

MINUTES OF MEETING

BOARD OF SELECTMEN

MARCH 12, 2013

Present: Joseph P. Norton, Chairman; John F. Danehey, Shawn Harris, Anthony V. Vegnani

Patricia A. Vinchesi, Town Administrator

Meg LaMay, Town Accountant

Press: WATD, Scituate Mariner, Patriot Ledger, Boston Globe

1. The meeting was called to order at 7:00 PM.
2. ACCEPTANCE OF AGENDA/ WALK-IN PERIOD

Mr. Harris made a MOTION that the Board of Selectmen VOTE to ACCEPT the Agenda for March 12, 2013. SECONDED by Mr. Vegnani. No discussion. Unanimous vote. (4-0)

No walk-ins.

3. STORM UPDATE/ March 2013

Ms. Vinchesi spoke about recent "Storm Saturn" being the fourth major storm of the season to level severe impacts on the Town. 156 incidents were logged by public safety, less than 10 individuals used the shelter at the High School, couple of gas leaks and some medical aid transports. "The incident rate was not as high as Storm Nemo (700+)." Ms. Vinchesi outlined the costs for the various storms and noted that roads, seawalls other infrastructures have been seriously impacted. Glades Road, Central Avenue, Oceanside Drive will be given priority for repair this spring. Egypt and Peggotty Beaches will need to be cleaned. Musquashicut Pond's berm was breached. The Jericho Road drain needs \$25,000 of work, Lighthouse Road and the parking lot at the Lighthouse need to be cleaned up. Staff will need to walk the seawalls again even though a thorough inventory was taken after Nemo. Discussion continued on the likelihood of obtaining funds from the Federal government for NEMO. We may hear about our eligibility in June 2013. Even if the outcome is positive, we may not receive money from the Federal government for years. Scituate will not receive any reimbursement for Saturn, the Town Administrator said. Mr. Norton thanked all the public safety employees, Town Department of Public Works workers, Town Hall staff and volunteers for all their considerable efforts during and after the storm.

Mr. Bangert gave an update on the Solar Array project. After a “protracted delay” the owners will “close” on their financing later this month and construction will commence in early May. The array should be operational by late fall 2013(if the Town does not see construction taking place May 1st – May 15th – they may cancel the contract). He explained that the owners have met their “contractual obligations” and are requesting a completion date extension (originally June 15, 2013). Because the construction period will be extended, they will put “up front, \$109,000 of liquidated liability”. As of June 15th, the Town will get its benefit in liquidated damages rather than energy. The solar array’s benefit to the Town is approximately \$200,000/year. There is another solar array of similar size in Dartmouth, MA.

5.DISCUSSION/ VOTE/ FY14 BUDGETS & ARTICLES

South Shore Regional School – Jack Manning, Town’s representative, stated that the Town will pay \$468,127 in FY14, which reflects a 7.85% decrease (5 fewer Scituate students). The School budget increased 2.25% overall.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT the South Shore Regional School’s budget for \$468,127. SECONDED by Mr. Harris.

Discussion – Mr. Norton noted that the South Shore Regional School does a great job for all its students. **No further discussion. Unanimous vote. (4-0)**

Special Town Meeting Articles

Article – Special Election – Vegnani to Support. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Article – Fire & Police Overtime – Danehey to Support. Seconded by Vegnani.

Discussion – This overtime is not storm related – both departments were short staffed. **No further discussion. Unanimous vote. (4-0)**

Article – Golf Retained Earnings – Vegnani to Support. Seconded by Harris.

Discussion – purchase of mower for Widow’s Walk. \$85,000 in account will cover the purchase. **No further discussion. Unanimous vote. (4-0)**

Article - Cellular Tower Lease/ Wampatuck School site – Ms. Vinchesi explained that a cellular company wants to place a monopole at the southeast corner of the Wampatuck School property. If the Selectmen award the contract, then this Article will be used as a “placeholder” at Town Meeting. A lease of Town owned property requires a vote at Town Meeting. If the Town goes forward with this, it could realize \$80,000 in revenue.

