

# **Board of Selectmen, February 19, 2013**

## **MINUTES OF MEETING**

### **BOARD OF SELECTMEN**

**FEBRUARY 19, 2013**

Present: Anthony V. Vegnani, Vice Chairman; Shawn Harris, John F. Danehey

Patricia A. Vinchesi, Town Administrator  
Chief Brian Stewart, Police Department  
Chief Richard Judge, Fire Department  
Al Bangert, Director, Department of Public Works

Press: Boston Globe, Scituate Mariner, WATD

1. The meeting was called to order at 7:10 PM.

#### **2.ACCEPTANCE OF AGENDA/ WALK-IN PERIOD**

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ACCEPT the AMENDED Agenda for February 19, 2013 to include "8a Vote/ Drainlayer License". SECONDED by Mr. Harris. No discussion. Unanimous vote. (3-0)

Walk-ins – Tom Thompson, 149 Gilson Road, referenced two (2) letters written to Mr. Norton and the Board of Selectmen on February 4th and February 14, 2013 regarding the removal of Scituate's "industrial wind turbine". The first letter requested that the Selectmen follow the lead of the Falmouth Board of Selectmen to remove the wind turbines in their town. He also asked for agenda time. The second letter spoke about the Town of Hanover's relationship with Lumus Construction and this same company's relationship with Scituate Wind LLC and Solaya Energy. Mr. Thompson stated that "Scituate Wind is a shell and is dependent on interconnected companies." Mr. Thompson spoke about Lumus Construction's "financial position". He outlined four(4) questions posed in the February 14th letter and gave copies of both letters to the Selectmen's Executive Assistant. He would like a response to his questions and will forward his mailing address via e-mail. Gerry Kelly, 56 Moorland Road, commended the Town on its quick "clean up" and restoration of electricity after the recent storm. He noted that the wind turbine's red beacon, required by the FAA, was not functioning on Saturday and Sunday evening during the storm. Scituate Wind will be contacted regarding this matter.

#### **3. FEBRUARY 2013 STORM UPDATE & TO RATIFY THE VOTE OF THE BOARD OF SELECTMEN TO LIFT THE STATE OF EMERGENCY AS OF 6:00 PM ON FEBRUARY, 13, 2013/ Town Administrator**

Ms. Vinchesi stated that Town departments are currently compiling storm costs, which

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will then be submitted to the State, who will then determine the county's collective amount of damage. Chief Judge stated that power is back on 100%, the roads were cleared quickly, the Department is checking all their gear and there was some equipment loss. Chief Stewart stated that some police officers are still working with the utility companies. There was some minor damage to some of their vehicles. All police vehicles have now been power washed. Mr. Bangert stated that although the roads are open, there is a great deal of snow, ocean debris and trees along the sides of the roads. The Department of Public Works (DPW) is doing ongoing work to clean up these areas. A "wish list" for future storm equipment will include items such as radios and "back up" generators for use during a power failure. Ms. Vinchesi stated that a storm "debriefing" and "after action report" will occur soon. There was some damage to Town buildings and that is being handled by the insurance company. "National Grid did a fabulous job." She noted that the

utility had problems in past storms, but having their staff “on site” during this storm improved the level of communication immensely. The Attorney General’s office has contacted the Town Administrator for feedback on National Grid due to “past history”. She told them she has only good things to say about the utility’s response during this storm. Discussion continued on downed trees in residents’ yard being the homeowner’s responsibility and that those on Town owned property will eventually be cleared. Mr. Harris noted that during the storm some coastal residents had debris wash into their yards – how can that be disposed of? Mr. Bangert stated that residents, even those without Transfer Station stickers, may bring debris across the scale at \$110/ton or in blue bags. The large amount of wood from downed trees located at the Widow’s Walk parking lot is available for residents. However, he reminded that the wood may not be further chopped up on Town owned property. The burning season was discussed with Chief Judge. Mr. Danehey asked Mr. Bangert to review the snow removal policy in terms of public and private ways(document located on the Town website, DPW’s link) . Mr. Vegnani thanked Chief Stewart, Chief Judge, Mr. Bangert and Ms. Vinchesi and the “dozens of people below you that did the ‘hands on’ work. It was a serious situation and it was handled very well. We are very proud and you did an awesome job. Although we have received some e-mail complaints, we believe the majority of people are very appreciative.”

