

**Meeting Minutes
Board of Selectmen
March 4, 2014**

In Attendance: Chairman Shawn Harris, Vice-Chairman Anthony Vegnani; John Danehey; Martin O'Toole.

Absent: Richard Murray

Also in Attendance: Nancy Holt; Finance Director

The meeting was called to at 7:00 p.m.

Acceptance of Agenda – The Board voted to accept the agenda.

Walk-In: David Ball, Rebecca Road, updated the Board on the status of flood map legislation. The House of Representatives are debating the House version of the Bill which is different from the Senate version. If it passes, then the differences will have to be worked out; however Mr. Ball is hopeful that things will move forward favorably. He thanked the Board of Selectmen for the support as well as Senator Hedlund, Representative Cantwell and Congressman Lynch. Chairman Harris thanked Mr. Ball for his hard work as well.

Steven Bjorklund, 15 Capt. Daniel Litchfield Road. Mr. Bjorkland discussed Judge Cushing Park Way where Judge Cushing's tomb is off Neal Gate Street. There are funds in escrow to pave the road and he is working with the Commonwealth to redo the entire road – 2" course of asphalt. He is requesting a letter of support from the Board asking that the Commonwealth pave the entire way. This will provide better access to the park. Mr. Bjorkland was asking for a letter of support from the Board to ask the state to do this. The Board will place this on its next agenda for a vote to support.

Discussion/Vote Ballot Question for Election of Planning Board Member. Town Clerk, Kathleen Curran informed members that Eric Mercer has submitted his resignation from the Planning Board. Ms. Curran is requesting that the Board vote to place this vacant position on the ballot for the May 31, 2014 Town Election. Position 1 for 2 years (remainder of the term).

John Danehey MOVED that the Board of Selectmen include on the May 31, 2014 election ballot the election of a Planning Board Member. SECONDED by Martin O'Toole. All in favor. Unanimous vote. (4-0).

Discussion/Vote Minor Activities Permit Fee. Conservation and Natural Resources Officer Patrick Gallivan requested that the Board vote to institute a fee for small repair projects, such as storm clean-up along the beach or small projects in the wetland buffers. This would expedite the work to be done for the homeowner and save much work that these minor filings cause the Conservation Office. A \$25 or \$30 fee is less costly than fees required for NOI (Notice of

Intent) or RDA (Request for Determination) fees. Mr. Vegnani asked who would determine if the project fell under the category of Minor Activity. Mr. Gallivan makes that decision. Mr. Gallivan stated that the Conservation Commission could put in writing to be included in their regulations what would fall under this category and whose charge it would be. Chairman Frank Snow was hoping that the revenue from this fee would be able to go into a special fund to maintain Conservation land and trails. Nancy Holt, Finance Director, explained that this revenue would have to go to the General Fund and perhaps something could be built into the budget for this purpose.

The Board asked that the Mr. Gallivan to provide a potential listing of projects that would fall into this category and this would be placed on the Agenda for March 11th for a vote.

Review/Petition Articles for Annual Town Meeting:

Funds for Senior Center Needs Assessment. Present for this discussion is the Petitioners: Joanne Ball, Rebecca Road and Ellen Bernardi, 616 Hatherly Road who are representing the Friends of Scituate Seniors. Ms. Bernardi explained their concerns with regard to the need for a new Senior Center in Scituate and requested the Board's support for their petition article for \$25,000 in funds to do a needs assessment of seniors in Scituate. Chairman Harris noted the amount requested is \$25,000 and the Town has \$19,000 from a previous Town Meeting, so this would be an additional \$6,000. Mr. Vegnani stated his support of this. He inquired if this study would be service based or space based? Ms. Bernardi said it would be both. It would address the questions of what are our needs and what is the space needed for those needs. The Selectmen explained that they would not be voting on warrant articles this evening. This was an opportunity to present before the Board. However, Mr. O'Toole and Mr. Danehey also stated their support. The Board thanked the Friends for their presentation.

