

MINUTES OF MEETING

BOARD OF SELECTMEN

OCTOBER 16, 2012

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

Chief Brian Stewart, Acting Town Administrator
James Toomey, Town Counsel

1. The meeting was called to order at 6:30 PM.
2. ACCEPTANCE OF AGENDA

Mr. Harris made a MOTION that the Board of Selectmen VOTE to ACCEPT the Agenda for October 16, 2012. SECONDED by Mr. Murray. No discussion. Unanimous vote. (5-0)

3. DISCUSSION/ HUMAROCK PUBLIC BEACH BOUNDARIES

Mr. Norton stated that this is "not a complicated issue from the Town's point of view". He noted that David McDonough, 31 Harvard Street, approached the Town one and one half years ago after researching his and neighbor's property lines specifically as they relate to ownership on Humarock Beach. The Town agreed early in the summer of 2012 to delineate the 300 feet of beach that has been maintained and lifeguarded by the Town for the past fifty+ years. The signs were knocked down by vandals and will not be replaced. There are many rumors flying around about this situation, but the Town intends to keep using 150 feet to each side of the beach opening as public beach. Marilyn Howe, owner of Sands End Café, stated that her patrons are concerned they will not be able to walk Humarock Beach as they always have in the past. Mr. Norton stated that beachgoers walking on or sitting on a private portion of the beach will have to speak to the beach owner directly – it is not a Town problem. Mr. Murray noted the excellence of a recent article published in the Patriot Ledger on this matter. Tom McCusker, Gannett Pasture Lane, wonders how the Police would handle people walking a beach just like they have for the past one hundred years. Kenneth O'Brien, 48 Ocean Drive, asked if the Town was only interested the Town section of beach. Mr. Norton answered "correct – the 300 foot area we described". Discussion continued on adverse possession, beach cleaning, private rights litigation and the Town's cooperation with the beach associations. Mr. McDonough thanked the Board for placing this topic on tonight's agenda and stated that his real concern is "vandalism and theft". His home has been "egged" twice. He requests that a letter be included with the sold beach

stickers detailing the location of the public beach. He spoke about vulgarities occurring on the beach in front of his home and the potential of injuries to those walking on the seawall. He also spoke about the nasty language in the “blogs” regarding this issue. He said that he and other homeowners concerned about this issue are “your neighbors and are nice people” and are “not willing to be victimized”. The group of homeowners he represents think the beach signs should be replaced. Mr. Vegnani said he was “sorry” about the actions that have taken place in Humarock, but violent acts will be followed up by the Police Department – if they are able to catch it. Mr. Norton acknowledged that “one bad apple spoil it for everyone”. He thanked everyone for attending tonight’s meeting and hopes that the “air has been cleared” on this issue.

4. 7:10 PM/ MEET CONGRESSMAN STEPHEN F. LYNCH

The Selectmen invited Congressman Lynch to Scituate this evening to meet the Board and the residents. When re-districting recently occurred, the Town became part of the new 8th district and Congressman Lynch is our new representative. Congressman Lynch stated that the “big challenge” with a larger district is getting to know everyone and obtaining a sense of the key issues. He spoke about seawalls and the Water Resources Development Act. The Town of Scituate needs to get on the Act’s “list” to receive funding for seawall construction. He spoke about his humble beginnings in South Boston, his visits to the troops in Iraq and Afghanistan, his family on the South Shore, recent attendance at Heritage Days and his work with Chris Heron on a drug information presentation held at Scituate High School. Each of the Selectmen thanked Congressman Lynch for coming to Scituate and keeping our community’s concerns at the forefront.

5. 7:30 PM / MEET APPLICANTS, Public Facilities Master Plan Steering Committee, Public Building Commission, Community Preservation Act Committee – Recreation Commission representatives

Mr. Norton spoke about the “make up” of the new Public Facilities Master Plan Steering Committee. He clarified that this Committee will not usurp the duties of the Public Building Commission.

