

## **Board of Selectmen, March 13, 2012**

### **MINUTES OF MEETING**

### **BOARD OF SELECTMEN**

MARCH 13, 2012

Present: Anthony V. Vegnani, Chairman, John F. Danehey, Richard W. Murray, Joseph P. Norton

Brian Stewart, Acting Town Administrator

1. The meeting was called to order at 7:00 PM.

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

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the amended Agenda for March 13, 2012 to include item 3a – Vote Common Victualler's License – Nona's Homemade. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

WALK-INS – Thomas Reilly, One Ermine Road, asked when the Town will add Verizon Fios as a cable/internet carrier in Scituate. He is very frustrated with Comcast. Ms. Vinchesi stated that Verizon is apparently uninterested in coming to Scituate due to the customer base. Mr. Murray will follow up.

Paula Reid, 30 North River Road and Wampatuck School employee; Kathleen Cooney, 24 Dunster Lane and paraprofessional in the Scituate Public Schools, conveyed their high concern with the proposed changes to the Town/School employee health insurance. The impacts in terms of higher costs for doctor appointments, specialty appointments, hospitalization and drug plans would force them out of their current jobs. John Fitzgerald, president of the Scituate teacher's union, expressed concern for these individuals as well as the younger teachers who are still trying to pay off student loans.

Mr. Danehey exited the meeting at 7:20 PM and re-entered the meeting at 7:25 PM.

Mr. Murray exited the meeting at approximately 7:30 PM.

#### **3. DISCUSSION/ VOTE/ One Day Wine & Malt Beverages License/ Bridal Expo**

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to GRANT a One Day Beer and Wine License to Terri Martini/ Front Street Gourmet Wine & Spirits for a Wine and Champagne "tasting" at the Harbor Community Building, 44 Jericho Road, Scituate on Sunday, March 25, 2012 from 11AM to 3PM. SECONDED by Mr. Norton. Discussion – Ms. Martini want to make certain that this one day license specifically gives her permission to "pour" at this event. Mr. Danehey believes it is very specific.

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No further discussion. Unanimous vote. (3-0) Danehey, Norton and Vegnani voting.

Mr. Murray was not present for the vote.

#### **3a. DISCUSSION/ VOTE/ Common Victualler's License/ Nona's Homemade/ One Mill Wharf Plaza**

Mr. Murray re-entered the meeting at approximately 7:35 PM.

Thomas Donahue, 72 Gannett Road and owner, stated that Nona's Homemade has been in business since 1999. They have a mobile unit licensed in Scituate and would like to open a "year 'round" location at One Mill Wharf Plaza. They will be selling ice cream, frozen yogurt, ice cream cakes, baked goods, soups and coffee.

Mr. Norton made a MOTION that the Board of Selectmen VOTE to GRANT a Common Victualler's license to Nona's Homemade, One Mill Wharf Plaza, and upon successful inspection by the Board of Health. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

#### 4. DISCUSSION/ VOTE/ Go Green Landscape Supply Inc. Lease/ Tim Lopes

The Town's present ten-year lease with Go Green Landscape Supply Inc. was signed on April 1, 2009, commenced on July 1, 2009 and will end on June 30, 2019. The lease may be extended by the Town for three(3) additional five(5) year option terms. Mr. Lopes, owner of Go Green Landscape Supply Inc., stated that he had put over \$500,000 into his business during the first three years of his lease and expects to spend a similar amount over the next few years. He is concerned that after investing so much money in his business at this site, that the Town may decide to terminate the lease. He asked that the Selectmen consider changing the Go Green lease to be more in keeping with that of that of Scituate Boatworks, who has a lease with the Town at the Maritime Park. That lease specifies a ten(10) year lease at which time the Lessee (Scituate Boatworks) has the option to renew for another ten(10) years, rather than the Lessor (Town). Mr. Lopes stated that this type of lease would afford him more "protection". He noted the similarities between his business and that of Scituate Boatworks. Mr. Vegnani asked him to describe any capital expenditures his company would be putting into the site. He further noted that any changes to the site would need the Board of Selectmen approval. Mr. Lopes stated that he would be making capital expenditures in terms of equipment. Mr. Vegnani noted that Mr. Lopes could then move that equipment from the site.

