

**MEETING OF THE SELECT BOARD
TUESDAY JANUARY 23, 2024 6:30 p.m.
SELECT BOARD HEARING ROOM – TOWN HALL**

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

Not in attendance Jim Boudreau, Town Administrator

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

A motion was made by Ms. Connolly at 6:30 p.m. to accept the agenda for January 23, 2024 second by Mr. Goodrich Unanimous Vote (5-0)

Roll Call Vote

Curran - yes

Goodrich - yes

Harrison - yes

Canfield - yes

Connolly - yes

Ms. Curran 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 – William Hoover, 34 Lighthouse Road, the seawall is deteriorating and the 18.6-year lunar cycle where the influence of the gravitational pull has an effect in 2025. This will accelerate the high tides. He would like to find out the status of the \$2M allocated in 2015 at Town meeting and what is being done. Ms. Curran said a contract was awarded at the last meeting to begin the design. The contract was signed and we are moving forward. The Governor announced the climate change initiatives for the State this week and hopefully this will be good news for the towns. Mr. Hoover asked about the timeline for the contract. Mr. Cafferty said the engineers are doing an evaluation. First priority is the most critical area of the seawall. Mr. Cafferty said this is a slow process with the permit approval requirements.

SCHEDULED ITEMS:

DPW CONTRACTS, Kevin Cafferty, DPW Director & Sean McCarthy, Engineering Supervisor

- Revise Capital Paper Recycling Contract for 2-year Extension \$450,000

The previous approval was only for one year so this contract is for an additional two years.

Move that the Select Board revise their vote for Capital Paper & Recycling from the January 9, 2024 meeting from \$100,000 not to exceed \$450,000 to extend the contract for an additional 2 years. Motion by Mr. Goodrich second by Ms. Harrison Unanimous Vote (5-0)

Roll Call Vote
Curran - yes
Goodrich - yes
Harrison - yes
Canfield - yes
Connolly – yes

- Contract Amendment for Revetment Repair Design & Permitting for Third Cliff to GZA GeoEnvironmental, Inc. \$229,168

The DPW Engineering Division together with Tetra Tech, the Town's FEMA Disaster Consultant and GZA our Permitting and Design Engineers have been working with State and Federal agencies to permit the repairs to the Third Cliff Revetment damaged during 4 declared federal disasters. Following a meeting in October 2023 onsite with the agencies, habitat restoration is being required as part of the regulatory approval process at the southerly end of Third Cliff, nearing the spit. GZA has been providing professional design and permitting services for Third Cliff including the preparation of an alternatives analysis as requested by the review agencies. Without success, we have been trying to separate any mitigation requirements from the repairs of the revetment, however FEMA will not continue to review the project until local and state agencies are satisfied with the design. There will be abutter interaction to access the area.

This contract amendment will include a detailed topographic survey of the area including wetland resource delineations, sediment sampling, nourishment design, obtaining easements from adjacent land owners and filing the necessary permits through the Massachusetts Environmental Policy Act (MEPA). This will require the review from at least 5 local and state agencies. Because this is being required by State agencies as part of the project, it will be 75% reimbursable from FEMA.

Ms. Connolly asked how many years this has been going on. This has been going on since 2012. Ms. Harrison thanked the DPW for the pictures. Ms. Holt said we received a 2007 reimbursement just last year in 2023. Alan Brown 49 Collier Road asked if the nourishment is done what would the estimate be for the seawall repair. Ms. Curran said after design then it would go out to bid with a timeline. Mr. Cafferty said we have been contacting state and federal representatives to move this along.

Move that the Select Board award the contract amendment for Third Cliff habitat restoration/nourishment Design and Permitting to GZA GeoEnvironmental of Amesbury, MA for \$229,168.00. Motion by Mr. Goodrich second by Ms. Harrison Unanimous Vote (5-0)

Roll Call Vote
Curran - yes
Goodrich - yes
Harrison - yes
Canfield - yes
Connolly – yes

Water Abatement Request 114 Mann Hill Road, Rich & Sherry Westelman

Rich and Sherry Westelman sent a letter to the Select Board regarding a water leak. There was excessive usage back in the fall. The abatement was granted for 26% of the fee that was billed. It still is a large amount and the Westelman's would like to request an additional abatement. The Westelman's said the water usage was 5 times normal with the leak but the fee was 20 times normal. They would like to take an average of the bill and adjust