Review/Petition Article Seawall Funding. Present for this petition article was Dave Ball, Rebecca Road, Scituate Coastal Coalition, and Bill Graham, 14 Tilden Avenue, also a member of the Scituate Coastal Coalition. The petitioners are requesting \$1,000,000.00 for the purpose of repairing, reconstructing or maintaining existing foreshore protection structures in the Town of Scituate. The Scituate Coastal Coalition is sponsoring this article. Mr. Graham showed the Selectmen photos of seawalls in need of repair throughout the Town. Mr. Ball stated that the Edward Foster Road seawall built by the Commonwealth in 1910 – repaired after Blizzard of 1978. Lighthouse Road (at neck) – ocean side - seawall was built in 1907. Oceanside Drive – was a WPA Project – built in 1933. These are just four of the seawalls in Town with visible damage over the last two years. There are no funds to move forward with these repairs – all have been spent on emergency repairs. The proposed \$500,000 in this year's Capital Plan is clearly not enough to tackle the problem. A 2011 seawall study said that the repairs to the seawalls would cost \$52 million. Needs have only increased in the last three years. This \$1 million will only scratch the surface. Seawalls protect infrastructure.

Mr. Ball had some suggestions where he feels revenue could be directed toward the seawall funding request. Selling the Minot Fire Station is one. Mr. Harris asked Ms. Holt if this would be possible. She said that it depended on any original deed restrictions and other factors whether or not the revenue from the sale could be used for seawall repairs. MGL Chapter 44 Section 53 stipulates that proceeds from sale of town-owned land have to be retained and used for the purpose only of purchasing more property. Another suggestion brought forth by Mr. Ball is the revenues from the wind turbine and solar array. Also revenue from the new meals tax was a possibility, although he understood this was accounted for already in the Capital Plan. Mr. Ball feels that the purchase of a Trolley proposed in the Capital Plan should not be funded this year. That money should be put towards the seawall repairs.

Mr. Ball went on to state that in the last round of seawall grants from the state, the towns who had shovel ready projects partially funded were awarded money. Scituate does not and therefore we were not awarded any grants. Mr. Vegnani asked Representative Cantwell if this was the case. Representative Cantwell said there were many factors; the large number of applications; the amount of grant money. He was reluctant to say that it was only that Scituate did not have a plan. Mr. Danehey stated that the Board needed to know if it was a key factor so that the Town could build seawall repairs into their budget – whether it be capital plan or operating budget or debt exclusion – if the Town needs to have a shovel ready project in order to qualify for these grants.

Kevin Cafferty, Acting DPW Director, stated that at this point, the Town does have an RFP out for seawall repairs. Also, a Coastal Specialist who works on seawalls has been tied into the RFP. He has spoken with the grant coordinators and there is a class he will be attending on this. The first round was “shaky”. Many of the communities had Coastal Zone Specialists to assist with the grant application. Also he pointed out that economically underdeveloped areas were given consideration. Mr. Cafferty thinks that we will be in much better shape for the next round of grant applications.

Mr. Graham said that there have been three failures in the last four years of seawalls. The Town must think of the safety of all individuals who have to rescue residents when a seawall fails. He would like that it be stipulated that the funds be designated to repair and replace seawalls – not be used to absorb the 25% match from FEMA, which was designated for stone revetment and road repair. Mr. Ball noted that homes and business in the coastal area provide 25% of the tax base and tourism which brings in a great deal of revenue will be affected if this problem is not addressed.

Mr. Vegnani noted that the Town has allocated money for seawalls in the last several years. This is a problem which cannot be addressed through the operating budget or the capital plan. The solution would most likely be a debt exclusion; if that is the direction the Town wants to take. Coming before the Board year after year for \$1 million is not the answer. Mr. Ball said that he is hopeful that if the Town has a plan in place, the grant money will follow.

Mr. Danehey agreed that the Minot Fire Station could be a possible source of revenue. Deed restrictions and zoning issues could affect that, however. He noted that while Mr. Ball may find the trolley proposal unnecessary, but it would be a big boost for the businesses. There are a lot of factors that will come into the Board's vote to support or not.

Mr. Ball wanted the Board to know that in the event the \$500,000 in the capital plan is approved, and as long as that money is not set aside for a FEMA match, but is actually put toward a repair program, they would reduce the amount of their petition article to \$500,000. They want a total of \$1 million – not \$1.5 million.

Mr. O'Toole pointed out that this is a Town wide problem, not just a problem for those who live along the coast, and much like the water pipe problem, it needs to be addressed.

Update/Discussion/Proposed Water Main Improvements. Kevin Cafferty, Acting DPW Director, and Sean McCarthy, Interim Town Engineer gave a status report on this project. See attached Schedule on the Phases of the project.