Mr. Murray stated that Mr. Lopes' business has added a valuable service to the Town. The business is open seven days a week, there have been no complaints and he(Murray) likes the idea of this lease being similar to that of Scituate Boatworks. Mr. Vegnani

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asked about making it the Lessee's option to renew for five(5) years. Mr. Lopes would rather ten(10) years. Mr. Vegnani believes Mr. Lopes' lease to be different from that of Scituate Boatworks because that Lessee has put improvements into the site. Mr. Lopes disagreed and noted that he has built his business over the past fifteen(15) years. Mr. Danehey suggested "breaking" the terms into five(5) year increments at Mr. Lopes' option. "That would be advantageous to Mr. Lopes and will not stick him into a lease for a longer period of time in event it was not advantageous." Mr. Cafferty suggested that since this was a public bid for the lease of public land that Town Counsel should "weigh in" on this matter. Mr. Murray noted that the Board has a letter from Town Counsel stating that this type of change may be made. He further noted that Town Counsel will oversee whatever the Board votes this evening.

Mr. Murray made a MOTION that the Board of Selectmen VOTE the following contingent upon the approval of the Town Administrator and Town Counsel: It would be Go Green's option to renew for two(2) additional, five(5)-year options, i.e. at ten(10) years, they could renew for five(5) years and at fifteen(15) years, they could renew for another five(5) years. At the twenty(20) year mark, it would be the Town's option to renew or not renew. Discussion – Mr. Vegnani noted that Mr. Lopes' company does a great job for the Town and he noted the many other services it provides in terms of mulch, etc. Mr. Danehey read off the monthly rental amounts that Go Green pays to the Town and noted that it is not "short money". No further discussion. Unanimous vote. (4-0)

#### 7. 7:30 PM/ PUBLIC HEARING/ Street Acceptance/ Street Acceptance Committee

Al Bangert, Director/ Department of Public Works, stated that this is a posted, public hearing on the "laying out" of Ava and Lauren Lanes as public ways. Abutters were notified. The Street Acceptance Committee has reviewed this request and concludes that these roads meet Town standards and Planning Board requirements for public ways.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to Order the Layout of Ava's Lane as a public way; said way bounded and described in accordance with the description and plan to be filed in the office of the Town Clerk at least ten (10) days prior to the Annual Town Meeting. SECONDED by Mr. Norton. No discussion. Unanimous vote. (4-0)

Mr. Murray made a MOTION that the Board of Selectmen VOTE to Order the Layout of Lauren Lane as a public way; said way bounded and described in accordance with the description and plan to be filed in the office of the Town Clerk at least ten (10) days

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prior to the Annual Town Meeting. SECONDED by Mr. Norton. No discussion. Unanimous vote. (4-0)

#### 5.DISCUSSION/ VOTE/ AWARD CONTRACT/ Sidewalk Paving/ Stockbridge Road/ Cafferty

Mr. Cafferty stated that the sidewalk, which will run along the Union Cemetery side of Stockbridge Road with crosswalks and handicap ramps at cross streets, will begin construction in two to three weeks.

Mr. Norton made a MOTION that the Board of Selectmen VOTE to AWARD the contract for the Stockbridge Road Sidewalk Improvements, Contract 12-SW-02 to Century Paving & Construction Corporation of Fall River, Massachusetts for a total bid price of \$228,961.15 with payment to be made at the unit prices and/or lump-sum prices pending receipt of a Certificate of Insurance, 100% Performance and 100% Labor and Materials Bond. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

#### 6.DISCUSSION/ VOTE/ AWARD CONTRACT/ Cedar Point Seawall Engineering/ Cafferty

Mr. Cafferty stated that Community Preservation Act monies will fund shoring up and adding to the seawall at this location (stone and/or concrete) to better protect the Lighthouse and the adjacent parking lot area. The contract tonight is specifically for the engineering portion of the project.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to AWARD the contract for the Engineering for Seawall repairs at the Lighthouse at Cedar Point to CLE Engineering of Marion, Massachusetts for a total price of \$52,610.00. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

