegnani said the ATM is schedule for June 8th and we expect the moderator to change it to further in the month. Mr. Boudreau said he would lean toward moving it outside right now. Cohasset is going to do a drive in town meeting at the music circus. Mike Minchello has met with Seth for cameras video and displays to see if we can do it. The financial forecasting committee met a week and a half ago and modeled four different scenarios to forecast. Nancy Holt, Jim Boudreau and Paul Donlan are modeling the four scenarios.

Move to approve the 1/12th budget for submission to the Department of Revenue Division of Local Services' Director of Accounts in order to continue operations effective July 1, 2020 should the Town be unable to hold a town meeting by June 30, 2020. This approval is contingent on any modifications requested by the DOR as approved by the Town Administrator. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes
Canfield yes
Connolly yes
Curran yes

Appointment of Special Counsel, Jim Boudreau, Town Administrator

Mr. Boudreau said Attorney Galvin is the best choice to hire as an attorney to help the Town of Scituate analyze the Bassings Beach area/Shellfish and respond to some recent inquiries.

Move that the Board of Selectmen name Attorney Robert Galvin as special counsel for the Town of Scituate for matters relating to shell fishing in Cohasset Harbor. Motion by Ms. Curran second by Ms. Connolly Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes
Harris yes
Canfield yes
Connolly yes
Curran yes

Acceptance of Donation to replant a tree at the Fred Hyland Memorial in North Scituate, Anonymous Donor

The spruce tree died several years ago and an anonymous donor has offered to replace the tree.

Move that the Board of Selectmen accept a donation to replant a tree at the Fred Hyland Memorial in North Scituate. Motion by Ms. Canfield second by Mr. Harris Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes
Harris yes
Canfield yes
Connolly yes
Curran yes

Egypt-Mann Hill Cobble Berm Contract \$1,093,185, Kevin Cafferty, DPW Director

This is a project with FEMA funds from NEMO. It went out to bid and it was a tight bid that was protested. Cairns is the contractor who prevailed. This project was funded in the FY19 foreshore money for the town part. Mr. Harris asked if the berm will be higher than it is right now. Mr. Cafferty said it will be restored to a level elevation. There will be a lot of truck traffic throughout the summer and construction work going on. This will be approximately 700 trucks. When it is done it will protect the coastline. A preconstruction meeting will be held after the contract is signed. Mr. Vegnani would like a memo to know how the contractor will get the stone down to the beach. 21,196 tons/15,000 cubic yards will be transported to protect the coastline.

Move that the Board of Selectmen award the contract for the Egypt-Mann Hill Cobble Berm Reconstruction Project to George Cairns and Sons for \$1,093,185.00. Motion by Mr. Harris second by Ms. Canfield Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

Clean Water Trust borrowing of \$6,769,393, Pam Avitabile, Treasurer/Collector

This is for financing the green sand filter at well 17A. This is not a BAN it is financed through the Clean Water Trust. The board authorizes the loan and progress reports will be sent to the Clean Water Trust. We draw down money as we pay money out as a reimbursement. It won't be interest bearing until the end. We budgeted \$8M and it came in under that. Interim Loan from the Massachusetts Clean Water Trust in the amount of \$6,769,393 as authorized in Article 3 Item U from the April 8, 2019 Annual Town Meeting.

Vote to approve the sale of Interim Loan from the Massachusetts Clean Water Trust motion by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

Ms. Canfield read into the record of the meeting, the following:

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Scituate, Massachusetts, certify that at a meeting of the board held May 26, 2020, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

- VOTED:
- (1) that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$8,000,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 8, 2019 (Article 3, Item U), which authorized a total borrowing of \$8,000,000 for the drinking water project identified in such vote (the "Project");
 - (2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$8,000,000;

- (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the Financing Agreement;
- (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
- (5) that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.
- (6) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and

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- (7) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.

