

**Board of Selectmen, August 7, 2012**  
TOWN OF SCITUATE MASSACHUSETTS

MINUTES OF MEETING

BOARD OF SELECTMEN

AUGUST 7, 2012

PRESENT: Joseph P. Norton, Chairman; Shawn Harris, Richard W. Murray, Anthony V. Vegnani

Patricia A. Vinchesi, Town Administrator  
James Toomey, Town Counsel

Press: Patriot Ledger, WATD

The meeting was called to order at 5:30 PM.

ACCEPTANCE OF AGENDA

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Agenda for August 7, 2012. SECONDED by Mr. Vegnani. No discussion. Unanimous vote. (4-0)

5:30 PM/ HEARING/ TO DISCUSS COMPLAINTS OR CHARGES BROUGHT AGAINST A PUBLIC OFFICER, EMPLOYEE, STAFF MEMBER OR INDIVIDUAL (Executive Session)

The following members of the Scituate Housing Authority were present: Maryanne Lewis, Stephen Coulter, Patricia Butler (Chairperson) and Michael Collins. Ms. Kathy DeMarsh, Executive Director, Scituate Housing Authority was also present. Mr. Norton asked Ms. Lewis if she wanted the hearing to take place in Executive Session. Ms. Lewis responded "it doesn't matter, fine."

The Board of Selectmen entered Executive Session via roll call at 5:32 PM with Mr. Norton, Mr. Harris, Mr. Murray and Mr. Vegnani responding "yes".

REGULAR SESSION CALLED BACK TO ORDER

Mr. Norton called Regular Session back to order at 7:38 PM. He announced that the Board of Selectmen voted to "temporarily suspend" Maryanne Lewis from the Scituate Housing Authority.

Mr. Norton noted that the advertised Liquor License Transfer Hearing (Agenda #10) would take place now.

10. 7:30 PM/ PUBLIC HEARING/ LIQUOR LICENSE TRANSFER/ Riva Restaurant/  
114-116 Front Street

Applicants Joe, Michael, Kerry and Kara Tondorf and current Riva Restaurant owner, Jay Cole, were present at tonight's meeting. Michael Tondorf has been the chef at Riva Restaurant for six years and had prior culinary experience in Boston restaurants. The Tondorf family is interested in purchasing Riva Restaurant where Michael will continue in the kitchen and Kara will manage the "front end" of the restaurant. All employees are TIPS certified for alcohol service. Mr. Vegnani asked the Tondorf's if they had owned a restaurant before. No. Mr. Cole is excited for the Tondorf family and stated that he would be available if they need assistance. Mr. Cole will continue to sell pizza from his shop in Greenbush.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT (1) the transfer of the Common Victualler's All Kinds of Alcoholic Beverages held by B & C Restaurant, Inc. d/b/a Riva Restaurant to JKM SQ LLC, d/b/a Riva Restaurant and (2) the PLEDGE and ASSIGNMENT of JKM SQ LLC Membership

Interests to B & C Restaurant, Inc. for the premises located at 114-116 Front Street. Premises consists of a 1,678 square foot, storefront restaurant with 40 seats in the dining room, 17 seats in pub area, full kitchen, front and side entrance/exit and 400 square foot patio area. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

PRESENTATION/ "Massachusetts Girls State"/ Marie MacCune/ SHS Student

Mr. Ed Covell, Commander of Scituate's American Legion, spoke about the Massachusetts Girls State, a program sponsored by the American Legion Auxiliary and Scituate Rotary. He spoke about the competitive nature of this national program and the fact that the Town of Scituate has had two students become "senators" in the past two years. This year High School student Marie MacCune was chosen and Mr. Covell believes the Town, School system and parents should all be very proud of her. Ms. MacCune read a statement about her experiences. Mr. Vegnani complimented her on the excellent speech she gave at the July 4th program.

MEET NEW FACILITIES MANAGER/ Kevin Kelly

Mr. Norton noted that Town Meeting recently voted a new Facilities Manager position and that Kevin Kelly was chosen to fill it. Mr. Kelly stated that he is excited about the opportunity to manage 52 Town buildings and their corresponding energy contracts. The Board complimented Ms. Vinchesi on the interview process and were enthusiastic about Mr. Kelly's background in the management of buildings at Harvard University, Milton Academy and Mount Ida College.

WALK-IN PERIOD

Mr. Peter Vergnani, 7 River Street, Humarock asked the Town to reconsider the maintenance of private ways and the law that makes these ways open to the public. He presented photographs of Revere Street.

