

**MEETING OF THE SELECT BOARD
TUESDAY, July 12, 2022 6:30 p.m.
SELECT BOARD HEARING ROOM – TOWN HALL**

In attendance Anthony Vegnani, Chair, Maura Curran, Clerk, Karen Canfield, Karen Connolly
Not in attendance: Andrew Goodrich
Also, in attendance Jim Boudreau, Town Administrator

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

A motion was made by Ms. Curran at 6:31 p.m. to accept the agenda for July 12, 2022 second by Ms. Canfield Unanimous Vote (4-0)

Mr. Vegnani read the following statement:

The Scituate Select Board is committed to providing an environment of respect during meetings. We ask all members to interact in a polite manner even when there is disagreement.

We value the participation of our community and want all participants, including marginalized and minoritized communities, to feel welcomed and respected.

We ask our committee members, and all who participate, to commit to these standards to support and respect our community.

WALK INS – no walk ins

REPORT OF THE TOWN ADMINISTRATOR-

1. The total number of Covid cases for this past week according to our MAVEN data was 23, up from last week's 21. We had a positivity rating over the last 14 days of 6.99% up from 7.05% of last week. Plymouth County is at 5.48%, up from last week's 4.86%. State wide the positivity rate yesterday for the past 7 days was 7.87% up from the previous week of 6.22%. Statewide there are 43 individuals in ICU up from 43 of last week. 12 patients are intubated, up from 10 of last week. So, numbers are up slightly across the board this week. According to the Boston Globe this morning two new variants of the Omicron strain, BA.4 and BA.5 are more adept at avoiding the antibodies in our bodies from the vaccines or that we get after having the virus. These two variants make up 35% of the cases in the US. Experts still expect numbers to decline, but not as quickly as hoped. This is borne out by the numbers we are seeing this week.

We are not done with COVID yet. Although it is only one week, the numbers are trending up. There is a new Omicron variant, BA-2 that is now the dominant strain in the US. At this point, being vaccinated is a much better defense than not being vaccinated, so please, if you have not yet gotten vaccinated and can receive the vaccine, we urge you to do so. Vaccinations and booster are widely available. Go to mass.gov for details.

2. Water update. Tack Factory pond was at -13.5" this week down from last week's measurement of -6.5". Average daily demand was at 1.623 MGD up from the 1.563 MGD from last week's usage. Manganese measured at the WTP is still high and is causing discolored water to go through the plant and into the system. As the temperatures rise, so will the Manganese levels in the water. If you have brown water, please call the water department or email brownwater@scituatema.gov Rainfall over the last 7 days was .05" measured at the Plant.

The Trac Vac System in the bottom of sedimentation basin 2 is working again. We have made a temporary fix while we wait for new solenoids to be delivered and installed. We are still in a full outdoor water ban. In addition to issues at the plant, we are still experiencing issues in the supply change with receiving Potassium Hydroxide (KOH) which is a chemical necessary to raise the PH of the water. This could impact our ability to produce water from our wells. We will continue to monitor this while looking into using alternative chemicals that are currently more readily available. The Total water ban is still in place. This is not related to our water supply but to issues at the treatment plant related to our making water.

Celco will be in this week to installing a new water main on old Driftway. That work will commence tomorrow. That road will be paved as part of the Drew project at the MBTA parking lot and the water main is being replaced prior to the paving.