Community Preservation Act Committee – Recreation Commission representatives – Maura Glancy has worked part-time at the Recreation Department for many years. Bill Blake is an Associate Member on the Commission and would like to serve as the group’s co-representative on the Committee.

Page Three

Board of Selectmen – Minutes of Meeting – 10/16/12

Paul Scott – “at large” applicant - 6th generation resident of Scituate who wants to make certain the Town has the facilities it needs for the future and that this is balanced by the ability to pay for it. He was employed by the Town for 38 years and is familiar with all its public buildings.

Doug Anderson – “at large” applicant - has served on the Pier 44 Committee and professionally is familiar with building code accessibility issues.

Craig Mutter - “ at large” applicant has been an architect for 20 years and feels he can bring his professional experience to this Committee. He has much experience in working with historic structures and building re-use.

Jacqueline Carr – member of the Public Building Commission and would be their liaison on the Committee.

Richard Mitchell - member of the Council on Aging and would be their liaison on the Committee.

Jennifer Morrison – “at large” applicant and currently a member of the Economic Development committee and Friends of Scituate’s Future.

Victor Milligan - member of the Economic Development Commission and would be their liaison on the Committee.

Richard Hebert - member of the School Committee and would be their liaison on the Committee.

Michael Heger – applicant for the Public Building Commission. He has been in the building industry for over 30 years and would like to participate.

6. DISCUSSION/ VOTE/ New Drainlayer’s License/ L. Costello

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to GRANT a Drainlayer’s License to Leo Costello, Laminar Construction, 29 Longmeadow Road, Scituate, MA. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

7. DISCUSSION/ VOTE/ ONE DAY WINE & MALT BEVERAGES LICENSE/ Joshua’s Run /
10/20/13

Ester Blacker, event organizer, stated that this is the 16th year of the event and the one day license is for the post-race party at St. Mary’s Parish Center. To date, the event has raised \$413,000 for the Jimmy Fund.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT a One Day Wine & Malt Beverages License to Joshua's Run for a fundraising event to be held at St. Mary's Parish Center, One Kent Street, on Saturday, October 20, 2012 from 11 AM to 4 PM. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

8. WALK-IN PERIOD – None

9. DISCUSSION/ VOTE/ WATER RATES/ A. Bangert (continued from 10/2/12 meeting)

Mr. Norton announced that this would be a continuation of the discussion on water rates that began at the October 2, 2012 Selectmen's meeting. Al Bangert, Director/ Department of Public Works, Jim DeBarros, Supervisor/ Water Division, Kevin Cafferty, Supervisor Engineering Division and John Clarkeson, Chairman/ Water Resource Committee were present. Mr. Bangert reviewed the history of the 111 year old water mains and the resulting brown water. He explained that water rates must carry the financial burden of water main replacement in the Town because water is an enterprise fund and as such, users must pay for "the fix". Mr. Bangert reviewed what a 35% hike in water rates would fix (one well repair and replace 8.6 miles of pipe) versus a 10% increase (one well repair). He noted that a 35% increase to water rates would mean for a family of 2 - \$68/year and a family of 4 - \$135/year. A 10% increase would mean for a family of 2 - \$20/year and a family of 4 - \$39/year. Discussion continued on why the well repair could not come out of the Capital Plan and the importance of filtering the manganese out of the water. Mr. Bangert noted that the most important pipes to replace are on Rebecca Road and the Lighthouse Point area. They are the oldest pipes and the furthest away from the source – "they stir everything up". Discussion continued on two miles of pipe being replaced yearly (due to traffic problems) at \$1 million/mile and the dire need to repair well #17. The Selectmen voiced concern over an increase as large as 35% for water users when there are so many other projects the Town is trying to fund. Mr. Bangert encouraged the Selectmen to consider a 20% increase, which would allow one pipe replacement job to commence while the engineering can move forward on the next replacement job. Mr. Harris asked about replacing pipe in two different areas at once. This could be done and would require two, separate contracts. Mr. Murray encouraged the Board to "do more right now". Mr. Vegnani spoke about the Board increasing the water rates by 5% over the past five years – "it is very good, but we are trying to solve a 100 year old problem – it is difficult to have this happen so quickly". Discussion continued on the filter coming out of the Capital Plan versus the water rate increase. Mr. Clarkeson stated that the Water Resource Committee "fully supports the 35% (water rate) increase". He "understands the economic climate and

