

**MEETING OF THE SELECT BOARD
TUESDAY, OCTOBER 24, 2023 6:30 p.m.
SELECT BOARD HEARING ROOM – TOWN HALL
600 CHIEF JUSTICE CUSHING HIGHWAY, SCITUATE, MA**

In attendance Maura Curran, Chair, Andrew Goodrich, Vice Chair, Susan Harrison, Clerk, Karen Canfield, Karen Connolly

Also, in attendance Kevin Cafferty, DPW Director

Jim Boudreau, Town Administrator arrived at 8:04 PM

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.

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

A motion was made by Ms. Connolly at 6:30 p.m. to accept the agenda for October 24, 2023 second by Mr. Goodrich Unanimous Vote (5-0)

Mr. Boudreau will be arriving late to the meeting. Ms. Curran also wanted to take this time to recognize Nancy Holt, our Finance Director for her 10 years of service. The Board thanked Ms. Holt for her dedication to the Town.

WALK INS - NONE

REPORT OF THE DPW DIRECTOR

The DPW is on schedule for paving Front Street on Thursday 10/26/23 starting at 7 AM. Two paving crews will be starting at the intersection of Jericho and Beaver Dam Roads and travel towards the intersection of Front St. and First Parish Rd. All traffic will be detoured during the paving operation so please be patient. This is a construction work zone and speeds must be reduced for workers and your safety. This is a moving operation and as such the detours will change as the operation progresses. Police details and DPW employees will guide you to get through the work zone.

Use caution when driving down or walking across Front Street the placed asphalt will need time to cool before it can be safely used.

If the paving goes according to plan, marking the road will follow in an effort to restore the road for Halloween.

Mr. Goodrich said that he received great news from the businesses saying they appreciate the communication from the DPW on the paving project.

SCHEDULED ITEMS:

PUBLIC HEARING Tax Classification Hearing FY24, Steve Guard, Board of Assessors, Joe Divito, Assessor

Steve Guard summarized the FY24 Scenarios and town comparison. The Board of Assessors recommended unanimously that the Board choose a single rate vs. split rate. All 9 surrounding towns have a single tax rate. We are second to last in commercial tax. We are a small community and we don't have Derby St. or Hanover Crossing. Residential apartments can't be classified as commercial, even though owned by a commercial entity.

Mr. Goodrich asked about the argument to go to a split rate. Mr. Divito said it's not an option. It's a state law so you can't go lower. He would love further detail from Joe Divito, Assessor. Ms. Canfield asked about our biggest tax payers in town that have declined in value. How did that happen? Mr. Divito explained that interest rates affect capitalization rates.

Move that the Select Board vote to approve the Residential Factor, according to MGL Chapter 58, Section 1A.

Motion by: Ms. Canfield

Second by: Ms. Connolly Unanimous (5-0)

Mr. Guard stated that the ribbon cutting ceremony at Cole Parkway was a wonderful event was well attended and Mr. Goodrich did a great job. Ms. Connolly further stated that it was wonderful to give attention to the Commission on Disabilities.

Approval of new Bartender, Sassy Lady Cocktails, Juvelyn Hartwig, Owner, Jean DiGiacomandrea, GAR Event Coordinator

Ms. Hartwig, Hanover, MA is here. She started bartending 3 years ago in Boston during the summer and is a teacher during the day. She now decided to go out on her own and started Sassy Lady Cocktails. She has provided her Tips Certification and liability insurance.

Move to approve Sassy Lady Cocktails as a vendor on our pre-approved listing of Caterers/Bartenders.

Motion by: Ms. Canfield

Second by: Ms. Connolly

One Day Wine & Malt License for Sassy Lady Cocktails for a Historical Society presentation at GAR Hall on 11/4/23 from 3-5 PM.

Move to approve a One-Day Wine & Malt permit to Sassy Lady Cocktails for a Historical Society event at GAR Hall on November 4, 2023 from 3- 5 PM.

Motion by: Ms. Canfield

Second by: Ms. Connolly

TK O'Malley's Expansion of Indoor Entertainment License, Rich Lenahan, Manager

Rich Lenahan is here to request an extension to have entertainment Mon, Tuesday, and Wednesday to offer entertainment the day before Thanksgiving, for example.