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to MEMORIALIZE and RATIFY Acting Chairman Anthony Vegnani’s declaration to LIFT the State of Emergency as of 6:00 PM on Wednesday, February 13, 2013. SECONDED by Mr. Harris. No discussion. Unanimous vote. (3-0)

#### 4.DISCUSSION/ VOTE/ HS Baseball Field Lighting Exemption/ Scituate Little League

Dan Fennelly, 10 Highland Crossing and President of Scituate Little League, was present to ask the Selectmen to vote on a specific point contained in the recent lighting proposal

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for the Varsity Baseball Field at the High School. The proposal was presented and voted by the Selectmen at a public meeting held on December 4, 2013.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to specifically APPROVE the section of the proposal presented on December 4, 2012 where in lieu of the donation of approximately \$200,000 given to the Town by Scituate Little League and the John D. Reidy, Jr. Memorial Foundation, Scituate Little League will receive a ten (10) year exemption from paying fees for use of the lights on the Varsity Baseball Field. SECONDED by Mr. Harris. No discussion. Voted (3-0). Danehey, Harris and Norton voting. Mr. Vegnani did not vote.

#### 5.DISCUSSION/ VOTE/ Special Event Permit/ St. Patrick’s Day Parade

Mr. Danehey stated that he is on the Board of Directors for the Chamber of Commerce, but he must participate in this discussion and vote under the “rule of necessity”. Ed Kelly, St. Patrick’s Day Parade Committee, stated that the parade will be run in the exact same manner as year’s past. Parking, advance fundraising events and a revised parade website were discussed. Discussion on using the Harbor Community Building for a parade children’s party on March 9th.

Mr. Harris made a MOTION that the Board of Selectmen VOTE to SUPPORT the Scituate Chamber of Commerce St. Patrick’s Day Parade special events permit for Sunday, March 17, 2013, stepping off from the Gates School at 1:00 PM, proceeding down First Parish Road, taking a left onto Front Street, taking a right on to Jericho Road to the Harbor Community Building and per all conditions set by the Town Administrator, Fire, Police, DPW, Building, Health, Recreation and Harbormaster’s offices. \*\*\* Note special conditions set by the Police Department. The Board of Health requires a list of food vendors.\*\*\* SECONDED by Mr. Danehey. No discussion. Unanimous vote. (3-0)

## 6.FY2014 BUDGET & ARTICLE REVIEW

### 650 Beautification

Donna Bangert, Chairman, Marilyn Johnson, Andrea Steele and Kathleen McCormack, members of the Beautification Commission, were present at tonight's meeting. Ms. Johnson read the group's mission statement. The MBTA initially paid for the maintenance of the railroad crossing islands, but they are now the Town's responsibility. Thirty-one "adopt-a-lots" are maintained by volunteers, as are the flower boxes in the Harbor and North Scituate. Ship Shape Day is April 27, 2013 and the Commission

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would like to "expand their purview to include trash elimination". Mr. Vegnani noted that the bottom line of this budget is down by \$1,000.

### 541 Council on Aging

Florence Choate, Director, and Joan Powers, Council on Aging member, were present. Ms. Choate read the Department's mission statement and thanked the Town Administrator and the Board of Selectmen for allowing the use of the Town's Harbor Community Building for senior activities. She spoke about the increasing number of seniors in Town and an emergency fund for seniors to assist with prescription costs, fuel assistance and small repairs to homes. The Selectmen understand that the current Senior Center is not adequate for some of the programs, but "help is on the horizon" in terms of new space for our seniors. Ms. Choate stated that the "GATRA budget has been straightened out". This budget is level funded.