sympathizes on the other projects, but no one sees what is under the ground and we need a viable infrastructure. Buildings are secondary to the infrastructure that supports them.” Ms. Ann Burbine, 10 Pennycross Road, agrees with Mr. Clarkeson. She feels this is a matter of “public safety”.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to INCREASE water service and usage rates by 15% effective October 16, 2012. SECONDED by Mr. Danehey. Discussion - Mr. Danehey is concerned about the larger families – they use the water, but they may not be able to pay for it. Mr. Murray withdrew the motion and Mr. Danehey withdrew the “second”.

Mr. Harris made a MOTION that the Board of Selectmen VOTE to INCREASE water service and usage rates by 10% effective October 16, 2012. SECONDED by Mr. Vegnani. Discussion - Mr. Harris believes that the Selectmen are doing something by means of doubling the usual percentage voted annually. He commended Mr. Bangert, Mr. Cafferty, Mr. DeBarros and Mr. Clarkeson on providing all the supporting documents. Mr. Harris, Mr. Danehey, Mr. Vegnani and Mr. Norton voted “yes”. Mr. Murray voted “no” . The motion carries (4-1).

10. DISCUSSION/ VOTE/ NOVEMBER 13, 2012 SPECIAL TOWN MEETING WARRANT

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 1 of the Special Town Meeting. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 2 of the Special Town Meeting. SECONDED by Mr. Murray. No discussion. Unanimous vote. (5-0)

John McCarthy, Superintendent of Schools, Paul Donelan, Director of Finance/ School Department, and Brenda Bowen, Chairperson/ School Committee were present at tonight’s meeting. Superintendent McCarthy explained the timeline and process by which the Massachusetts School Building Assistance program would assist by reimbursing \$41% of the \$750,000 cost for the Gates Intermediate School feasibility study.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 3 (formerly #8) of the Special Town Meeting. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 4 of the Special Town Meeting. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 5 of the Special Town Meeting. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 6 of the Special Town Meeting. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 7 of the Special Town Meeting. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 9 of the Special Town Meeting. SECONDED by Mr. Harris. Discussion - The new Capital Stabilization Fund will be created by \$100,000 from Free Cash. No further discussion. Unanimous vote. (5-0)

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 10 of the Special Town Meeting. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 11 of the Special Town Meeting. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

Mr. Murray stated that Article 12 will be moved to the Annual Town Meeting.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 13 of the Special Town Meeting. SECONDED by Mr. Harris. Discussion – The Board approved of an amendment that was added by the Town Planner. Unanimous vote. (5-0)

11. DISCUSSION/ VOTE/ LIQUOR LICENSE FEES

The Assistant's memorandum detailed an (1) increase in cost to deliver service, (2) benchmark communities for comparison purposes (10 communities of comparable populations to Scituate), (3) recommended increases and (4) revenue information and

projection for 2013.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to ACCEPT the recommended liquor license fee increases with the exception of the VFW(reduce to \$375) and the Administrative “license change” fee as presented effective October 17, 2012. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

12. ASSIGNMENT OF SPECIAL TOWN MEETING ARTICLES/ Board of Selectmen

The Selectmen chose Special Town Meeting articles to represent on November 13, 2012.