Move to amend the existing McColski Inc. d/b/a T.K. O'Malley's Sports Cafe, Indoor Entertainment License to Sunday -Saturday, from 12 PM (Noon) until 12 AM (Midnight) for up to 4 pieces in the band, vocals and instruments, amplified D.J. and equipment, karaoke and jukebox. Jukebox may be played during restaurant hours.

Motion by: Mr. Goodrich

Second by: Ms. Harrison (Unanimous 5-0)

Scituate Maritime Center Fee Increases, Select Board/TA Office Michele Seghezzi, Jennifer Geoghegan

Ms. Seghezzi explained that rates haven't been raised since 2014. This season alone we had 90 events and Ms. Geoghegan did a wonderful job managing all these events as it was her first year. The Maritime Center has become very popular and this year we had a few incidents where we had to retain the security deposit from events that left trash, disobeyed rules, and needed additional cleaning. We did a comparison from neighboring towns and discovered that our rates are much lower. We are recommending an increase in security deposit from \$100 to \$200, and increase in resident rate from \$450 to \$500 and non-resident an increase from \$600 – \$700 but we are open to discussion. We also have quite a few capital projects coming down the line and this would be a good time to increase fees. The overall fund has about \$200,000 and there are over \$100,000 in FY25 Capital requests. Regarding the security deposit, the Board asked that we check with Town Counsel to see if we could charge extra beyond the security if there were extensive damage.

Ms. Connolly would also like to know if we could bill the client if they cause excessive damage. She agrees that \$100 is not a lot of money. Ms. Canfield asked about resident vs. non-resident (67 resident and 23 non-resident). She wouldn't be opposed to raising the non-resident fee even more. Mr. Goodrich pointed out it's different cutting a check vs. running a credit card.

Ann Burbine, 10 Pennycress Rd She feels that \$200 security isn't enough and we should do \$500. She feels that billing after the fact could be difficult and would be hard to collect.

The Board discussed implementing a resident/non-resident security deposit.

Move to increase the resident rental fee to \$500, resident security to \$200, the non-resident rental fee to \$800, and the non-resident security fee to \$250, effective November 1, 2023, for the reservation of the Scituate Maritime Center.

Motion by: Ms. Curran

Second by: Ms. Canfield (Unanimous 5-0)

DPW Contracts, Kevin Cafferty, DPW Director, Sean McCarthy, DPW Engineer

- Disposal of Construction Debris at Transfer Station, WinWaste Innovations, not to exceed \$100,000

Mr. Cafferty said that costs have gone up and recycling has been bought by a larger company. Rates are increasing. We do not have to bid this out as it's trash disposal. Ms. Curran asked how long the contract will be for. The cap of \$100,000 should last us about six months.

Move that the Select Board award the contract for providing Disposal of Construction and Demolition Debris to Win Waste Innovations of \$140.00 per ton, Effective November 1, 2023. (Contract amount: Not to Exceed \$100,000)

Motion by: Ms. Connolly

Second by: Mr. Goodrich (Unanimous 5-0)

- Permitting and Design for Repairs of Cole Parkway Seawall, GZA, Inc., \$88,650 (75% FEMA Reimbursed)

This is for repairs from Storm Riley and it will be 75% reimbursed through FEMA. This is the same firm that's been doing all our seawall work. This section is in the area of Cole Parkway by the Marina.

Move that the Select Board award a Seawall Engineering Design and Permitting contract to GZA Geo environmental Inc. for \$88,650.

Motion by: Ms. Connolly

Second by: Ms. Canfield Unanimous (5-0)

Beach Commission Bike Racks, Kelly Bower, Beach Commission and Chris Mason

Chris Mason, 11 Sherman Dr. They are proposing bike racks at 4 beaches which will increase access for residents, decrease cars at beaches, and aligns with our community engagement. The racks are a swerve style that they liked. They would like a total of 38 racks which will need a concrete pad installed. Estimate totals \$36,000. The presentation went through locations at the beaches: Minot, Egypt, Sand Hills, and Peggotty.