From a Federal standpoint, the company has the right to move the pole down Tilden Road to private property if they want to. This is a “proven gap” area and “they have the right to put the cell tower somewhere”. Carla Breitenstein, 20A Marshall Avenue, listed “14 creditable reasons not to have this article on the warrant”. Wendy Crone, 17 Gannett Road, thinks it should be placed on private property and warned about the ill effects of cell towers as well as property devaluation. “Let this be on your conscience. You or others will face litigation.” Mr. Danehey stated that any neighborhood that has a pole built will have a problem with it. These applications are fully “vetted” through boards such as the Zoning Board of Appeals. Robin Glazier, 26 Persimmon Drive, spoke about a cell tower in Wellesley that caught fire and fell lengthwise across a parking lot. She asked the Board to look at other types of technology. Robin Levine, Creelman Drive, asked why the Request for Proposal doesn’t talk about alternative technology – “did we write it or did they”? Ms. Breteinstein thought the Tilden Road location would not be considered due to it being a historic area. Mr. Harris answered “no – it never went that far”. Ms. Breteinstein requested a “wireless communication task force”. Tracy Shepherd, 34 Cairo Circle, spoke about electromagnetic fields emanating from cellular towers. She does not believe a Town Meeting vote is the correct way for this issue to be decided when the people living closest to it will realize the most impact. Tom Thompson, 149 Gilson Road, asked for clarification on the hearing process for cellular towers. Mr. Danehey explained the Zoning Board of Appeals process.

Mr. Danehey to support. SECONDED by Vegnani. No discussion. Danehey and Harris voted in favor of the motion. Vegnani and Norton voted against. The vote fails. (2-2)

Article – School Department Land Transfer for Public Safety Purposes – Vegnani to Support. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Article – Fiscal 2013 Storm Emergency & Mitigation Costs – Vegnani to Support. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Annual Town Meeting

Article – Compensation of Elected Officials – Vegnani to Support. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Article – Reauthorization of Revolving Funds – Vegnani to Support. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Article – Transfer to Stabilization for Future FY14 Retirement Costs – Danehey to Support. Seconded by Vegnani. No discussion. Unanimous vote. (4-0)

Article – Local Option – Meals Tax (Board sponsored) – Discussion – Mr. Harris asked if any representatives from local restaurants were present tonight? No. Neighboring towns of Norwell, Hanover, Cohasset and Marshfield all participate in this local option where .75 is charged on a \$100 restaurant bill and is given to the town. Mr. Vegnani noted that Scituate has deferred this action for a couple years. It could total over \$200,000 a year for the Town. Mr. Danehey thinks this should be implemented now – the Town could use these revenues. Discussion continued on what items this type of revenue would fund. **Vegnani voted to Support this Article with the condition that the revenues not go into the operating budget. SECONDED by Harris. No further discussion. Unanimous vote. (4-0)**

Article – Grant of Easement – Glades Road – Danehey to Support. Seconded by Harris. Discussion – This house is landlocked. **No further discussion. Unanimous vote. (4-0)**

Article – Taking of Easement – Verizon - Discussion – Al Bangert, Director/ Department of Public Works, stated that this is a strip of land at the corner of Country Way and First Parish Road. It is used as parking for a local business at this time and if the Town wants to make improvements to the intersection in the future – this piece of land will be necessary to the plans. He noted that the Town may be looking for a small roundabout at this location, which will reduce motor vehicle accidents and enhance pedestrian safety. **Harris to Support. Seconded by Vegnani. No further discussion. Unanimous vote. (4-0)**

Article – Local Option – Mullin Rule – voting member eligibility – Discussion - member may participate in a two-part hearing even if they were not present at the first hearing. **Vegnani to Support. SECONDED by Harris. No further discussion. Unanimous vote. (4-0)**

Article – General By-Law Demolition Delay - Discussion – Doug Smith, Betty Eisner and Reid Oslin from the Historic Commission were present. Mr. Smith explained that over 120 cities and towns in Massachusetts, including Marshfield, Duxbury and Norwell, have passed this type of By-Law. He noted the following provisions: all buildings reviewed are not necessarily put on “delay”, all reviews go through the building inspector for a final decision on demolition, historical buildings on the water are not affected by this By-Law and financial hardship cases will be excluded. “The Commission feels that this wording is the most comprehensive, but also the least restrictive. Consider this a “speed bump” prior to demolition.” Discussion on historical home on Old Oaken Bucket Road in Norwell and the possibility of the sale of an antique home being held up for over

a year if it is considered “significant”. Steven Bjorklund, 15 Captain Daniel Litchfield Lane, added some background information on the Norwell house. Mr. Vegnani has concerns about the word “significant” in the wording of the Article and asked that the wording in section “d” be changed or that the section be removed. Mr. Smith stated that evaluation is done via an inventory form and by a historian.