Discussion/Vote Beach Stone Contract. Present for this discussion is Kevin Cafferty.

Mr. Vegnani MOVED that the Board of Selectmen vote to award the contract for Beach Stone to Read Customs Soils, LLC in the amount of \$25 per ton for repair of the berm at Musquashicut Pond for a minimum delivery of 1500 tons. SECONDED by Mr. O'Toole. All in favor. Unanimous vote.

Discuss/Review South Shore Regional School District FY 15 Budget and Stabilization Fund Request.

This item was postponed to the March 11, 2014 Meeting.

Discuss/School Department Budget. Present for this discussion was Superintendent John McCarthy; Finance Director Paul Donlan, and School Committee Chair Richard Hebert and member Brenda Bowen. Mr. McCarthy reviewed the budget process that was followed for development of the school budget this year. A 4.4% increase is reflected in the budget for FY 15 based on the Financial Forecasting Committee guidelines. The majority of the increase was in personnel; about \$1.1 million is contractual increases. Funding of a School Resource Officer is also included. This will replace the DARE Officer. Scituate is one of the few districts without a School Resource Officer position. The Town Administrator and Chief of Police are in agreement with this new position. 80% of this position will be funded by the School, since the officer will be at the schools 80% of the time. Also being requested are two new part-time bus drivers in order to change the tier system from four to three. The budget also includes four new Special Education teachers at each of the elementary schools. Keeping students in district to save the out-of-district expense is paramount. This will help to build the Special Education program in Scituate. Other additions to the budget: 1.2 teachers to the high school. The student

enrollment at the High School is the only population that is increasing at this time. Elementary student population is going down right now. Student/teacher ratio is where it should be. The School Department is also exploring the potential to put the Library and Media Specialist back at Gates. Right now the only one is at the high school.

The Board was directed to the Benchmarking Data provided and the outstanding performance of Scituate Schools.

Board members congratulated Superintendent McCarthy on the budget presentation and the ease with which they could follow along in the backup materials provided. One of the best they have seen in the last several years.

Mr. Vegnani questioned the METCO program. He had heard that it was going away. Superintendent McCarthy explained that the grants have been relatively flat for the last few years. It is still active, and we currently have approximately 60 students in the METCO program. This is a positive program not only for the students, but for Scituate. It is the hope that the grant money from the Commonwealth will improve.

DISCUSSION/REVIEW/ZONING ARTICLES. Present for this discussion was Town Planner Laura Harbottle; John Clarkson, Chair of the Water Resource Committee; Richard Taylor, Planning Board Member and Planning Board Chair William Limbacher .

Water Resource Protection District: Mr. Clarkson explained that DEP is requiring Scituate to adopt new zoning to protect its groundwater and surface drinking water supplies. A new map must be adopted showing these as separate resources. Maps are on display here at Scituate Town Hall.

Surrounding communities in the South Coastal Water District are being required to adopt similar bylaws.

Mr. Clarkson explained that the Board will be voting an entirely new Water Resource Protection Article, rather than amending the existing one.

Village Business Overlay District. Last fall, property owners petitioned that this district be extended over lots on the Driftway from Herring Brook Mall to South Shore Auto Parts. It was remanded back to the Planning Board for further study. The Planning Board and MAPC's Economic Development are in favor of extending this zoning. What has changed since this zoning amendment was first introduced is that the MBTA will be selling the property on the east side of Driftway (parking lot east of the station). If the lot is sold, under this zoning amendment the area could contribute to the tax base in terms of retail, commercial and housing opportunities and having this type of zoning would be helpful in accomplishing this.

Chairman Harris asked by voting this change, what could we expect to see? Ms. Harbottle said there would be mixed use development, which is not allowed at present and higher density of residential. It would be unrestricted, but denser.

There are maps on display in Town Hall to explain this district.

Medical Marijuana Dispensaries. This is a follow-up on the moratorium which was adopted in April, 2013 on medical marijuana dispensaries and will expire in May. This proposed article will allow marijuana dispensaries in the commercial district by special permit from the Planning Board with that restriction and any conditions imposed. Right now there is no zoning to control where these are located.

Chairman Harris asked what would happen if nothing was done on this issue before the moratorium expired. Ms. Harbottle stated that these buildings are large steel buildings – not attractive - we could have a dispensary on Front Street, North Scituate or in Greenbush if this issue was not addressed. This zoning would keep them in the Commercial District.