Mr. Goodrich wonders if we need cement pads or we use portable bike racks. This is what the school uses and we could get more bike racks out there. What happens if a plow hits them? Ms. Curran asked if they spoke with DPW about the installation of these racks? If portable, who would move them and where would they be stored? Ms. Connolly feels that Humarock should have a bike rack as well. Ms. Canfield agrees the need is there and it will benefit the community. She feels that it should be a fixed structure as it's not just a seasonal need. The funding is through a CPC Application but not approved yet. The Board loves the idea of bike racks but we need to be cognizant of where it's installed due to snow plowing. Mr. Boudreau said that DPW also needs to be consulted on installation. Maybe portable racks might be better at some locations, such as at Peggotty. That parking lot undergoes quite a bit in the winter with sand, large equipment, etc. The Board suggests they meet with Kevin Cafferty and his team. Perhaps they could explore different styles as well to lower cost.

No Vote Taken

Beach Sticker and Violation Fees, Nick Lombardo, Recreation Director, Mike Connor, Recreation Commission, Shawna Burkhardt, Asst. Recreation Director

Mr. Lombardo said that rates need to go up for lifeguards and they are losing guards. This year they were short 10 lifeguards. The pay scale for lifeguards is extremely low and he provided a background on the pay scale for other towns and Scituate is the lowest. They would like to see the rates increase \$5-6 over the next few years. They would like to raise the resident sticker price from \$35 to \$50 which would bring in \$117,000 to help offset costs.

Mike Connor said there were 150 Non-resident beach stickers sold. They would like to offer non-resident stickers for weekdays, Mon – Fri, excluding weekends. They want to bring in the revenue but not take up all the parking on the weekends for residents

They would also like to recommend that day passes could be included more readily Mon- Friday but they would cap it at 25 stickers sold per day for any beach for \$20. Now it's only Tuesdays and Thursdays for Peggotty Beach only. This gives people more of an opportunity to visit our beaches during the week.

Mr. Lombardo would also like to propose a change in the sticker violation fees from \$50 - \$100. They would like to increase this as people don't seem to care if they get a ticket. They have counted 10-12 cars without stickers on one day. The revenue from this goes into General Fund, but they are recommending the increase to alleviate the parking issues.

The final recommendation would be to change the time for stickers to run from Memorial Day – Labor Day. This would allow us to welcome more visitors during a time when it's not high season. This would also be helpful for all the surfers that come to town. We are recommending no enforcement after Labor Day.

Residential Fee Discussion from the Board

Ms. Connolly likes the idea of raising the resident fee to \$50. She also likes the idea of making our beaches more available in the off-season. Ms. Canfield feels we do have to be competitive. She asked about the cap on stickers to which Ms. Avitabile, Treasurer/Collector confirmed there is a max of 4 stickers per family, at the same rate. Mr. Goodrich wants to make sure that we can pay our lifeguards. Mr. Lombardo said they haven't raised rates in over 20 years. Ms. Harrison agrees that access should be given in off season but doesn't feel we need the increase at this time to pay the lifeguards.

Ms. Curran said we have to be very cognizant of rates in town as we just raised water rates. We need to look in totality. Ms. Curran feels the increase to \$50 is a big leap. Do we raise the non-resident rate? The Board would like to know the exact figure to pay the lifeguards. Ms. Connolly agrees we need to pay our lifeguards competitively. The revolving fund pays for more than just lifeguards, also improvements to parking lots. Ms. Canfield feels the rate increase is valid as it's not unreasonable, but there are other benefits to increasing the rates.

Ms. Holt said the increase has to be based on actual costs and this does not come into play. She is not sold that there needs to be an increase until we know the cost of the Minot Parking lot. She doesn't think it's prudent to raise rates at this time since the fund has over \$560,000 in it. Administratively, she also wonders how the SPD can police the week day only, non-resident stickers. We've done Egypt, Peggotty, and Humarock Parking Lots. Ms. Holt said there is nothing else on the capital plan besides the Minot beach parking lot.

Ms. Curran feels rate increase is too high but agrees we need to increase lifeguard rates. Ms. Canfield said some towns separate a senior rate. Recreation did not include that in their fee recommendation. Ms. Harrison wanted to confirm that people with summer homes can get a resident sticker.

