

MINUTES OF MEETING

BOARD OF SELECTMEN

JULY 23, 2013

Present: Shawn Harris, Chairman; John F. Danehey, Richard W. Murray,
Martin J. O'Toole, Anthony V. Vegnani

Patricia A. Vinchesi, Town Administrator

Press: Scituate Mariner, Patriot Ledger

1. The meeting was called to order at 7:04 PM.
2. ACCEPTANCE OF AGENDA

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ACCEPT the AMENDED Agenda for July 23, 2013. SECONDED by Mr. O'Toole. No discussion. Unanimous vote. (4-0) Mr. Vegnani was not present for the vote.

Mr. Harris announced that Agenda item #12 would be moved up to be heard after item #5.

3. BOARD STATEMENT/ Attorney General's Finding on Alleged Open Meeting Law Violations

Mr. Harris and Ms. Vinchesi worked on a statement which will be posted to Town website and read into the record of tonight's meeting with the Board's permission. The Selectmen concurred and Mr. Harris read the document into the record. (attached)

4. DISCUSSION/ VOTE/ OUTDOOR ENTERTAINMENT PERMIT/ 16 Wade Street/ 8.17.13

The applicant stated that her immediate neighbors had been notified of the event.

Mr. O'Toole made a MOTION that the Board of Selectmen VOTE to GRANT an Outdoor Entertainment Permit to Ruth Hardin, 16 Wade Street, for a disc jockey to play music from 6 PM to 11 PM on Saturday, August 17, 2013. Abutter notification is a requirement of this permit. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0) Mr. Vegnani was not present for the vote.

5. DISCUSSION/ VOTE/ Common Victualler's License / Creyo Frozen Yogurt/ 101 Front St.

The owner explained that they have another location in Marshfield and would like to open a self-serve, 16 seat yogurt and smoothie shop on Front Street. It is a family run

business.

Mr. O'Toole made a MOTION that the Board of Selectmen VOTE to GRANT a Common Victualler's License to Creyo Frozen Yogurt, 101 Front Street, Scituate Harbor. This license is subject to successful inspection by the Building, Health and Fire Departments. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)
Mr. Vegnani was not present for the vote.

12. DISCUSSION/ VOTE/ WATER RATE INCREASE/ A. Bangert

Mr. Harris acknowledged that perhaps 98% of the people in tonight's audience are present due to recent brown water events. He knows that a reverse 911 was sent out to many residents warning them of a widespread brown water event. He recently had a lengthy meeting with Mr. Bangert, Mr. DeBarros (Supervisor/ Water Division), Water Division personnel and the Town Administrator. Al Bangert, Director/DPW stated that 60 hydrants were opened today to try to clear the brown water from the mains and more hydrants will be opened tomorrow. The water coming in from the wells and the plant "is the best possible water". However, the hot weather and an increase in the Town's summer population puts increased demand on water flow through very old, constricted pipes, which in turn stirs up the sediment (primarily iron and manganese). Scituate had a private water company in the early 1900's that laid cast iron pipe in many areas. The replacement of these old water mains began in 2008 and to date, 6 miles have been replaced at a cost of \$5.6 million. The brown water problem will not go away until all the pipes have been replaced under an accelerated program.

Mr. Vegnani entered the meeting at 7:18 PM.

Mr. O'Toole listed some of the areas most affected by brown water: Minot, Sand Hills, Cornet Stetson Road, Meetinghouse Lane, Greenfield Lane and the entire Harbor area. Mr. Bangert stated that if the funding is accelerated by (1) a substantial increase to water rates, or (2) a debt exclusion override or (3) commit to General Fund borrowing that the everything could be replaced in 3 years at a cost of \$22 million (\$4,400/household and if bonded for 20 years - \$220/year/household). There is no known State or Federal funding for this type of project. He noted that 45 Massachusetts communities have had to replace their water mains entirely in recent years. Scituate is not the only Town experiencing this problem. To move forward, Town Meeting would need to authorize a bond and construction bids would be gathered over the winter months. Construction could begin in March/April 2014. Mr. Danehey noted that the Selectmen have increased the water rate and encouraged acceleration of water main replacement over the past 6 years, but apparently it has not been enough to alleviate the problem. Mr. Bangert believes an increase to the water rates would mean

“faster action”. Mr. Vegnani and Mr. Murray spoke about Scituate historically having some of the lowest water rates in the area and that money has not been put into the water infrastructure for 30 – 40 years. Why does the problem seem worse this year? Jim DeBarros explained that he has been re-opening water gates that have been closed for many years (ultimately better for the system) and new pipes installed on Tilden and Stockbridge Roads have improved water pressure, but this also affected other areas of Town. Mr. Bangert explained that mains will be replaced first on Lighthouse Point and Sand Hills (pipes are currently in salt water) and then the Harbor. When there is a water main break, these areas affect everyone.

The following individuals spoke about the brown water situation:

Diane Wells, 117 Gilson Road, spoke about the high manganese levels in her water and the health implications.