**Vegnani to Support if section “d” is removed – specifically “significant building”.
SECONDED by Harris. No further discussion. Unanimous vote. (4-0)**

Mr. Smith thanked Mr. Norton for his outstanding service as a Selectman.

Article – Charter Amendment – Petition General Court to Amend Charter to Change Title from Town Administrator to Town Manager – Discussion – Ms. Vinchesi stated that the title of Town Administrator was designated in the 1970’s. The responsibilities and job description in the Charter actually describe the title of Town Manager. Responsibilities would stay the same and there would be no change in salary.
Vegnani to Support. Seconded by Danehey. No further discussion. Unanimous vote. (4-0)

Petition Articles

Article – Rescind Special Permit for Wind Turbine – Proponent Gerry Kelly, 54 Moorland Road, stated that “noise and shadow flicker” from the wind turbine are health issues. He stated that some of his neighbors are “suffering 3 times the flicker that was allowed in the permit”. He noted that Granite Links Golf Course is having a nearby turbine shut down because of adverse, health effects as is the Town of Falmouth. He noted that the red beacon on Scituate’s turbine did not function for 3 days during storm Nemo and there was no one to directly contact about that situation. He looks forward to a “vibrant” discussion on this topic at Town Meeting. Discussion continued on the article being technically “non-binding”. Mr. Kelly stated that if Town Meeting votes in favor of the article “it will weigh heavily on those who are elected to represent the Town”. Jamie Gilmore, 735 First Parish Road, asked for clarification on the contract with Scituate Wind. Mr. Bangert stated that it is a 15 year “purchase of power” contract in which the Town is obligated to purchase all the power generated by the turbine. The Town does not own the turbine and cannot interfere with its operation unless the owner found to be in violation. If they are asked to remove it, the Town would have to pay for the cost of removal, the cost of the turbine and the lost, expected revenue stream for the next 14 years and 2 months. The expected revenue stream over the next 15 years is between \$300,000 - \$400,000/year. Mr. Gilmore believes that the “worst case scenario would be that the owners would fix it, if necessary”. Tom Thompson, 149 Gilson Road, believes this to be a “one-sided conversation” and cited “clear evidence of

breaches and misrepresentations during the permitting process. The financial strength of the wind developer is also in question.” Discussion continued the ramifications of shutting down the turbine permanently, shutting down the turbine and fixing it if studies indicate there is some type of violation and turning off the turbine during evening hours. Mark McKeever, 151 Driftway, stated that the flicker effect in his living room is so bad that no one could sit there for 15 minutes. He is displeased that “no one has bothered or cared to come by”. He stated that he has received “no respect” from the Town. The Selectmen understand that the turbine makes some noise and are interested in obtaining test results on the turbine.

Vegnani Not To Support. Seconded by Harris. No further discussion. Unanimous vote. (4-0)

Mr. Norton stated that he attended 2 or 3 Board of Health meetings last fall/winter, as an observer, at which the wind turbine was discussed. He did not speak up at the time, but was insulted by both Mr. Dardi and the McKeever’s attorney who “implored” the Board of Health not to let the Board of Selectmen influence their (Board of Health) decision in any way. “No member of this Board would ever try to influence anyone on the Board of Health and they (Dardi and attorney) should apologize to everyone who volunteers on Committees and Boards and gives up their time to solve Town problems.”

Article – Amend Constitution re: Corporations – Proponents Mimi Svenning, 141 Branch Street and Rene Hashey, 530 Hatherly Road, believe that the United States Supreme Court made a mistake when they determined that corporations have the same standing in court as individuals. They continued by stating that this has enabled Super PACS to exist and with unlimited funds, which “put ordinary citizens at a disadvantage”. Mr. Danehey believes the Selectmen need more information on this matter.

Vegnani Not To Support. Seconded by Mr. Danehey for discussion. Mr. Vegnani rescinded his motion. Mr. Danehey rescinded his Second. The Selectmen will vote this Article on Town Meeting floor.