20240123 sb meeting minutes

the rest. Mr. Cafferty said this could be considered under a hardship if the Board would like to consider. It gets tricky how we alter the policy to be fair to everyone. This is our original policy that was put in writing in 2014. Eric Langlan said the policy is a formula that the water departments applies. The tiered rates make the bill shoot up significantly. Mr. Goodrich said we should revisit the policy based on our current rate structure and to make sure everyone is treated the same. Ms. Harrison is interested in equity with a new policy and that everyone has access to the policy. Mr. Langlan said when there is a repair it is processed through the current policy. The tiered rates have created more of a challenge. Ms. Canfield said this is a demonstrated accident and not willful misuse of water. We do not want to adjust one off's because that is not fair. Ms. Connolly said as a homeowner she would say how do you know you have a leak in my toilet? The reason why we extended the last tier is to encourage conservation. Water used to be free and now it is a commodity. The Board did not intend to make a penalty a Tier 5 penalty. She agrees we need to put a policy together and apply to all residents. Ms. Curran said we will need a couple of weeks to amend the policy and asked the Westelman's to be patient while we do this. Ms. Curran asked Mr. Cafferty to prepare a draft to the policy for the Board to approve. Mr. Cafferty suggests that unintended hardships be granted an additional 20% discount. Ms. Canfield asked what the past usage would have been without the higher tier rates. Mr. Langlan agrees and he was looking at the normal rate and then adjust the difference.

Move to grant a request for a water bill adjustment based on the tier they are normally billed to be calculated by the water department for the property located at 114 Mann Hill Road in addition the Board has requested the DPW review and make recommendations to the Select Board to revise the existing policy ongoing for all residents Motion by Ms. Curran second by Ms. Canfield Unanimous Vote motion fails

Roll Call Vote

Curran - yes
Goodrich - no
Harrison - no
Canfield - no
Connolly – no

Move to request the DPW water and sewer bill abatement process last updated in 2014 be reviewed and make recommendations to the Select Board to revise the existing policy ongoing for all residents Motion by Mr. Goodrich second by Ms. Harrison Unanimous Vote (5-0)

Roll Call Vote

Curran - yes
Goodrich - yes
Harrison - yes
Canfield - yes
Connolly - yes

A member of the Select Board will work with the DPW regarding the changes to the policy.

DISCUSS/REVIEW Zoning Articles, Karen Joseph, Town Planner

- ARTICLE 16. Zoning Bylaw Amendment – Multiple Sections - 3A/MBTA Compliance
Section 3A MBTA Compliance is a housekeeping article. The zoning that was already revised to accommodate mixed use. Public Hearing on January 11th was held and there were no questions. They have already applied for the mandatory mixed-use district on December 20, 2023. There questions have

not been answered. Yesterday they applied for pre-approval. Ms. Joseph reviewed the changes to be requested at Town Meeting as outlined in the warrant article. The Select Board thanked the Town Planner and Planning Board for the excellent work on this. We are ahead of the curb on this. Ms. Lambert presented this to the By law review committee last night. Ms. Lambert said the zoning by laws do not fall under the general by laws. Ms. Curran agreed.

- **ARTICLE 17. Zoning Bylaw Amendment – Wireless Communication Antennas**
The Planning Board is clarifying the language and not changing anything else in the by law. This is a special permit. The applicant will have to demonstrate a need with the planning board.

FY25 Departmental Budget Reviews

- **Community Planning & Development**

- **Planning (175)**

Ms. Joseph said the department remains very busy with projects. There will be a new round in the spring. They treat everyone fairly and hold them to the same standard based on the by-laws. They meet with new people on all of their new projects so they can spend less time and money. Projects get peer reviewed by an engineer to make sure they meet the standards. They are seeing an increase in the number of accessory dwelling permit requests. The Board thanked Karen Joseph for her hard work.

- **Conservation (171)**

Ms. Holt provided the update for Conservation since there is a current vacancy. The position was advertised. Ms. Holt reviewed the accomplishments of the Conservation Department and Conservation Commission. Ms. Curran asked if we are using contracted help for inspections. Ms. Holt said this position was not filled. Ms. Connolly asked if there was money put in the budget for maintenance of open space. Ms. Holt said the conservation commission can access the money when they sort out their plans. Ms. Connolly said whoever we hire has to take the job seriously and needs to come up with a plan to be the proper stewards of the conservation land that we have. Ms. Harrison agrees we need better coordination of using the funds available.