Pam Avitabile said we sell 2 types of stickers: Humarock Only and All Beach Stickers so you need to look at both of those. Humarock would stay the same with same access, including weekends. She also pointed out that they include beach information in their November 1st billing so timing is important.

Ms. Canfield feels that for economic development the proposed sticker dates will be great. She wonders if there's opportunity for more than 25 day passes to offer non-residents during the week. Ms. Canfield feels we could increase the fee to \$40.

Move to keep the resident beach sticker rate at \$35, motion by Ms. Harrison, Second by Ms. Connolly (Vote 3-2) Not in favor, Mr. Goodrich and Ms. Canfield

**Move to change sticker valid dates to run from Memorial Day – Labor Day
Motion by Ms. Connolly, Second by Ms. Harrison Unanimous (5-0)**

Ms. Avitabile confirmed they couldn't put the dates on the stickers but that it will be posted in their rate sheets. There will need to be some type of campaign to inform people that they are welcome after Labor Day.

Non-resident Fee Discussion

There is a huge demand as it sold out in 7 minutes last year. Current rate is \$300. Ms. Canfield wants to point out that from an economic standpoint we want folks to come and eat and shop. Opening up Mon- Friday passes is a great idea. They would like to see this rate increase a bit.

It was confirmed that Humarock only stickers are able to access the beach seven days and the All Beach stickers access will be Mon-Fri. They will both be different colors.

Tracy Johnston noted that we want to make sure we are allowing better access to residents on weekends.

The violation fees that SPD gives out will need to be a future discussion. We will have to hold on this topic for now.

Move to increase the non-resident all beach pass from \$300 to \$350 Motion by Ms. Curran, Second by Ms. Harrison Unanimous (5-0)

Move to restrict the non -resident beach sticker access to Mon-Friday, excluding holidays Motion by: Ms. Canfield, Second By: Mr. Goodrich Unanimous (5-0)

Move to offer day passes for Monday – Friday for all beaches, excluding state and federally recognized holidays for \$20/day with a maximum of 25 stickers sold per day.

Motion By: Ms. Curran Second By: Ms. Connolly

Ms. Canfield said we will need to have a conversation as to where we are selling all of these stickers.

Collins Engineers Inc, Inc. for Cole Parkway Resilient Design and Engineering Contract \$394,500, Corey Miles, Coastal Management Officer & Matt McKinley, Chair of Cole Parkway Redevelopment Committee

Ms. Connolly introduced all the committee members that she noticed in the audience: Sherry Critchfield-Lyons, Joby Norton, Mike Gibbons and Bob Warner. Ms. Miles said they put together an RFP, advertised, and received four proposals. After scoring and review with DPW and Harbormaster, they determined that Collins Engineers was the best qualified for the project. Mr. McKinley noted that the entire community was involved in the process and provided input. This is being paid through a \$150,000 grant and \$250,000 Capital Project.

Mr. Goodrich asked about the firm's work in Massachusetts. Ms. Miles said they needed to have experience in a small coastal town in Massachusetts. They've worked in Salem, Marblehead, and Boston and have great experience in Massachusetts. Ms. Harrison would like to better understand the timeline. Ms. Miles said this contract covers the first two phases; designing and engineering a concept (which could bring us to end of 2024). Phase 3 is permitting and further design and technical specifications (another year or more). Then we need to find funding for the project. The Board noted that this is critical to remediate the flooding, drainage solutions, and there will still be parking but there will be more permeable surfaces. Further, this covers not only Cole Parkway, but other areas in the Front St. Harbor area. Mr. McKinley said parking is a priority and they do have business members on this committee. There will be a considerable amount of public outreach. Ms. Canfield asked how they address the private parking area of Mill Wharf? Ms. Miles said they looked at that area to make sure they weren't diverting water over to the private area. Bob Warner, one of the parking lot owners, is on the committee so he's been involved in discussions as well. They will be looking at all impacts.

Move that the Select Board award a contract in the amount of \$394,500 to Collins Engineers Inc. to provide design and engineering services for drainage improvements, flood hazard reduction, pedestrian safety improvements, and public engagement for the Cole Parkway Parking Lot.