### 630 Recreation & Beach Revolving Fund

Jennifer Vitelli, Director, and Chris Roberts, Chairman of the Recreation Commission, were present. Ms. Vitelli read the Department's mission statement and reviewed program and attendance statistics. She also spoke about the Department's important work with the CORSE Foundation, Friends of Scituate Recreation, capital campaign for the sailing program and the new High School sailing team. Mr. Roberts spoke about field permits and that Community Preservation Act monies can now be used to improve the fields.

#### Beach Revolving Fund

Ms. Vitelli stated that this will be the Beach Revolving Fund's fourth summer. The Fund pays all services relating to our beaches including lifeguards, lifeguard chairs, sticker data base, lockable storage units, AEDs and recent upgrades to portable radio units. The Fund also contributes to beach parking lot improvements. Beach trash management - utilization of dumpsters at beach parking lots was unsuccessful – trash barrels will be used again this summer. Beach sticker sales are going very well and 30% of the stickers are purchased "on line". 134 Humarock "only" stickers and 178 non-resident stickers were sold last year. Mr. Harris spoke about the need to "stripe" the Humarock parking lot. Discussion continued on the need to update the 420 sailing fleet and the helpful assistance of the boatyard in launching and storing boats. \$20,000 has been set aside for seaweed removal. The Community Spirit Award was discussed. The bottom line of this budget decreased slightly.

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### 610 Library

Jessi Finnie, Library Director, read the mission statement. The Library circulated over 262,000 items last year and serviced over 154,000 visitors. The Library's six PCs will be replaced in FY14. Overall building maintenance issues were discussed as was the capital campaign for a major renovation of the existing

Library. The bottom line of the budget has increased a little due to office machine maintenance. This budget must be kept at a certain level to insure certification. Ms. Finnie thanked Bill Sheehan, IT Director, and Kevin Kelly, Facilities Director, for “checking out” the Library after the recent, major storm.

#### 510 Board of Health

Jennifer Sullivan, Director, and Russell Clark, Chairman of the Board of Health, were present at tonight’s meeting. Ms. Sullivan read the mission statement. Mr. Vegnani thanked Ms. Sullivan and all the volunteers who worked so many hours and were so helpful to our residents utilizing the High School shelter during the recent storm. Ms. Sullivan noted that beach testing was a challenge last summer. The Board has been busy with wind turbine complaints during the fall and winter months. In September 2012, EEE received a “high rating” in Scituate and outdoor activities were shut down. Medical marijuana will be a forefront topic in the coming year. The difference in the Departmental request and the Town Administrator’s request have been resolved by funding the Department’s request for archival filing in another budget.

#### 171 Conservation

Pat Gallivan, Conservation Agent, read the mission statement. Mr. Gallivan is a “new hire” and was not responsible for preparing this budget. Ms. Vinchesi explained the Personal Services portion of the budget and thanked Carol Logue, Conservation Secretary, and Frank Snow, Chairman of the Conservation Commission, for their considerable work in preparing this budget.

#### 159 Cable Television

John Roser, Studio Manager, read the mission statement. Mr. Roser gave an overview of programming for community television. Items such as the broadcast of government meetings, cooking shows, High School highlights, etc. were mentioned. Not all government meetings are broadcast live, but the majority are taped and re-broadcast. Discussion continued on the possibility of making the studio “nonprofit” and the involvement of the Selectmen in this process. It was noted that 100% of the funding for

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this budget comes from residents’ Comcast bills.

#### 691 Historical

Dave Ball, President of the Historical Society, read the mission statement. This budget encompasses the utilities and telephones for eight, Town owned historical buildings. Two of the buildings, the Lighthouse keeper’s cottage and the Mann House, realize rental income. The buildings are maintained via the Capital Plan and donations from the Historical Society. The Selectmen thanked the Historical Society for their considerable volunteer efforts throughout the Town.