Carol McGurl, 22 Berkshire Road – brown water every year since 1972 – told tannic acid in reservoir and now told it is old water mains – what is it and why is it only Scituate? She is not o.k. with summer residents getting new mains first.

- Mr. Harris reiterated that the water leaving the plant is clean and also spoke about the recent draining and cleaning of the water standpipe on Maple Street. “We are playing catch up – not a lot was done prior to 10 years ago.”

Stacey Leshner, 10 Berkshire Road – would not give her water to her cat, wants work done within 5 years and wants professionals, not local DPW, working on it.

Paula Karcher, 32 Allen Place, stated that a family member is trying to recover from cancer surgery and having difficulty getting wounds to heal. She told the surgeon about the water and the doctor said that the water is not safe. Her daughter has a staph infection. Don’t say it is safe to drink this water. She called the EPA today about the water – “the town must be held accountable – this is a health issue. You wouldn’t bathe your children in black water.”

John Sullivan, 12 Parker Avenue, suggested not spending money on “shiny water brochures” – fix the problem. He wants to know when the water will be tested.

- Jim DeBarros stated that water testing sites are set up by DEP and samples are tested daily. The tests have come back fine. DEP does not allow the Water Department to test individual homes. The State looks at water color as an “aesthetic”.

John Cranston, 12 Hawley Road, asked if the Town is testing for the right things.

- Yes, the Town is following the guidelines set by the State.

Mr. Murray assured everyone present that Mr. DeBarros, Mr. Bangert and the Selectmen have all been working very hard on this issue for quite some time and it is time to institute a rate increase to get started on engineering the larger project.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to INCREASE water service and usage rates by 10% effective August 1, 2013 to fund engineering plans for the replacement of twenty-four miles of cast iron water mains. SECONDED by Mr. O'Toole. No discussion. Unanimous vote. (5-0)

6. DISCUSSION/ VOTE/ Award Contract/ Transfer Station Trash Bags/ K. Cafferty

Mr. Murray made a MOTION that the Board of Selectmen VOTE to AWARD the contract for the purchase of 16 and 33 gallon trash bags for the Transfer Station from Waste Zero, Inc. for the unit prices quoted in Addendum 4. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

7. 7:15 PM/ jW's Burger Bar/ Pledge of License/ J. Wilson

Mr. Danehey recused himself from hearing or voting on this agenda item.

Joan Wilson, owner, stated that she is changing banks.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to GRANT a pledge of 17 New Driftway, Inc. d/b/a jW's Burger Bar's Common Victualler All Kinds of Alcoholic Beverages License (#108600055) held by South Coastal Bank, 768 Main Street, Weymouth, Massachusetts to Scituate Federal Savings Bank, 72 Front Street, Scituate, Massachusetts. This vote is contingent upon receiving release of the prior pledge from South Coastal Bank. SECONDED by Mr. Murray. No discussion. Vegnani, Murray, Harris and O'Toole voting. (4-0) Mr. Danehey did not vote.

Mr. Danehey re-entered the meeting.

8. MEET APPLICANTS/ Board of Library Trustees

Karen Srabian – Scituate resident for 10 years, frequent Library user and cares very much about the Library. She has not attended a Trustee meeting.

Mary Anne Odell – Scituate resident for 25 years and a "life user" of the Library. Has worked with the Weymouth Library Director and Library Trustees while employed there. She is founding member of the Scituate Book Club and understands the Capital Campaign program to raise money for renovations to the Library. She has not attended a Trustee meeting, but knows some of the trustees.

Kevin Butler – Scituate resident for 40 years and “passionate” about the Library. “Libraries are more than just books – there are programs for all ages”. He has spoken with some of the current Trustees and understands what would be involved.

Len Nannarone – not present

9. JOINT VOTE/ Board of Selectmen and Board of Library Trustees

Trustees – Kevin Carleton, Christopher Mirarchi, Carol Sullivan-Hanley

Kevin Carleton nominated Mary Anne Odell. SECONDED by Ms. Sullivan-Hanley.

Roll Call taken – Kevin Carleton, Sullivan-Hanley, Christopher Mirarchi, Shawn Harris, Anthony Vegnani and Richard Murray voted “in favor” of the nomination of Ms. Odell. Mr. Danehey and Mr. O’Toole did not. (6-2) The Nomination/Vote carries.

Nominations were made for the other candidates, but did not receive a majority vote. All agreed that it was a difficult decision as all the candidates were very well qualified.