3. There will an update on the water treatment plant project Wednesday night at 7:00 pm. Via zoom. The link is available on the town web site. There is a page on the town web site under the water department with information and frequently asked questions for people seeking information.
<https://www.scituatema.gov/home/new-water-treatment-plant>
4. The current statute allowing for remote or hybrid public meetings expires on Friday, 7/15. Both the house and senate have passed bills extending the ability to hold these types of meetings. The senate would extend remote meetings through December 15, 2023. The house bill would only extend the provisions through March 31, 2023 and then on April 1, 2023 all public meetings, including all local boards and committees would have to allow for remote access and remote participation. This would impact more than 10,000 municipal public boards across the state, requiring investments in more technology and staff to set up and run these meetings. The Legislature has until Friday to reconcile their differences, get a bill to the Governor's desk and have it signed or else the ability to have these meetings will cease
5. A reminder as we get into the summer from our sewer department-Flushable wipes are NOT flushable. The get caught in pumps and machinery and cause blockages in the system.
6. With the rise in inflation, the cost of gas groceries and everyday items has soared. If you are in need or no someone in need, both Scituate Community Christmas and the Scituate Food Pantry are available to help those in need. SCC is a year-round organization dedicated to helping those in need, not just at the holiday. SCC can be reached at 781-545-7198 and the Food Pantry, which operates out of the old gates school can be reached at 782-545-5827. We are very fortunate to have such wonderful organizations available to help those in need in Scituate.
7. We wanted to give everyone notice that we are going to experience astronomical high tides with a Wednesday full moon. Tides will be astronomically high tonight through Monday of next week. The high tides will start tonight just before 10pm and advance just under an hour each day. Please be aware of parking in the Mill Wharf & Cole Parkway lots later in the evening during these high tides.
8. Cohasset has started utility work will on Route 3A between Stop and Shop and Pond Street and continuing until August 1st. Between the hours of 8am and 3pm southbound traffic will be detoured off of Route 3A to Upper King Street. Northbound traffic will be shifted into the southbound lanes but will not be detoured off of Route 3A. If you take Route 3A in the morning, be prepared for delays.

9. The Sanctuary at Herring Brook will be holding a lottery for the affordable housing units on August 8, 2022. A public information session was held via Zoom on June 23, 2022 at 6:00 pm. Completed applications must be received at SEB Housing by 2:00 pm on July 25, 2022. This information will be posted on the town web site or you can go to sebhousing.com and click “Affordable Housing Opportunities” at the top of the page for more details.
10. Our office has received many calls relative to Minot Light not flashing. Although the lighthouse is private, the light is maintained by the Coast Guard. The Coast Guard is aware of the issue but due to work being down on the lighthouse they have not been able to access the light to repair it. They hope to have this work completed as quickly as possible.

SCHEDULED ITEMS:

DONATIONS

- Scituate Fire Department \$1500 National Grid for water rescue equipment, John Murphy, Fire Chief
Chief Murphy received a donation from Joe Carroll of National Grid. Chief Murphy appreciates the generosity and the Select Board also thanked National Grid.

Move that the Select Board approve a donation of \$1500 from National Grid to be used to purchase fire department safety equipment. Motion by Ms. Canfield second by Ms. Connolly Unanimous Vote (4-0)

- Scituate Harbormaster Moorings & Ground Tackle from Dobber Reynolds
Mike Gibbons said that Dobber Reynolds has donated moorings and ground tackle to the Town. The Harbormaster will use them for the Recreation floats.

Move that the Select Board approve a donation of two, 8000 - 10,000-pound moorings and the ground tackle. Est. value \$8,000. Motion by Ms. Curran second by Ms. Connolly Unanimous Vote (4-0)

Outdoor Entertainment Permit 43 Oceanside Drive for a band 6 – 10 p.m., Fred Boyajian, Owner
Mr. Boyajian is having a general open house at his newest property. It is a band called the Hurricane that plays at the Gazebo quite a bit. It is a rock and roll band. He has notified his neighbors.

Move to grant an Outdoor Entertainment Permit to Fred Boyajian for a Band at 43 Oceanside Drive on July 23, 2022, from 6:00 PM until 10:00 PM Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (4-0)

INTERVIEW Board & Committee Applicant, Economic Development Commission, Susan Daileader
Susan Daileader attended the meeting and is interested in serving on the Economic Development Commission (EDC). She would like to be involved and can add value. She has been involved with the Scituate Visitors center and has experience with fundraising. She understands how important small businesses are to the vibrancy of the community. There are some other things going on in some other towns and she can bring those ideas to Scituate.