- **Zoning Board of Appeals (176)**

Mr. Vogel is the Zoning Enforcement Officer and this budget is level funded. The challenge is don't change too much. As the town becomes more developed land is rarer. Zoning special permits, they are seeing more of this. People are tearing down small houses and building larger houses and require special permits. The Driftway corridor requires the zoning board weigh in also. There are several new members on the Zoning Board and the new members are coming up to speed. He is impressed with the Boar that we have right now. Ms. Curran said it is one of our more important boards in Town. Elizabeth Howie is the new ZBA secretary and Mr. Vogel is very pleased with Elizabeth. Ms. Howie is a great fit. Mr. Goodrich asked when the last time we looked at the fees for the zoning board. Mr. Vogel said it has been a long time.

- **Inspections (241)**

Mr. Vogel is the building inspector for Scituate. The compliance officer position has not been filled. The outside inspections and trade inspections are done by sub-contractors. Their rate is \$32 per inspection. This is not reimbursing them for the time they spend doing the inspections. They can do 3 inspections per hour. They have to take time away from their own companies to do this. They bill themselves out from \$130-\$160 an hour for their own businesses. This is a problem. Other surrounding towns pay higher rates. Norwell is paying \$45 going to \$52, Cohasset is paying \$45

and we are in the bottom tier. Mr. Vogel would like to see this increased to \$40 per inspection. Without these people we don't have a building department. These are paid for through the permit fees. Ms. Connolly said maybe we need to charge more for the permit fees. Mr. Vogel agrees with increasing the permit fees. Ms. Curran asked Mr. Vogel to put together a proposal sooner rather than later so we can get the fees where they need to be to support the inspections. The Board thanked Mr. Vogel for his work and the Board looks forward to the permitting adjustments.

Resident Susan Daileader asked why you can't have inspection fees be a separate line item. Ms. Holt said you can't do that with municipal finance.

- **Economic Development Commission (EDC) (182)**

Susan Daileader is a member of EDC. Their budget is level funded at \$46,000. They are trying to be more strategic and people can now apply for money from EDC. They are trying to be more proactive rather than reactive. Sue DiPesa does an awesome job. They are working on a survey to better understand what businesses and residents want to see. They are looking to hire a marketing firm in the future. They want to get a plan in place and then implement a plan. They have received three requests for 2024 to date; St. Patrick's Day parade, SHBA requested lights in the harbor. The Sister Cities requested money for the film festival series spending \$19,550 with \$28,000 remaining. They are working on a community leaders forum. Ms. Curran said the committee has evolved so much. Ms. Galvin said the co-producer grew up in Scituate. Ms. Canfield said in 2021 the combined meals and room occupancy was \$393K and in 2023 increased to \$587K, the trend is upwards!

- **FACTS (561)**

Annmarie Galvin said at the end of September we have ended our 10-year Federal Grant. Drug Free communities grant ended. There is money left over covered through the end of this fiscal year. It is a big increase from the past. She is most proud of the policy work done in Scituate. The recovery center established in Scituate is a big accomplishment and they were awarded a second recovery center in Weymouth. The overdose follow-up program was established here in Scituate with the Scituate Police Department e.g. Plymouth County outreach. Lives are being saved!! A lot of work has been done in Communications, partnering with the schools, etc. Another proud accomplishment is the Mental Health Interface referral service, available to all residents of Scituate and all ages. It is a mental health match service. The FACTS grant has covered this in the past. There is opportunity for some regionality going forward and collaboration. Ms. Curran thanked Ms. Galvin for all her work and accomplishments. For 15 years Scituate will receive funds from the OPIOD settlement. Ms. Holt said the multiple community grant that Drew Scheele is working on should be reviewed to include FACTS. Annmarie will follow up.

DISCUSS/REVIEW Archive Update, Jody McDonough, Archivist

There are three rooms downstairs and two are Town department short term service. One of the rooms is the truly historic documents back to the 1600's. They are open 4 hours a week and with two long term volunteers. Ms. McDonough brought t books published in the last five years. A citation was received from Lt. Governor Kim Driscoll for a tombstone recovered in Scituate and returned to Salem, MA. The roving archivist came to Scituate and prepared a report. Ms. McDonough responded to the roving archivist report. There were five areas addressed in the response.