13. RESCIND VOTE/ DISCUSSION/ NEW VOTE/ Conservation Land (2) Parcels

Mr. Murray made a MOTION that the Board of Selectmen VOTE to RESCIND their prior vote on the McDermott property. SECONDED by Mr. Harris. Discussion – vote needs to be rescinded because Selectmen accepted it on the Town’s behalf and only Town Meeting can vote to take that action. The Selectmen can vote to place land in the care and custody of the Conservation Commission. No further discussion. Unanimous vote. (5-0)

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to ACCEPT a donation of land (Parcel #32-1-14-F-R/ McDermott) on behalf of the Town of Scituate to be placed in the care and custody of the Conservation Commission. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to ACCEPT a donation of land (Parcel #21-3-2-0 R/ Laverty) on behalf of the Town of Scituate to be placed in the care and custody of the Conservation Commission. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

14. ANNOUNCEMENT/ Barbara Pearson Award

The North and South River Watershed Associations’ Barbara Pearson Award has been awarded to the Town of Scituate’s Water Department for their “efforts in working to restore flows and herring to the First Herring Brook”.

15. APPOINTMENTS

1. Public Facilities Master Plan Steering Committee

Mr. Danehey made a MOTION that the Board of Selectmen APPOINT the following

individuals to the Public Facilities Master Plan Steering Committee: Richard Hebert (School Committee), Richard Mitchell (Council on Aging), Mary Ellen Gaziano (Board of Library Trustees), William Blake & Maura Glancy (co-liaisons for Recreation Department), Victor Milligan (Economic Development Committee), William Limbacher (Planning Board), Jacqueline Carr (Public Building Commission), Kevin Kelly (ex-officio member – Facilities Director), Jeffrey Dougan (Commission on Disabilities), Jennifer Morrison (“at large” member), Paul Scott (“at large” member), Karen Pritchard (“at large” member), Craig Mutter (“at large” member) and Doug Anderson (“at large” member). **SECONDED** by Mr. Murray. No discussion. Unanimous vote. (5-0)

2. Public Building Commission

Mr. Murray made a **MOTION** that the Board of Selectmen **APPOINT** Michael Heger to the Public Building Commission. **SECONDED** by Mr. Danehey. No discussion. Unanimous vote. (5-0)

3. Community Preservation Act Committee

Mr. Harris made a **MOTION** that the Board of Selectmen **APPOINT** Rob McCarry and David Smith as co-liaison members (1 shared position) of the Community Preservation Act Committee. **SECONDED** by Mr. Murray. No discussion. Unanimous vote. (5-0)

4. Election Workers

Mr. Danehey made a **MOTION** that the Board of Selectmen **APPOINT** the following election workers per the recommendation of the Town Clerk: Lisa Fenton, Walter Scott Roberts, Julie Chapman, Richard Judge, Kathleen Judge, Ellen Kelly and Christopher Mirarchi. **SECONDED** by Mr. Vegnani. No discussion. Unanimous vote. (5-0)

16. OTHER BUSINESS

Correspondence – Press Release – “Scituate Town Library Receives \$5 Million Library Construction Provisional Grant for Addition and Renovation”. Board of Health e-mail regarding the “Lifting of Outside Activities, Frost Criteria Reached” dated October 16, 2012.

Mr. Murray made the **MOTION** that the Board of Selectmen **VOTE** to **ACCEPT** the Regular Session minutes for August 7, 2012. **SECONDED** by Vegnani. No discussion.

Murray, Vegnani, Harris and Norton voted in favor of the motion. Mr. Danehey did not vote (not present at the meeting). The vote carries. (4-0)

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Executive Session minutes for August 7, 2012. SECONDED by Mr. Harris. No discussion. Murray, Harris, Norton and Vegnani voted in favor of the motion. Mr. Danehey did not vote (not present at the meeting). The vote carries (4-0)

Other Business – Mr. Danehey recognized the Transfer Station staff for assisting an elderly resident to dispose of her trash. He attended a Safe Routes to School “ribbon cutting” ceremony at Hatherly School today and he especially noted the work of resident Barbara Lydon on the project. The recent Fall for Scituate event in North Scituate was a great success. Mr. Vegnani noted the excellent drug information presentation at the High School given by Chris Heron, a former drug addict.