Interfund Borrowing for Sewer SCADA Phase 5 \$286,950 Annual Town Meeting April 11, 2022 Approved
Article 3JJ, Pam Avitabile, Treasurer/Collector

Ms. Avitabile provided an overview for the Board and said the Sewer Division has requested **\$286,950 for Article 3JJ**. This amount was authorized to borrow at the Annual Town Meeting held on April 11, 2022 for the

SCADA project Phase 5. In accordance with Massachusetts General Laws, the Town may temporarily borrow against the Stabilization Fund and Unappropriated Free Cash to make funds available for these projects. Upon the Select Board's approval, the inter-fund borrowing is then sent to the DOR for its approval. The Stabilization Fund will be reimbursed before June 2023. The Board asked if phase 5 was the final phase and Ms. Holt said no these are continuous upgrades.

Move that the Select Board approve the Interfund Borrowing prepared by the Treasurer Collector in the amount of \$286,950 for purpose of the approved authorization for the SCADA Project Phase 5. Motion by Ms. Connolly second by Ms. Canfield Unanimous Vote (4-0)

Early Voting State Primary & Election, Kathy Gardner, Town Clerk

Ms. Gardner provided an overview of early voting, mandatory hours and dates required. This is all included in the budget.

I move that the Select Board vote to approve the location of Scituate Town Hall, 600 Chief Justice Cushing Highway for in-person early voting and the in-person early voting hours for both the September 6th State Primary and the November 8th State Election as described above. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (4-0)

Fire Union Contract, Robert Clark, Human Resources Director

Mr. Clark said negotiations have been underway for a year. The members voted and ratified the memorandum of agreement for FY22-FY24. Mr. Clark reviewed the specifics of the agreement with the Board. It is a good contract for the Town and the Firefighters and we were able to settle the agreement. Mr. Boudreau thanked the fire union and Chief Murphy and his team. Chief Murphy said he is happy and it is important to have the contract settled and everyone in the house is positive on the contract.

Move to approve a memorandum of agreement with Scituate Firefighters Union Local 1464 for FY22 through FY24. Motion by Ms. Canfield second by Ms. Connolly Unanimous Vote (4-0)

Waterways Commission, Michael Gibbons, Chair & Dave Friedman, Waterways Member (Mr. Mone was not able to attend this evening due to a family emergency)

- **Paddle Craft Proposal**

There is an application for craft storage that needs to be submitted to the Harbormaster office. On March 15th each year the applicant would email this to the Harbormasters office for a spot on the rack. The plan is to expand this to other areas in Scituate. Ms. Connolly suggested they consult with the Commission on Disabilities. Ms. Canfield asked how many spots on each rack. Mr. Friedman said between 6-8 per rack can be accommodated. Ms. Canfield suggested they loop in the Beach Commission. Mr. Gibbons said they are working to get them built this year. They would like to get something in place this year. Ms. Curran said it would need to be a prorated rate. There is a loop locking mechanism for each person. Mr. Vagnani was concerned about the look for the racks and the canoe/kayaks. Mr. Friedman said this will be a pilot. Chief Murphy said the kayak's/canoe will need to be required to have identification on the water vessel.

Move to approve the purchase of a Paddle Craft Storage system to be placed at Conservation Park. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (4-0)

Move to approve the rental application, as presented by Waterways. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (4-0)

- Marine Plan Update

The first part of the marina rehabilitation project was completed and the next phase was to replace the docks. The plan was to make it safer and last longer. The Harbormaster was unable to be here this evening but had sent a presentation to the Select Board for review prior to the meeting. At the September Town Meeting, Waterways is asking for funding to replace all the rocks. An RFP is being developed to issue in August so they know the cost for Town Meeting. The payments will be coming from the Waterways Enterprise Fund. Ms. Connolly asked if the Commission on Disabilities (COD) was consulted on this marina plan. Mr. Friedman and Mr. Gibbons will have COD review the plan. Ms. Curran asked if this passes in September when would construction begin. Mr. Gibbons said they would like to being as soon as possible and start October 2022. The goal being new docks for next summer.