Motion by: Ms. Connolly

Second by: Mr. Goodrich Unanimous (5-0)

Cedar Point Seawall Engineering and Design, Jim Boudreau

Mr. Boudreau said that we are looking to inform the Army Corp that we will terminate the CAP 103 with the Army Corp, pursue direct congressional funding, and authorize DPW to issue an RFP for new wall and short-term repairs. We would design the entire seawall and then break into sections, if needed. Mr. Goodrich feels this is the best way to move forward, as does Susan Harrison. Ms. Connolly asked about general timeline.

It would take a year to design and then go onto permitting. We will try to get an RFP out quickly which will also include some repairs in the interim.. Ms. Connolly asked how long it took to build the revetment at the Lighthouse? Mr. Boudreau explained that the project was an Army Corp project.

Ms. Connolly noted that Brant Rock in Marshfield seemed to move quickly and Mr. Boudreau said there was a major breach so you can move quicker due to disaster.

Brian Murphy, 28 Jericho Rd. asked if it would be private contractor? Mr. Boudreau confirmed yes, and it will take about a year to get the design done. What happens if something happens in the meantime? Mr. Boudreau said the RFP will address this and we will also need easements to get access.

George Simmons, 73 Lighthouse Rd. How much will it cost? Mr. Boudreau said they have 2 Million in authorization which should cover design. Would there be an option to break into pieces? The RFP will address this.

Ms. Canfield wonders if we can expedite the most compromised areas? We will need to discuss with the engineers and DPW.

Move to terminate involvement in the Federal Cap 103 and move forward to authorize DPW to compose an RFP for the design and engineering for the repair of the Cedar Point Seawall.

Motion by Ms. Curran, Second by Ms. Canfield Unanimous (5-0)

Town Counsel Appointment, Jim Boudreau, Town Administrator

Ms. Curran said we put out an RFP for Town Counsel Services, we received three responses, and they were interviewed last week with (5) standard questions. The Board members all completed a rating sheet of their findings. Candidates were Miyares and Harrington, Clifford & Kenny/Galvin & Galvin, and Murphy, Hesse, Toomey & Lehane. The total scores were Miyares and Harrington 90, Clifford & Kenny/Galvin 84, and Murphy, Hesse, Toomey & Lehane 36.

Ms. Canfield: Two of them were great candidates and there are pros and cons to both. She felt that Miyares & Harrington were municipal focused whereas the other firm has another focus. She feels Clifford & Kenny have great experience, but the other firm has quite a few qualified attorneys.

Ms. Connolly feels that Clifford & Kenny are conveniently located down the street and do a great job with labor counsel. Attorney Bob Galvin has been very important to us in our shellfish issues. Miyares & Harrington could be more appropriate for Town Counsel matters and they presented very well. They could be with us for the long-term.

Mr. Goodrich felt that Murphy, Hesse, Toomey & Lehane did not present well. Miyares & Harrington was fabulous but liked the flat fee component of Clifford & Kenny/Galvin.

Ms. Harrison understands Murphy, Hesse, Toomey & Lehane has been with us a long time but they presented with attorneys who only had one year of experience and didn't present well to meet our needs. Clifford & Kenny/Galvin would be a great fit and have robust south shore experience. They were very pro-active and have a positive team approach. Miyares & Harrington was also very qualified and had a very supportive approach to Town Meeting. They were very strategic, not reactive. The hourly fee for Miyares & Harrington was significantly higher, about \$25,000 more annually. Travel is an unknown figure as they are an hour away.

Ms. Curran feels the same with the top two firms. She respects Clifford, but is concerned with the number of towns they represent and it might be a stretch to take us on. Miyares & Harrington requires their associates to take part on a board in their own town. It is very close between the two of them. Miyares & Harrington had a better feel for cyber issues. They were very strategic in their approach and it's important to note that they also applied back in 2017 and was a top contender at that time.

Ms. Holt agrees that both firms are well qualified. She also had concerns about the number of towns with Clifford & Kenny. Miyares & Harrington had long term clients and attorneys which says a lot about their firm.