DISCUSSION/ VOTE/ OUTDOOR ENTERTAINMENT PERMITS (2)

Brady – Mr. and Mrs. Brady, 86 First Parish Road, requested an outdoor entertainment permit for music at a wedding reception to be held in a tent in their backyard. They will notify immediate abutters by letter.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to GRANT an Outdoor Entertainment Permit for Saturday, August 25, 2012 from 7 PM to 12 AM for a DJ playing amplified music at a wedding reception at 86 First Parish Road. Applicant must notify all immediate abutters. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

Paley – Mr. Norm Paley, 50 Ely Avenue, was present to request an outdoor entertainment permit for a wedding reception at his home.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to GRANT an Outdoor Entertainment Permit for Saturday, August 11, 2012 from 3 PM to 10 PM for DJ playing amplified music at 50 Ely Avenue. Applicant must notify all immediate abutters. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

DISCUSSION/ VOTE/ TEMPORARY EXTENSION OF ENTERTAINMENT LICENSE

Barker Tavern/ 22 Barker Road (September 2, 2012)

Becky Smith, representing the Barker Tavern, stated that a client is requesting a temporary extension in the Entertainment License from its current "end time" of 12:00 AM to 12:30 AM on Sunday, September 2nd.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to GRANT the request to temporarily extend the indoor Entertainment License held by the Barker Tavern, 21 Barker Road, to 12:30 AM on Sunday, September 2, 2012. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

11. DISCUSSION/ VOTE/ Special Event Permit/ North & South River Watershed Association/ 5K Race/ Humarock

Mary Ann Winchester, race coordinator for the 5K race, was present and noted that this was a new race, primarily run in Marshfield, which goes through a small section of Humarock. The roads will not be shut down and 100-150 runners are expected. The Police Department has been contacted to direct traffic. Discussion continued on road conditions and advertising.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT a Special Event Permit to the North and South Rivers Watershed Association for Sunday, October 14, 2012 from 6 AM to 11 AM in Humarock for a 5K road race in accordance with all conditions set by the Town Departments and the Town Administrator. A condition of this Permit is receipt of a certificate of insurance prior to the event. SECONDED by Mr. Vegnani. No discussion. Unanimous vote. (4-0)

12. PRESENTATION/ SUSTAINABLE FISHERIES/ Jay Silva

Jay Silva and Frank Mirarachi stated that Sustainable Scituate began a non-profit Community Supported Fishery(CSF) called South Shore Seafood Exchange, Inc.(SOSSEXI). The Exchange is run very much like community farms and members can partake of fresh local catch from local fishermen on a weekly basis. The "pick up" location is The Roman Table on Front Street on Fridays from 3-5 PM. Mr. Silva noted that this is an opportunity "to reconnect fishermen with the community and the commercial fishing industry on Front Street in Scituate". The Selectmen wished the group "the best of luck".

13. DISCUSSION/VOTE/REVISED SEWER REGULATIONS/Public Hearing cont. from 7.10.12

Al Bangert, Director, Department of Public Works and Bob Rowland, Supervisor/ Sewer Division, were present. Mr. Bangert stated that most issues were addressed at the July 10, 2012 public hearing with exception of the Supreme Judicial Court case which raised some questions about fees versus taxes. Town Counsel has done the research on this matter and concluded that the Town meets the three requirements for this fee not being the same as a tax. Mr. Vegnani read Town Counsel's statement into the record. (attached) Mr. Bangert noted an addition to the Revised Sewer Regulations, Appendix E which gives the procedure for emergency sewer tie-ins. Mr. Frank Lynch, Board of Health member, noted that the Board of Health examines emergency sewer tie-ins first, then the Board of Selectmen and then the Department of Public Works – if each group approves the application along the way. A written document outlining the procedure is key. Discussion continued on the necessity of fees being appropriate for anticipated costs. Fee money goes into the sewer enterprise fund, which pays for Inflow and Infiltration (I & I) work, which ultimately reduces leaks for future users connecting to sewer (betterments). Mr. Lynch believes that the relationship between emergency connections and betterments (I & I contribution) makes charging the fee "ok". Discussion continued on privately owned spaghetti lines.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to ADOPT the Sewer Rules and Regulations in Scituate, Massachusetts as Amended and re-stated on August 7, 2012. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