1. Create a written collection policy,
2. Enhance security to collection storage areas and for on-site researchers.

3. Implement a collection management system and/or digital repository.
4. Improve environmental management and explore alternate location for archives.
5. Pursue professional connectivity and continuing education.

The biggest need is climate-controlled space for the archives. We have a 1653 document/ We have had two leaks in the basement. Mary Porter did a great archival room in the historical society building. Ms. Canfield noted how much progress Jody made based on the information. Ms. McDonough brings the technology experience and Betty Foster really pulled together the archives.

Award of Old Gates Adaptive Re-Use Feasibility Contract \$75,000, Nancy Holt, Finance Director/Town Accountant

Escalating costs has put housing affordability at a near crisis level for all demographics in Scituate. A large disparity exists between what many residents can afford and the housing that is available to rent or buy.

The “Old Gates School” was built in 1916 to accommodate 130 students. Over time, additions and "wings" were added to provide more space for an increasing population. By the 1970's the building encompassed 112,350 square feet. In 2012, the building was studied to determine the feasibility of continued use as a school, alternative use as a community center, or alternative use as Town Hall administrative and office space. Ultimately, the Town decided to construct a new Gates Middle School which opened in 2017. The option to retrofit the “B Wing” as the new Town Hall never materialized and that space has remained unused since 2017 however, the Scituate Food Pantry has a lease for the cafeteria in the B Wing. The Recreation Dept. uses the gymnasium and some space for offices and programs. In 2020, the “C” Wing was demolished to make room for a new Senior Center.

In July 2023, the Town applied for and was awarded a planning grant from the Executive Office of Housing and Livable Communities to conduct an “Adaptive Re-Use Feasibility Study” to determine the feasibility of converting the unused portion of the old school into multifamily housing including affordable and/or senior units. We received RFP’s from eight firms and a summary was provided for the Select Board.

The Town received \$67,000 in grant funds and pledged to commit \$8,000 in match. A Request for Proposals was advertised in October 2023 and the Town received eight proposals from qualified firms. The top two scoring firms were interviewed and the firm Bargmann, Hendrie + Archetype was selected as the most qualified. Ms. Curran asked if they would look at the recreation area. Ms. Holt said that we can include this in the kickoff meeting. Ms. Holt said this also includes outreach. The Board thanked Corey Miles for her work on this project.

Move that the Select Board award the contract for Adaptive Re-Use Feasibility Study for the Old Gates School to Bargmann, Hendrie + Archetype of Boston, MA for \$75,000 Motion by Ms. Curran second by Ms. Connolly Unanimous Vote (5-0)

Roll Call Vote

Curran - yes

Goodrich - yes

Harrison - yes

Canfield - yes

Connolly – yes

NEW BUSINESS:

1. MA Lottery KENO Monitor @ Sand Hills General Store

Move that the Select Board approve the installation of a KENO Monitor at the existing KENO To Go agent to display the game at Sand Hills General Store, 160 Turner Road. Motion by Mr. Goodrich second by Ms. Harrison Unanimous Vote (5-0)

Roll Call Vote

Curran - yes

Goodrich - yes

Harrison - yes

Canfield - yes

Connolly – yes

2. One Day Liquor Licenses

- a. Rivershed for Songwriter Festival @ GAR Hall on 1/27/24 6-10 p.m.
- b. H Cole Club for public event @ The Root, 405 First Parish Road on 1/25/24 6-8:30 p.m.
- c. H Cole Club for Cook Club Series @ Kitchen Spaces & Interiors, 50 Country Way on 1/30/24 6-8:30

- **Move to approve a One-Day Wine & Malt License to H Cole Club for an event at the Root, 405 First Parish Road, on January 25, 2024 from 6:00 PM to 8:30 PM.**
- **Move to approve a One-Day Wine & Malt License to the Rivershed for a Songwriter Festival at the GAR Hall, 353 Country Way, on January 27, 2024 from 6:00 PM to 10:00 PM.**
- **Move to approve a One-Day Wine & Malt License to H Cole Club for a Cook Club series at Kitchen Spaces & Interiors, 50 Country Way, on January 30, 2025 from 6:00 PM to 8:30 PM. A motion was made by Ms. Connolly and second by Mr. Goodrich to approve all three one day licenses. Unanimous Vote (5-0)**

Roll Call Vote

Curran - yes

Goodrich - yes

Harrison - yes

Canfield - yes

Connolly – yes

OTHER BUSINESS:

1. Liaison Reports

Ms. Connolly said the permitting will take 8-12 months for the Scituate Harbor Community Building aka Pier 44. Outreach continues with the various Boards & Committee's in Town.