Mr. Boudreau spoke with the Rockland Town Manager about the shared town counsel and they said they've been great. He also reached out to 5 towns for a recommendation on Miyares & Harrington and the two he heard from spoke highly and said they are very well respected. Both firms have homework to do to get up to speed in Scituate. We can't go wrong with either one.

Ms. Connolly asked Mr. Boudreau if it's ok to stay with Clifford & Kenny and Galvin for labor and special counsel? Yes, the RFP wasn't for those services.

Ms. Canfield asked next steps: We need to develop a contract based on the RFP. Ms. Holt said this is an annual appointment.

Move that the Select Board Move rescind the appointment of Murphy Hesse Toomey & Lehane as town counsel and appoint Miyares & Harrington law firm as Town of Scituate Legal Counsel effective January 1, 2024.

Motion by: Ms. Canfield

Second by Ms. Connolly (5-0 Unanimous)

The Board thanked Murphy, Hesse, Toomey & Lehane for their representation.

NEW BUSINESS:

1. DISCUSS/VOTE One Day All Alcohol Liquor License

- a. The Voyage @ Senior Center 11/11/23 from 11 – 3PM for American Legion Post 144 Veteran's Day Luncheon

Move to approve a One-Day All Alcoholic Liquor License to the Voyage, 114 Marshfield Avenue, Humarock, on behalf of the Scituate American Legion Post 144 (Non-Profit) for a private event at the Scituate Senior Center on November 11, 2023 from 11:00 AM to 3:00 PM.

Motion by: Mr. Goodrich Second by: Ms. Harrison Unanimous (5-0)

OTHER BUSINESS:

1. Liaison Reports

- Ms. Harrison: There is a Waterways meeting next week and Jim is presenting on the SMC parking lot.
- Ms. Canfield said EDC met last night and they have invited community leaders to come to a meeting with EDC to coordinate communications amongst committees. A topic of interest that came up is that we need to think about how we approach striping and road signs and safe passage for non-vehicular traffic. They will be doing some homework on that to present to the Board in the future.
- Ms. Curran said that MSBA is still looking at design and they're meeting next week. The ballot question committee is organized. Affordable Housing Trust had habitat for humanity come in to do a presentation. Today, she met with Grantham who worked with us in the past to start to discuss the Gates Property. We will include in an upcoming agenda.
- Mr. Boudreau provided lighthouse update and said we are on track for the first week of November to lift the lantern room back on the structure. The Board asked to be informed when it's happening. Hoping to be substantially complete by end of November (with exception of painting). Mr. Boudreau will speak with the Historical Society about the lighting and when that is.

2. Correspondence – None

3. Approval of Meeting Minutes

Move to accept the minutes for the Select Board meeting held on October 10, 2023.

Motion by: Ms. Connolly Second by: Mr. Goodrich Unanimous (5-0)

4. Adjournment and signing of documents

**Move to adjourn the meeting at 9:30 p.m. by Mr. Goodrich Second by Ms. Canfield
Unanimous Vote (5-0)**

Respectfully Submitted,

Michele Seghezzi, Recorder

List of Documents October 24, 2023 Select Board Meeting

- Agenda
- Upcoming Events
- Tax Classification FY24 Hearing Presentation
- Sassy Lady Cocktails Bartender
- TK O'Malley's Expansion of indoor Entertainment License
- Scituate Maritime Fee Increase
- Award of DPW Contracts
- WinWaste Innovations, \$100,000
- GZA, Inc. \$\$88,650
- Beach Commision Bike Rack Presentation
- Beach Sticker and Violation Fees
- Award of Contract Collins Engineers Inc. for Cole Parkway Resilient Design and Engineering, \$394,500
- Town Counsel Rating and Appointment
- One Day All Alcohol for The Voyage @ Senior Center for Veteran's Day Event 11/11/23
- Approval of Meeting Minutes October 10, 2023

Select Board Meeting Minutes for October 24, 2023

SELECT BOARD

Maura C. Curran , Chair

Andrew W. Goodrich, Vice Chair

Susan J. Harrison, Clerk

Karen B. Canfield

Karen E. Connolly