Go Green Rent Reduction Request, Tim Lopes, Owner

Mr. Lopes said over the past ten years the rent has increased 30% with a 3% increase annually. This year his rent increased 8.2%. This is a huge increase. The cost of his business with the cost of fuel and the rent is getting to the point of it not being competitive. Mr. Lopes asked if the Town would consider making the rent flat for the remainder of the lease. Mr. Lopes said the Consumer Price Index (CPI) is at approximately 2% annually. The 3% increase is above the CPI. Mr. Lopes would like to renegotiate the rent for the term of the lease. Mr. Lopes said Cohasset closed their brush site. Mr. Lopes said it is harder and harder to get rid of that material. Ms. Connolly said to her its an eyesore. She never envisioned the gigantic mounds on the entrance to the Town. Ms. Canfield said she understands the concern of Mr. Lopes. We contractually have an agreement and we agreed to certain rent. At the same time Mr. Lopes is providing a service to our community. Ms. Curran said we are all faced with increases this year. In addition, Mr. Lopes pays for water.

The current lease agreement with Go Green for the property at 161 Driftway expires on June 30, 2029 pursuant to a vote taken by the Select Board on June 19, 2012. Due to the current rate of inflation the FY23 lease amount calculation dictated by Section 3 of the lease agreement results in an 8.2% increase over FY22. A summary of the annual lease amounts is provided by Nancy Holt, Finance Director/Town Accountant. The lessee is seeking relief from the 8.2% increase and is asking the lease amount be frozen at the FY22 level through the end of the lease term which is June 30, 2029. Dave Friedman, Oceanside Drive supports the service that is provided by Go Green. The opportunity to do this may be a chance to renegotiate the lease. It is a great service to the community. It is very useful for residents. Being on Waterways they lease land to Scituate Boat works. Getting the rent from Go Green is a tremendous service to the residents of Scituate.

Mr. Lopes said his business gets hammered a lot on social media. He delivered to 1800 Scituate residents. There are some loud social media people but the silent majority support the Go Green business. They try to be humble and work really hard.

Move to make a one-time modification to the calculation of the lease amount for the property at 167 Driftway for the period of July 1, 2022 through June 30, 2023 to a 3% increase over FY22 totaling \$100,008. Further that all insurance certificates, FY22 lease payments and any taxes or charges due to the Town must be current. Motion by Ms. Canfield second by Ms. Connolly Unanimous Vote (4-0)

Coastal Advisory Commission Update, Jill Lamoreaux, Chair

Jim Canavan, Bunny Lane is a member of the Coastal Advisory Commission. Louise Pfund was the previous chair. Corey Miles is a great Coastal Management Officer. They reviewed the charge that the Select Board

passed in 2017. The Commission was reviewing the charge and thought they should talk with the Board. They would like to reorganize. There should be a plan for going forward. There will be a new congressman in January. Ms. Canfield thanked the group of reviewing the charge. It is a perfect example of getting back on track. Ms. Canfield said it would not hurt to have a delegation look at the projects we have in Scituate. Ms. Connolly said she would like to be very specific as to what we need help with e.g. Army Corps of Engineer at Cedar Point. If we could ask our congressional delegation to get the FEMA funds we are owed, etc. for the projects in the queue and new projects including the North Scituate beach nourishment project. Mr. Vegnani reminded the group that when we receive FEMA money it still costs us money e.g. 25% paid by the Town. Ms. Curran said we don't have the Coastal prioritization list. She would like the Commission to come up with the priority list and be very specific in our ask. The most vulnerable spots need to be identified and documented. Corey Miles said now that we have the Hazard Mitigation Plan we will be eligible for funds.

FY23 Transfer Station Rates, Nancy Holt, Finance Director & Sean McCarthy, Town Engineer