14. DISCUSSION/ VOTE/ REVENUE ALLOCATION FROM SOLAR ARRAY & WIND TURBINE

A. Bangert

Al Bangert stated that two new sources of money for the Town will come from the wind turbine and the solar array. Net metering was explained in terms of "electricity in" and "electricity out" equals "net". Our municipal buildings will get a credit from the meter on the wind turbine. This is a system unique to municipalities. Mr. Bangert explained that every month our buildings use electricity and each building has a meter. When the electricity bill comes to Town Hall, we pay the bill. At the same time, the turbine runs and produces electricity, which goes to National Grid's power lines. Scituate gets a check from National Grid and a bill from Scituate Wind. Scituate will end up with approximately \$160,000 this year, but the number is ultimately

based on the price of electricity. Mr. Vegnani asked if revenues from the solar array would be handled similarly? Mr. Bangert answered that "National Grid may want to give us electricity credits rather than a check. This would just be a different way of accounting." Originally, the turbine was going to power the Wastewater Treatment Plant, but it turns out this is a better way to handle it. The High School, Wastewater Treatment Plant and the Water Plant represent the facilities utilizing the highest amounts of electricity. Mr. Vegnani spoke about financial forecasting and the revenue to be split 2/3rds (Schools) and 1/3 (Town). He noted that these will be great sources of revenue to fund capital projects. The master plan for Town facilities was discussed. Bill Johnston, School Committee, stated that the School's budget is "very tight" and that wind turbine revenues have been part of their calculations. He noted that the State had reduced local aid by 38% over the past four years. Mr. Norton did not remember these funds being slated for operating costs. Apparently this was discussed at the Financial Forecast meetings. Mr. Bangert expects the solar array to be operational by January 2014. No vote was taken this evening pending the progress of the master plan for Town facilities. Discussion continued on revenues going into a revolving fund to cover capital projects. Ms. Brenda Bowen, Chairperson/ School Committee, further spoke about the "split".

#### 15. DISCUSSION/ VOTE/ Drainlayer License Renewal/ Mankewich

Mr. Harris made a MOTION that the Board of Selectmen VOTE to RENEW the Drainlayer's License for Mankewich Contracting, Inc. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

#### 16. DISCUSSION/ VOTE/ POLLING HOURS (a) State Primary and (b) General Election

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SET the Polling Hours for the State Election, Thursday, September 6, 2012 and the General Election, Tuesday, November 6, 2012, from 7 AM to 8 PM at the Scituate High School Gymnasium. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

#### 17. OTHER BUSINESS

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Minutes of February 7, 2012. SECONDED by Mr. Harris. No discussion. Unanimous vote. (3-0) Murray, Harris and Vegnani voting. Mr. Norton did not vote.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Minutes of July 10, 2012. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

There is a vacancy on the Library Board of Trustees. Applications and/or letters of interest will be accepted by the Board of Selectmen until August 28th and a joint vote of the Selectmen and the Library Board of Trustees will be taken at the September 4, 2012 Selectmen's meeting.

A letter was read from Chief Brian Stewart thanking Al Bangert and the Department of Public Works for their work on July 3 and July 4, 2012.

Mr. Vegnani thanked the Scituate Chamber of Commerce and the coordinators of Heritage Days for another successful event. Congressman Lynch, Senator Scott Brown and Representative Jim Cantwell were all in attendance.

Mr. Norton noted a recent visit from resident Joe Gibbons at Selectmen's meeting at which time he (Gibbons) questioned the procedure for posting Selectmen's meetings. "He(Gibbons) questioned the legality of it." Mr. Norton asked Town Counsel to review the manner in which the Board's Executive Assistant posted meetings. Town Counsel found that the postings were done properly. "Kim (Executive Assistant) does an excellent job as far as the meeting posting regulations. Sometimes people make statements that are not true. His (Gibbons) allegations were incorrect."

Mr. Murray discussed "electronic" meeting packets for Board meetings. Mr. Murray announced that

teenagers had recently set off numerous fireworks illegally on Third Cliff. He thanked the Fire Department for their competent work. Mr. Murray is hearing a lot of positives on the wind turbine and the solar array and would like to hear from the Renewable Energy Committee on "what's next". Mr. Vegnani noted overflowing dumpsters at the Egypt and Peggotty Beach parking lots. Mr. Bangert stated that the Town will return to using barrels for refuse at beach parking lots next year. Mr. Norton asked Mr. Bangert to look at the road conditions on Revere Street.

The Board signed documents pertaining to meeting business.

#### 18. ADJOURNMENT

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ADJOURN the meeting at 9:25 PM. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

#### BOARD OF SELECTMEN

Joseph P. Norton, Chairman

John F. Danehey

Shawn Harris

Richard W. Murray

Anthony V. Vegnani

Respectfully submitted,

Kimberley A. Donovan  
Executive Assistant