Annual Town Meeting Articles

Article – FY2014 Operating Budget – Vegnani to Support. Seconded by Danehey. No discussion. Unanimous vote. (4-0)

Article – Waterways Enterprise Fund – Vegnani to Support. Seconded by Danehey. No discussion. Unanimous vote. (4-0)

Article – Golf Course Enterprise Fund – Vegnani to Support. Seconded by Danehey. No discussion. Unanimous vote. (4-0)

Article – Wastewater Enterprise Fund – Vegnani to Support. Seconded by Danehey. No discussion. Unanimous vote. (4-0)

Article – Transfer Station Enterprise Fund – Vegnani to Support. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Article – Water Enterprise Fund – Vegnani to Support. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Article – Stabilization Fund – Vegnani to Support. Seconded by Danehey. No discussion. Unanimous vote. (4-0)

Article – Community Preservation Act – Vegnani to Support Item #13 - \$360,000 for “Harborwalk Stage II”. Seconded by Harris. Discussion – Board asked for clarification on the Jericho Road/ Beaver Dam Road intersection. No further discussion. Unanimous vote. (4-0)

Danehey to Support Item #14 – \$139,000 for “Central Park Fields”. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Vegnani to Support Item #15 - \$350,000 for “SHS Athletic Complex” on the condition that any construction take place after the feasibility study is completed in August 2013. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Vegnani to Support Item #16 - \$153,000 for “Basketball Court Improvements”. Seconded by Harris. No discussion. Unanimous vote. (4-0)

Article – Community Preservation Act Reconciliations – Danehey to Support. Seconded by Harris. Voted (3-0) Vegnani not present for the vote.

Article – MGL Chapter 91 Liability – Danehey to Support. Seconded by Harris. Voted (3-0) Vegnani not present for vote.

Petition Articles

Article – Seawalls – David Ball, proponent was present. Discussion on where funding would come from if this Article is voted favorably at Town Meeting. Ms. Vinchesi stated that the Seawall Committee “has no standing for budgetary requests – that type of request would come from the Department of Public Works for foreshore protection”. A total of \$529,000 is slated for foreshore protection in the 2014 budget. FEMA grant money may be a part of this equation, as well. Mr. Ball stated that the Committee will

Page Eight

Board of Selectmen – Minutes of Meeting – 3/12/13

meet tomorrow evening and make a decision whether they will go forward with this Article or not. The Selectmen will vote on this Article on Town Meeting floor.

Article – Meals Tax – earmark for Economic Development Committee – Harris Not to Support. SECONDED by Danehey. No discussion. Unanimous vote. (4-0)

Mr. Norton read a letter from an Alderman/Deputy Mayor from the Netherlands who wrote an article about our Lighthouse in his local newspaper.

6. ASSIGNMENT OF ARTICLES - The Selectmen chose Special and Annual Town Meeting articles to represent.

7. OTHER BUSINESS – Correspondence, Regular Session Minutes for February 19, 2013

Mr. Vegnani read a letter from Chief Brian Stewart thanking the Sheriff's and Deputy Sheriff's Departments for their assistance during the recent storm. Mr. Norton read a letter he sent to the Editor of the Patriot Ledger.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ACCEPT the Regular Session Minutes of February 19, 2013. SECONDED by Mr. Harris. No discussion. Danehey, Harris and Vegnani voted. Mr. Norton did not vote. (3-0)

Mr. Vegnani reported on the school athletic teams. Mr. Danehey encouraged residents and guests to enjoy the St. Patrick's Day Parade this weekend.

8. ADJOURNMENT & SIGNING OF DOCUMENTS

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ADJOURN the meeting at 9:58 PM. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)
BOARD OF SELECTMEN

Joseph P. Norton, Chairman

Richard W. Murray

John F. Danehey

Anthony V. Vegnani

Shawn Harris

Respectfully submitted, Kimberley A. Donovan, Executive Assistant

Kimberley A. Donovan

March 12, 2013 – Board of Selectmen’s Meeting – List of Documents

- South Shore Regional School District “Comparative Assessments Preliminary Estimate 2013-2104” & Budget Materials
- “Selected Background Information for April 9, 2013 Special and Annual Town Meeting Articles/ March 5, 2013”
- new Article 7 – storm related costs
- Annual and Special Town Meeting Articles & Petition Articles
- List of Articles for Annual and Special Town Meeting for Selectmen Article assignments
- Letter dated 2/20/13 from Chief Brian Stewart thanking Sheriff and Deputy Sheriff for assistance during the recent storm
- Letter from Chairman Joseph Norton to Patriot Ledger
- Regular Session Minutes for February 19, 2013