The transfer station rate increase is tied to operational costs related to hauling costs, debt service for capital needs, contractual increases, fuel costs and staffing needs. Capital projects in queue for transfer station for truck, security improvements and facility repairs. We have a future need for one additional staff person. Highway/Public Grounds personnel not always available to cover during the week. Currently must pay overtime to cover sick, vacation, personal or other granted leave time on weekends. There is a negative impact on revenues due to enforcement monitoring. There is a decrease in revenues from recyclables. Increase costs for disposal of recyclables, construction debris (C&D), white goods and household trash. Ms. Holt reviewed the Transfer Station Enterprise Capital and said there is a need for investment in equipment and facility. Ms. Holt reviewed the transfer station revenue sources and hauling costs over the last five years. Ms. Holt provided a chart with local communities' solid waste fees. We struggle to break even. There is an identified need for an additional staff person. The recommendation is to not raise the C&D rate at this time. It is suggested that we increase the sticker fee as debt service costs support entire enterprise and are not specific to one aspect such as C&D. It is recommended that we delay any adjustment to C&D rate until disposal contract settled in fall 2022. We do not anticipate any reduction due to the increase in fuel and electricity costs. The Select Board discussed increasing the cost of trash bags to help offset the cost of an additional employee. Ms. Holt and Mr. McCarthy will look at some different numbers for bag increase and sticker increase and present to the Board at a future meeting.

FY24 Budget Calendar & 2023 Select Board Meeting Schedule Nancy Holt, Finance Director

Ms. Holt reviewed the FY24 budget calendar with the Select Board. Ms. Connolly would like the Planning Board included in the budget schedule. Ms. Holt will review the schedule with the Planning Board and add dates as necessary

Move to approve the FY24 budget calendar as provided. Motion by Ms. Canfield second by Ms. Connolly Unanimous Vote (4-0)

Move to approve 2023 Select Board Meeting Schedule. Motion by Ms. Connolly second by Ms. Canfield Unanimous Vote (4-0)

Mr. Vegnani took a short recess at 9:13 p.m.

Mr. Vegnani reconvened the meeting at 9:19 p.m.

Special Town Meeting Warrant Articles Nancy Holt, Finance Director

A copy of the draft warrant and select background information was provided to the Select Board. Ms. Holt is asking the Board to discuss and vote to include the 17 articles listed in the draft September 19, 2022 special 20220712 ssb meeting minutes

town meeting warrant. Select Board recommendation votes and assignments are scheduled for the 7/26/22 meeting. Ms. Holt reviewed the warrant articles with the Board.

Mr. Vegnani is concerned that too many articles are being added to Special Town Meeting. He stated this is not an Annual Town Meeting. Mr. Vegnani said that Community Preservation Committee used to be a 4-5-month committee not an annual committee. Ms. Connolly said there are so many funding requests now that this part of the process. Mr. Vegnani said there never used to be Zoning Bylaws on the Special Town Meeting.

Ms. Canfield said she was surprised the marijuana housekeeping articles are not on this warrant. ‘
The board will remove Article 6. Ms. Connolly will speak to Mr. Fennelly regarding the CPC articles. Mr. Boudreau said article 8 is timely and there is a need to clarify the bylaw for common driveways. Ms. Connolly will discuss the zoning articles with the Planning Board. Article 11 Charter Review Recommendations Mr. Vegnani would like to see on the Annual Town Meeting. Ms. Curran said there is a movement in town to change town government and would rather see this sooner rather than later. Ms. Canfield said the sooner we get this done the sooner we can appoint a bylaw review committee. Articles 6 and 17 will be removed from the draft Special Town Meeting warrant. The Board will need to evaluate what they want Special Town meeting to include. The DEI committee should still come before the Board in August to explain what they would like to be done.

Move to include 15 articles in the September 19, 2022 special town meeting as provided in the draft warrant unless otherwise removed by the requesting department. Motion by Ms. Canfield second by Ms. Connolly Canfield, Connolly, Vegnani in Favor Curran against Motion passes (3-1)

Town Administrator Contract, Anthony Vegnani

Mr. Vegnani said there is one year left on the current contract and a new contract was renegotiated through the year 2025. The contract will be 2022-2025. Ms. Canfield said this is a draft and we do not have the final contract.

Move to approve an employment contract with James Boudreau as Town Administrator for the period of July 1, 2022 through June 30, 2025; said contract to supersede the existing contract. Motion by Ms. Canfield second by Ms. Connolly Unanimous Vote (4-0)

Town of Scituate Charter Revision, Karen Canfield, Charter Committee

Ms. Canfield reviewed the Charter Review presentation with the Select Board. The Board thanked Ms. Canfield for her leadership on the Charter Review Committee.