I further certify that the agenda for the meeting, a copy of which is attached hereto, was posted on the bulletin board of the town at least 24 hours before the meeting in compliance with Section 7-11 of the Town Charter.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date, time and agenda of the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no

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deliberations or decisions in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L c.30A, §§ 18-25 as amended, further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

Dated: May 26, 2020

Authorization to Apply for Corona Virus Relief Funds, Nancy Holt, Town Accountant/Finance Director Mr. Boudreau and Ms. Holt attended a recent meeting and were informed that a vote of the Board of Selectmen will be required to apply for the Corona Virus Relief Funds. Phase I is 25% of the funds based on the population of the Town. There will be four funding cycles and the first one ends this Friday. Ms. Holt wants to get in on the first phase. It cannot be anything we previously budgeted for but it can be all of our other expenses we did not plan for in our budget. Ms. Curran asks what happens to the funds that are not spent. Ms. Holt said it would move into phase 2 and phase 3.

Move to authorize the Town Administrator and Finance Director to apply for any private, local, county, state or federal funding to support the Town's response to Coronavirus. Motion by Ms. Curran Second by Mr. Harris Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

NEW BUSINESS:

1. Memorial Trees @ Cole Parkway, Lorraine Devin

Ms. Devin said for the existing memorial program trees were approved. The current prices are much higher than what was in the original memorial program. People are asking to donate memorial trees in Cole Parkway since the benches are completed and there is no more space for additional benches. The Selectmen agreed we could plant up to five shade trees in Cole Parkway as memorial trees. We are fortunate to have Karen Joseph our town planner who is also a certified landscape architect who helped select the type of salt tolerant tree for the area. Quotes will be obtained from local nurseries/landscape companies and the cost of plaques. Once obtained Ms. Devin will let the donors know the total cost of the memorial tree & plaque donations and arrange to have them installed as ordered by the donors.

OTHER BUSINESS:

1. Liaison Reports

Maura Curran said the Affordable Housing Trust broke ground on the Lawson Green project and good things are happening.

Karen Canfield said The Beach Commission meeting is tomorrow night. The EDC will be purchasing signs and a survey went out to all businesses in Scituate. It is moving along well.

Anthony Vegnani thanked Don Knapp, Kim Stewart and the Veterans Advisory Council, Maura Curran and Karen Connolly donated a wreath to place on the common and he thanked those that rang the bells at Lawson Tower and the churches.

The Town Election is June 13 2020 and people can early vote or absentee vote. You request a ballot and when received you submit your ballot.

2. Correspondence

We received an open meeting law complaint for the Shellfish Advisory Committee. Mr. Vegnani said the people that have applied should hold for now with COVID-19 and everything on our plate right now. The board would like to interview the applicants in person and that is not possible right now.

3. Approval of Meeting Minutes

Move to accept the meeting minutes for the Board of Selectmen meeting held on May 12, 2020. Motion by Mr. Harris Second by Ms. Curran Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

4. Adjournment and Signing of Documents

Motion to adjourn the meeting at 9:21 p.m. by Mr. Harris second by Ms. Curran Unanimous Vote (5-0)

Roll Call Vote:

Vegnani yes

Harris yes

Canfield yes

Connolly yes

Curran yes

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for May 26, 2020 Board of Selectmen Meeting

- Agenda
- National Grid Pole Petition Sedgewick Drive
- Comm-Tract Corp. Fiber Ring Contract \$193,550
- BCM Controls Security Contract \$394,484
- Recreation Field Permit Rules & Regulations Update
- 1/12th budget information and detail for FY2021
- Appointment of special counsel
- Acceptance of donation to replant a tree at the Fred Hyland Memorial in North Scituate
- Egypt-Mann Hill Cobble Berm Contract \$1,093,185
- Clean Water Trust Borrowing of \$6,769,393
- Authorization to Apply for Corona Virus Relief Funds
- Memorial Trees at Cole Parkway
- Correspondence
 - open meeting law complaint for the Shellfish Advisory Committee
- Approval of Meeting Minutes for May 12, 2020

Board of Selectmen Meeting Minutes for May 26, 2020

BOARD OF SELECTMEN

Anthony V. Vegnani, Chairman

Shawn Harris, Vice Chairman

Karen B. Canfield, Clerk

Karen E. Connolly

Maura C. Curran