10a. DISCUSSION/ VOTE/ Changes to Mooring Regulations/ Harbormaster

Harbormaster Patterson and Waterways Chairman, Dick Eckhouse, noted 12 changes to the Town Mooring Regulations that have been fully reviewed and recommended by the Harbormaster and the Waterways Commission. Mr. Vegnani asked that the waiting list protocol for slips and moorings be reviewed.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to AMEND the Town of Scituate’s Mooring Regulations per the changes recommended by the Harbormaster and the Waterways Commission. SECONDED by Mr. O’Toole. No discussion. Unanimous vote. (5-0)

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT the recommendation of the Harbormaster and the Waterways Commission to open one(1) dock at the Scituate Marine Park on May 1st for slip users willing to pay an additional fee. SECONDED by Mr. Murray. Discussion – This is an effort to let people (boaters) launch early and the Town can realize the revenue. Harbormaster Patterson stated that there is a need for this. No further discussion. Unanimous vote. (5-0)

10. DISCUSSION/VOTE/ Harbor Community Building

The Selectmen are interested in opening the Harbor Community Building to private functions after specific repairs/replacements are completed. Ms. Vinchesi presented a list of repair/replacement items totaling \$35,000, which would come out of mitigation funds.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to SUPPORT the items for repair/replacement at the Harbor Community Building, 44 Jericho Road, as presented. SECONDED by Mr. Murray. No discussion. Unanimous vote. (5-0)

10. WALK-INS – None

13.ANNUAL APPOINTMENT PROCESS

Mr. Murray made a MOTION that the Board of Selectmen APPOINT George Trafton and Daniel Hoffman to the Affordable Housing Trust. SECONDED BY Mr. Danehey. No discussion. Unanimous vote. (5-0)

Mr. Danehey made a MOTION that the Board of Selectmen APPOINT Patricia A. Vinchesi as the Town's representative on the Metropolitan Area Planning Council. SECONDED by Mr. Vegnani. No discussion. Unanimous vote. (5-0)

Mr. Vegnani made a MOTION that the Board of Selectmen APPOINT Anne Breen and Robert Tarantino to the Commission on Disabilities. SECONDED by Mr. O'Toole. No discussion. Unanimous vote. (5-0)

Mr. Vegnani made a MOTION that the Board of Selectmen APPOINT Gerard Fierimonte to the Council on Aging. SECONDED by Mr. O'Toole. No discussion. Unanimous vote. (5-0)

14. REPORT/ "THE WEEK AHEAD"/ Town Administrator/ Board Members

Ms. Vinchesi reported that 26 applications were received for the Police Chief position. The 9 person search team will "start work" next week interviewing internal and external candidates. The Request for Proposal contract for the Police Chief Assessment Center(August) has been awarded to Public Safety Consultants for \$5,800.

15. OTHER BUSINESS/Correspondence, Regular Session Minutes for 10.2.12, 6.18.12 & 7.9.12

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the

Regular Session Minutes for October 2, 2012. SECONDED by Mr. Danehey. No discussion. Murray, Harris and Danehey voted “yes”. (3-0) Mr. Vegnani and Mr. O’Toole did not vote.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Regular Session Minutes for June 18, 2013. SECONDED by Danehey. No discussion. (4-0) Murray, Danehey, Harris and O’Toole voted “yes”. (4-0) Mr. Vegnani did not vote.

Mr. O’Toole read a letter thanking the Harbormaster and his Assistant for their rapid response to a boater’s emergency call. Mr. Danehey spoke about FEMA revisions to the flood plain maps. He announced Heritage Days, which will take place the first weekend in August. He noted that the Sand Hills convenience store recently closed its doors and the possibility of wine and beer retail sales at a store of this kind. Mr. Danehey recently attended a “Sister City” reception at the Scituate Maritime Center and spoke about the benefits of Selectmen visiting Sucy-en-Brie in the future.

16. EXECUTIVE SESSION /Collective Bargaining – Police & Fire Dept. Unions

Mr. Harris announced that the Board of Selectmen would enter Executive Session with respect to collective bargaining because an Open Meeting would have a detrimental effect on the bargaining position of the Town – Police & Fire Department Unions with Labor Counsel and that the Selectmen would not return to Regular Session this evening.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to ENTER Executive Session to discuss strategy with respect to collective bargaining because an Open Meeting may have a detrimental effect on the bargaining position of the Town – Police and Fire Department unions. Labor Counsel will be present. SECONDED by Mr. Murray. No discussion. Unanimous vote. (5-0)

Roll call was taken at 9:15 PM.

17. ADJOURNMENT & SIGNING OF DOCUMENTS

Regular Session was adjourned at 9:15 PM and documents were signed.

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Board of Selectmen – Minutes of Meeting – 7/23/13

BOARD OF SELECTMEN

Shawn Harris, Chairman

Martin J. O'Toole

John F. Danehey

Anthony V. Vegnani

Richard W. Murray

Respectfully submitted,

Kimberley A. Donovan
Executive Assistant

List of Documents for July 23, 2013 Board of Selectmen's Meeting

OML Statement

e-mails from applicant for outdoor entertainment permit – 8.17.13

common victualler's application for new business – Creyo Frozen Yogurt

Topic: Award Contract/ Transfer Station Trash Bags & price addendum sheet

Pledge of License application materials – 17 New Driftway, Inc. d/b/a Backyard Burger Bar

4 "letters of interest" from applicants for the Board of Library Trustees

"Scituate Harbor Community Building Proposed Changes for Better Use" document

Topic: Brown Water

Topic: Water Rate Increase

Memorandum from Waterways Commission dated 6/21/13

Mooring Regulations suggested changes and comments by Harbormaster Patterson

Minutes – 10.2.13, 6.18.13, 7.9.13