Ms. Connolly said a design engineering contract was awarded for Cole Parkway.

Ms. Harrison said the new Mordecai Lincoln Property Committee held its first meeting. There is a walk thru on Sunday of the property and the next meeting is set up. There is a full septic system there that was installed in the 1970's. Ms. Harrison attended the MMA conference and got a lot of good information.

Ms. Curran attended the DEI meeting last night and they are looking at setting new goals and will present to the Select Board. The met with the new communications person.

2. Correspondence

Letter regarding water/sewer usage and is looking for a solution on the high-water bills.

Cedar Point Association regarding the seawall expressing appreciation but also inquiring how quickly things will get done and would like an update by January 30th with next steps on the project. Pictures were included from the last storm of the deterioration of the seawall.

Mass office of disability recognized Scituate for the new gangway at the Cole Parkway Marina.

Boston Globe article regarding the coastal homes quoted Corey Miles in a recent article.

Sucy en Brie Happy New Year letter to the Town of Scituate.

United Church of Christ in Norwell is holding a housing justice campaign and all the initiatives happening around the State.

3. Approval of Meeting Minutes

Move to accept the minutes for the Select Board meeting held on January 9, 2024. Motion by Mr. Goodrich second by Ms. Connolly Unanimous Vote (5-0)

Roll Call Vote

Curran - yes

Goodrich - yes

Harrison - yes

Canfield - yes

Connolly – yes

4. Adjournment and Signing of Documents

EXECUTIVE SESSION:

1. To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body. - Shellfish Aquaculture

Ms. Curran declares that the Select Board move into executive session pursuant to purpose 3 of the Open Meeting Law to discuss strategy with respect to litigation, and I declare that an open meeting may have a detrimental effect on the negotiating position of the Select Board in connection with this matter. The board will not reconvene in open session. – Shellfish Aquaculture

Move that the Select Board adjourn the open meeting and move into executive session at 9:11 p.m. pursuant to purpose 3 of the Open Meeting Law to discuss strategy with respect to litigation, and declares that an open meeting may have a detrimental effect on the negotiating position of the Select Board in connection with this matter. The board will not reconvene in open session. – Shellfish Aquaculture by Ms. Curran second by Mr. Goodrich Unanimous Vote (5-0)

Roll Call Vote

Curran - yes

Goodrich - yes

Harrison - yes

Canfield - yes

Connolly – yes

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for the January 23, 2024 Select Board Meeting

Agenda

Upcoming Meetings & Events

DPW Contracts

- Revise Capital Paper Recycling Contract for 2-year Extension \$450,000
- Contract Amendment for Revetment Repair Design & Permitting for Third Cliff to GZA GeoEnvironmental, Inc. \$229,168

Water Abatement Request 114 Mann Hill Road

Zoning Articles

- ARTICLE 16. Zoning Bylaw Amendment – Multiple Sections - 3A/MBTA Compliance
- ARTICLE 17. Zoning Bylaw Amendment – Wireless Communication Antennas

FY25 Departmental Budget Reviews

- Community Planning & Development
 - Planning (175)
 - Conservation (171)
 - Zoning Board of Appeals (176)
 - Inspections (241)
 - Economic Development Commission (182)
 - FACTS (561)

Archive Update

Award of Old Gates Adaptive Re-Use Feasibility Contract \$75,000

MA Lottery KENO Monitor @ Sand Hills General Store

One Day Liquor Licenses

- d. Rivershed for Songwriter Festival @ GAR Hall on 1/27/24 6-10 p.m.
- e. H Cole Club for public event @ The Root, 405 First Parish Road on 1/25/24 6-8:30 p.m.
- f. H Cole Club for Cook Club Series @ Kitchen Spaces & Interiors, 50 Country Way on 1/30/24 6-8:30

Correspondence

- Boston Globe Article January 18, 2024 “The Seas are Coming for Coastal Homes
- Resident Letter from Thomas Moore, 16 Gannett Road regarding water/sewer bill usage rates

Approval of January 9, 2024 Select Board Meeting Minutes

Select Board Meeting Minutes for January 23, 2024

SELECT BOARD

Maura C. Curran , Chair

Andrew W. Goodrich, Vice Chair

Susan J. Harrison, Clerk

Karen B. Canfield

Karen E. Connolly