Mr. Harris recognized his daughter Melissa in tonight’s audience. Mr. Murray thanked Chief Brian Stewart for “standing in” as Acting Town Administrator. Halloween in the Harbor is on October 31st from 4 PM to 5:30 PM. Mr. Norton attended a Board of Health meeting last evening at which the wind turbine was discussed. He wants to assure the residents of Third Cliff that the Selectmen are “100% behind the concerns of the residents and will continue to be”, as well.

17. ADJOURNMENT & SIGN DOCUMENTS

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ADJOURN the meeting at 9:01 PM. SECONDED by Mr. Harris. No discussion. Unanimous vote.(5-0)

BOARD OF SELECTMEN

Joseph P. Norton, Chairman

Richard W. Murray

John F. Danehey

Anthony V. Vegnani

Shawn Harris

Respectfully submitted,

Kimberley A. Donovan, Executive Assistant

October 16, 2012 Board of Selectmen's Meeting – List of Documents

- Humarock Beach Ownership Chronology
- Letter dated 6/13/12 from Town Counsel re: Humarock Beach ownership
- State document titled "Public Rights/ Private Property"
- Informational page on appointment interviewees for meeting
- Memorandum dated 9/10/12 re: Public Facilities Master Plan Steering Committee from the Town Administrator
- Proposed Charge – Public Facilities Master Plan Steering Committee
- Letter dated 9/18/12 re: Public Facilities Master Plan Steering Committee from Superintendent John McCarthy
- e-mail from Chairman, Council on Aging, dated 9/24/12
- e-mail from Mary Ellen Gaziano, Board of Library Trustees dated 9/23/12
- Letter dated 9/21/12 from the Recreation Commission Chairman, Chris Roberts
- e-mail dated 9/17/12 from Chris McConaughy, Economic Development Committee
- Letter dated 9/18/12 from William Limbacher, Planning Board
- e-mail dated 10/10/12 from Ed DiSalvio, Chairman, Public Building Commission
- e-mail dated 10/16/12 from Jeffrey Dougan, Chairman, Comm. on Disabilities
- applications from: Jennifer Morrison, Paul Scott, Frank Judge, Karen Pritchard, Craig Mutter, Doug Anderson, Michael Heger
- Memorandum from R. Rowland, Supervisor/ Sewer Division dated 9/20/12 and drainlayer application for Leo Costello
- Memorandum from Jennifer Sullivan, Director of Public Health re: drainlayer applicant
- One Day Wine & Beer application for Joshua's Run submitted 10/11/12
- Memorandum from John Clarkeson, Chairman / Water Resource Committee dated 9/25/12 re: Water Rate Impacts
- "Topic: Water Rate Increase" submitted by Al Bangert, Director, DPW
- Power Point Presentation – "Water Infrastructure Improvements" / Al Bangert, DPW
- November 13, 2012 Special Town Meeting Warrant
- "Selected Background Information for 11/13/12 Special Town Meeting" submitted by Town Administrator
- Memorandum dated 10/10/12 from Executive Assistant re: Liquor License Fees
- Spreadsheet of Liquor License Benchmarks for 2012
- List of Special Town Meeting articles for Selectmen assignments
- Information on McDermott and Lavery properties for acceptance by the Town on behalf of the Conservation Commission – includes memorandums from Conservation, property maps, "field cards" and tax information
- Motions for appointments

- Memorandum from Town Clerk dated 10/16/12 regarding supplemental election volunteers
- Press Release dated 10/4/12 re: Scituate Town Library Provisional Grant
- e-mail dated 10/16/12 from Board of Health re: Lifting Ban on Outdoor Activities
- Regular and Executive Session meeting minutes for 8/7/12 & Exhibits