Move that the Select Board approve the Charter Review Committee red line version as presented Motion by Ms. Canfield second by Ms. Curran Unanimous Vote (4-0)

NEW BUSINESS:

1. One Day Wine & Malt Licenses

- a. Superior Services @ the Scituate Maritime Center on 8/12 6:30-10:30 pm for private event
- b. H Cole Club @ Mullaney's on 8/13 6:30-10:30 pm for private event

Move that the Select Board approve One-Day Wine & Malt licenses to Superior Servers @ The Scituate Maritime Center, 119 Edward Foster Road, for a private event on August 13, 2022 from 6:30 PM to 10:30 PM and to H Cole Club @ Mullaney's Harborside, 8 Allen Place, for a private event on July 14, 2022 from 6:30 PM to 9:30 PM Motion by Ms. Connolly second by Ms. Canfield Unanimous Vote (4-0)

2. **Municipal Employee Disclosure - Kathleen Malley**

Library Technician Kathleen Malley is seeking an MGL Ch 268A §20B exemption for services as an Election Worker as attested to by Town Clerk Kathleen Gardner.

Move that the Select Board, as required by Massachusetts General Laws Ch 268A, have reviewed the disclosure form from municipal employee Kathleen Malley to provide services to the Town Clerk's Office as an Election Worker and that such exemption is approved for municipal employee Kathleen Malley. Motion by Ms. Canfield second by Ms. Connolly Unanimous Vote (4-0)

3. **Board & Committee Appointment Economic Development Commission**

Move to appoint Susan Daileader to the Economic Development Committee for a term of three years or until a successor is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (4-0)

OTHER BUSINESS:

1. Liaison Reports

Ms. Canfield said Every Wednesday is the Library Concert series.

Mr. Vegnani attended the Financial Forecast Committee meeting and the school is putting some of their extra money in the Special Education fund. 2/3 went to the School and 1/3 went to the Town.

The antique car show will be Thursday night in the Harbor.

2. Correspondence

There is a letter in support of indigenous people's day.

There is also a letter regarding Go Green that Ms. Curran responded to.

3. Approval of Meeting Minutes

Move to accept the minutes for the Select Board meeting held June 28th, 2022. Motion by Ms. Connolly second by Ms. Canfield Unanimous Vote (4-0)

4. Adjournment and Signing of Documents

Motion to adjourn the meeting at 10:35 p.m. by Ms. Canfield second by Ms. Curran Unanimous Vote (4-0)

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for the July 12, 2022 Select Board Meeting

- Agenda
- Upcoming Meetings and Events
- DONATIONS
 - Scituate Fire Department \$1500 National Grid for water rescue equipment
 - Scituate Harbormaster Moorings & Ground Tackle from Dobber Reynolds
- Outdoor Entertainment Permit 43 Oceanside Drive for a band 6 – 10 p.m.
- **INTERVIEW** Board & Committee Applicant, Economic Development Commission, Susan Daileader
- Interfund Borrowing for Sewer SCADA Phase 5 \$286,950 Annual Town Meeting April 11, 2022 Approved Article 3JJ
- Early Voting State Primary & Election
- Fire Union Contract
- Paddle Craft Proposal
- Marine Plan Update
- Go Green Rent Reduction Request
- Coastal Advisory Commission Update
- FY23 Transfer Station Rates
- FY24 Budget Calendar & 2023 Select Board Meeting Schedule
- Special Town Meeting Warrant Articles
- Town Administrator Contract
- Town of Scituate Charter Revision
- One Day Wine & Malt Licenses
 - Superior Services @ the Scituate Maritime Center on 8/12 6:30-10:30 pm for private event
 - H Cole Club @ Mullaney's on 8/13 6:30-10:30 pm for private event
- Municipal Employee Disclosure - Kathleen Malley
- Board & Committee Appointment Economic Development Commission
- Correspondence –
 - Resident Letter RE: Go Green
- Meeting Minutes for June 28, 2022

Select Board Meeting Minutes for July 12, 2022

SELECT BOARD

Anthony V. Vegnani, Chair

Andrew W. Goodrich, Vice Chair

Maura C. Curran, Clerk

Karen B. Canfield

Karen E. Connolly