#### 8.DISCUSSION/ VOTE/ Cable Television Budget/ Cable Television Committee

Monte Newman, Chairman/ Cable Television Committee and John Roser, Executive Director of Community Television, spoke about the new cable television studio located in the High School. The studio is open to residents, students and teachers for workshops, classes, class assignments, etc. The studio's website is [sctv@town.scituate.ma.us](mailto:sctv@town.scituate.ma.us) Mr. Roser spoke about a number of items he and some Committee members feel are needed to expand and move forward, ie "lendable" equipment, additional paid staff, satellite studio, etc. The Selectmen spoke about the need to film additional committee and board meetings. They complimented Mr. Roser and his staff on their excellent work and decided to take the budget presented this evening under advisement.

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#### 9. REPORT/ Water Resource Committee & DPW Water Division/ A. Bangert

Mr. Bangert, Director/ Department of Public Works; Sarah Grady/ Mass. Bay Programs & North and South Rivers Watershed Association; John Clarkeson, Water Resource Committee, and Jim DeBarros, Supervisor, Water Division, were present. The group reported on the results of lawn irrigation system restrictions via a power point presentation. Water billing decreased by \$200,000 with a net loss of \$125,000. The restricted use of lawn irrigation systems allowed for a reduction in pond water use, which in turn reduced the amount

of chemicals needed for the treatment of water. Water pressure and fire protection was improved and Scituate was able to avoid a watering ban during 2011. (Three neighboring communities had watering bans in 2011.) The Town also met the DEP "mandated consumption target of 65 gallons of water per person per day". Mr. Bangert noted that 2011 was an "average" rainfall year. Ms. Grady spoke about the restoration of herring in First Herring Brook. Renewal of the DEP 5 –Year Water Withdrawal Permit was discussed. Martin Gantshar, 58 Crescent Avenue, stated that he appreciated all the work that went into tonight's report, but expressed dismay over only being able to use his irrigation system one day per week last summer. He would like to be able to irrigate his lawn two nights a week in 2012. Mr. Michael Lescher, sprinkler company, spoke about "smart controllers" for lawn irrigation systems as a possible solution and alternative to once a week watering. Mr. Bangert offered the following summary: limiting the use of lawn irrigation systems to one day per week improved water quality – flavor and clarity, (2) reduced water main breaks and brown water issues, (3) reduced chemical, electric, maintenance and overtime cost, (4) helped the environment (stream, flow, reduced energy), (5) avoided a Town-wide water ban, (6) was seen as reasonable by 82% of the resident, and (7) will enable us to achieve State mandated limits. The Water Department and the Water Resource Committee recommend "no changes in the current lawn watering limitations".

## 10.OTHER BUSINESS

Mr. Danehey announced that the St. Patrick's Day Parade would be held on March 18th and Ship Shape day on April 28th. Congratulations to the girls' basketball team of which Mr. Harris' daughter is a member. Mr. Murray read a letter from Humarock resident Arthur Brown thanking the Scituate Fire Department and charitable organizations for their assistance after the recent fires. Mr. Norton recently went to an event at the High School which addressed the use of opiates in our community. Chief Stewart, Lieutenant Mike Stewart, counselors, hospital health workers and young people in drug recovery all attended this important forum.

Mr. Vegnani announced that March 31st is a free day for discarding old electronics.

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Mr. Vegnani thanked the Patterson family and those who participated in the Patterson Road Race.

## 11.MINUTES

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Regular Session Minutes of March 1, 2012 and AMEND the Executive Session Minutes of March 1, 2012 to reflect that Mr. Danehey recused himself from the second portion of the Executive Session. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

The Minutes of February 28, 2012 were not voted because a quorum of that meeting was not present this evening.

## 12.ADJOURNMENT

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ADJOURN the meeting at 9:48 PM. SECONDED by Mr. Norton. No discussion. Unanimous vote. (4-0)

## BOARD OF SELECTMEN

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Anthony V. Vegnani, Chairman

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John F. Danehey

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Shawn Harris

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Richard W. Murray

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Joseph P. Norton

Respectfully submitted,

Kimberley A. Donovan  
Executive Assistant