#### Economic Development Committee

Chris McConaughy, Chairman, read the Committee’s mission statement. This is the group’s first budget and is necessary for specific studies they would like accomplished in a phased approach. They will also be applying for a grant to assist in this effort.

#### Petition Articles Meals Tax

Proponents Chris McConaughy and Dan Monger were present. This is a two-part Article: (1) authorize a local excise tax of .75% on restaurant sales within the Town and (2) the revenue of this tax be placed in an economic stabilization fund to help existing businesses and the possible expansion of businesses into new areas. Mr. Monger spoke about the importance of increasing the Town’s commercial tax base. Mr. Vegnani noted that although the .75% does not seem like a lot, it may not be viewed favorably by the local restaurants. The Selectmen are considering a similar article, but may not specify that resulting monies be

placed in an economic development fund. Mr. Monger believes local businesses will support this Article because the revenue will go back to helping them. Ms. Vinchesi noted that if this Article passes, it is non-binding. She suggested that the proponents (1) get a “build out percentage” from our Planning Board office, (2) find out how many communities have adopted the local meals tax and (3) if those communities are specifically “earmarking” those funds.

## Seawalls

Proponent, Dave Ball, 44 Rebecca Road, stated that there are no public seawalls near his home. He thanked all departments, shelter volunteers and private contractors for their monumental efforts during the recent storm. Mr. Vegnani noted that Mr. Ball has met with each member of the Board of Selectmen on this topic and also made a presentation to the Board on November 20, 2012. Mr. Ball stated that after the November 20th meeting, the Seawall Committee, of which he is a member, met and

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submitted a Capital Plan request for \$300,000 for repairs. If the Capital Plan seawall request is funded, then he will withdraw this article for the same amount (\$300,000). “This article is for insurance.” He presented a “color coded” map of the seawalls delineating various degrees of urgency in terms of repairs. He believes the \$200,000 allotted for seawalls annually, per the recent override, “won’t do much of anything”. Kevin Cafferty, DPW Engineering Department, has stated that the seawall money available on July 1st will most likely be used for some “unraveling” on Third Cliff. Discussion continued on the lack of seawall grant money at the state and federal levels and in the event grant money is available, it often requires a “match” from the Town. Mr. Ball stated that residents’ and Town employees’ lives are being put at stake with the condition of the seawalls. “I feel extremely strongly about this.” Mr. Harris asked how much money is put aside for seawalls each year. Over \$2 million in the past three years. \$265,000 is the recommended amount for foreshore protection in FY14. Mr. Ball stated that this is not enough and believes \$500,000 per year is a more reasonable amount. He noted that the Town probably needs \$35 million+ in total seawall work. Discussion continued on Community Preservation Act(CPA) money used for revetment work to protect the historic lighthouse. Mr. Ball stated that CPA funds cannot be used for “traditional seawall work”. Mr. Vegnani noted that the Selectmen have taken “huge steps to get seawall repair money into the budget – those are monies that were not there four years ago”. He noted that many worthy items such as road repair, building repair, new fire engine and hiring employees on both the Town and School sides must be considered when looking at the overall budget picture. “This Board supports seawalls.” Mr. Ball believes that CPA money should not be included when looking at what has been allocated to seawalls. Mr. Danehey asked about allocating the meals tax revenue to the seawalls. Mr. Vegnani stated that finding this \$300,000 will mean “cuts” in other areas on both the Town and School sides. JoAnn Ball, 44 Rebecca Road, stated that the Town will be losing tax money if the seawalls are not repaired. She stated that residents and residences will be lost. Mr. Vegnani began to respond and Ms. Ball spoke loudly from the back of the room. Mr. Vegnani asked Ms. Ball to be respectful of the meeting process in terms of being recognized by the Chairman. Ms. Ball stated that Mr. Vegnani had never been respectful of herself or Mr. Ball, her husband. “I have been here with seniors and have continually been disrespected.” Mr. Danehey noted that people can certainly disagree and that will happen on “tough decisions”, but he asked everyone to “please respect the process”.

## Special Town Meeting Articles

Special Election for U.S. State Senate (Primary & General Election) (\$15,400)

Kathy Curran, Town Clerk, stated that \$15,400 is needed to run the U. S. State Senate Primary on Tuesday, April 30, 2013. The State will eventually reimburse the Town for

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this special election. The funds are needed “up front” to cover the cost of printing ballots and

“programming”. All agreed that moving the Town’s general election to April 30th was a wise decision.

#### Fire Overtime (\$150,000)

Chief Richard Judge stated that this request was submitted because the Fire Department “ran short”. He noted that the request was submitted prior to the occurrence of two fires, a hurricane, nor’easter and blizzard making the final number uncertain at this time. He noted that this past storm (Nemo) will be an expensive one for the Town. Mr. Vegnani stated that the actual number can be changed on Town Meeting floor.

Annual Town Meeting Articles - Articles listed on the Agenda will be postponed to the March 5th Selectmen’s meeting.

#### 7. VOTE/ TEMPORARY POPULATION/ ABCC

Mr. Harris made a MOTION that the Board of Selectmen VOTE to ESTIMATE the increased resident population of the Town of Scituate at 28,500 as of July 10, 2013. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (3-0)

#### 8. VOTE/ SEPTAGE DISPOSAL LICENSE RENEWAL/ R. W. Rosano

Mr. Harris made a MOTION that the Board of Selectmen VOTE to RENEW the Septage Disposal License for R. W. Rosano for 2013. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (3-0)

#### 8a. VOTE/ DRAINLAYER LICENSE RENEWAL / Jason Gerry

Mr. Harris made a MOTION that the Board of Selectmen VOTE to RENEW Jason Gerry’s Drainlayer’s License for 2013. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (3-0)

#### 9.APPOINTMENTS – Constable, Democratic & Republican Town Election Workers

Mr. Danehey will vote on this motion per the “rule of necessity”.

Mr. Harris made a MOTION that the Board of Selectmen VOTE to RE-APPOINT Andre Farhat as a Constable in the Town of Scituate. SECONDED by Mr. Vegnani. No discussion. Unanimous vote. (3-0)

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Mr. Danehey made a MOTION that the Board of Selectmen APPOINT the following individuals as Election Workers per the recommendation of the Republican Town Committee: Dennis Badore, Robert Greene, Eduardo McIntosh, Christopher Mirarchi, Kenney Walsh, Ethel Wheatley, Ronald Wheatley, Stephen Huggard and Deidre Kelly. SECONDED by Mr. Harris. No discussion. Unanimous vote. (3-0)

#### 10. OTHER BUSINESS

Mr. Harris made a MOTION that the Board of Selectmen VOTE to ACCEPT the minutes of February 10, 2013 and February 12, 2013. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (3-0)

Other Business – Mr. Danehey noted that a fundraiser will be held on March 3rd at the Tinker’s Son in Norwell for a Scituate fisherman who recently lost his boat in a fire. The Selectmen read individual Valentines sent to them by the Wampatuck Elementary School fourth and fifth graders. Mr. Vegnani reminded that those running for office need to return nomination papers to the Town Clerk’s office by Wednesday, February 27, 2013.

## 11. ADJOURNMENT & SIGNING OF DOCUMENTS

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ADJOURN the meeting at 9:50 PM and SIGN documents. SECONDED by Mr. Harris. No discussion. Unanimous vote. (3-0)

### BOARD OF SELECTMEN

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Joseph P. Norton, Chairman Richard W. Murray

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John F. Danehey Anthony V. Vegnani

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Shawn Harris

Respectfully submitted,

Kimberley A. Donovan  
Executive Assistant