NEW BUSINESS: Release the Walnut Tree Hill Bond. Discussion: Upon advice of Town Counsel the Board was advised to approve this release.

Mr. Danehey MOVED that Board of Selectmen approve the release of the Walnut Tree Hill Bond in accordance with the Tri Parte Agreement. SECONDED by Mr. Vegnani. All in favor. Unanimous vote. (4-0).

DISCUSSION/REVIEW/COMMUNITY PRESERVATION ARTICLE. Present for this discussion were Lisa Fenton, Chair, Community Preservation Committee. Ms. Fenton stated that she was pleased to note that Scituate received additional money from the Commonwealth on top of the 28% the Town received in the previous year (\$680,000). This year CPC is putting forward five applications for consideration.

Mossing Shed Relocation. This project involves moving the Mossing Shed from the Scituate Marine Park to the Mossing Museum location on the Driftway. Dave Ball, President of the Scituate Historical Society, explained that they plan to attach it to the main museum, which would result in an expansion of exhibit space. The funds for this are currently \$18,530. This figure may change slightly. The Historical Society will be paying a certain percentage of the costs. There is a previously approved CPC request to move both the Moss Shed and the Boat House. The Boat House was moved. There is some money left on the books, since the Moss Shed was not relocated on the Scituate Marine Park location.

Damon Memorial. This is the only open space acquisition CPC is recommending this year. The cost is \$784,000 for 37.7 acres of buildable open space and construction of a small parking area as well as reimbursement of legal fees. Frank Snow of the CPC presented this item. This property abuts the South Swamp. It is adjacent to the Crosbie property which was previously

purchased with CPC funds. Mr. Snow explained that this property would be a wise purchase, as it could potentially be a 26 lot development, and this purchase is in line with previous land acquired for open space in this area.

Mr. Danehey asked if the CPC considered this for recreation vs Open Space. The Town needs fields, and he feels this would be a great opportunity for mixed use – farming – open space - recreation. Mr. Snow explained that the Damon family has agreed to sell this at a reduced price with the understanding that this be conservation/open space. The possibility of fields was never discussed at this location. Mr. Danehey feels strongly that through CPC the Town has acquired, year after year, property for open space while the Town still remains in dire need of fields. He would have liked to see Recreation as part of this application. He also has an issue regarding the Conservation Restriction on this property.

Preservation of the Bailey Ellis House. Lisa Fenton introduced Robin Glazier of the Scituate Arts Association. The CPC has recommended \$79,000 for the restoration and preservation of the Bailey Ellis House. This is a 19th century home built in the late 1800's which is owned by the Town of Scituate. Currently it is used by the Scituate Arts Association which is a non-profit group. They have an excellent reputation of applying for and receiving grants for updating and renovating this house.

Chairman Harris expressed his appreciation for the Scituate Arts Association and their good work of caring for and maintaining this structure.

This money will be for site improvements: basement/foundation improvements (drainage) and roof improvements (new roof, gutters and downspouts, etc.).

Skate Park Renovation. CPC has approved this application in the amount of \$406,114 for the complete renovation of the skate park. Present for this discussion was Chris Roberts, Chair of the Recreation Commission. The plan is to keep the park in the same location. The School Department is in favor of the current location as well. The new designs of these skate parks and the materials used almost guarantee that there will be no major maintenance for ten to fifteen years. The Steverman and Hoffman families are in agreement with this project.

Tilden Multi-Use Trail. This application was put forth to the CPC by a neighborhood group. The committee recommends \$375,000 for the creation of a trail on Tilden Road. Dave McDonough and Jacqueline Carr were representing the neighborhood group to speak to this project. Tilden Road is a very old, narrow scenic road. Preliminarily, this group met with Al Bangert, retired DPW Director, to discuss any plans for a sidewalk. Both the Sidewalk Committee (in 2007) and the Master Plan (in 2009) identified the need for a sidewalk in this area. The group has met door-to-door with residents who support this project and would not object to sacrificing some of their own frontage if necessary. They want to protect the integrity of this scenic roadway. Phase I would be between Beaver Dam Road and Turner Road. Phase II Tilden Road to Brook Street. Phase I and II estimate is approximately \$543,000. Engineering

process would determine which side of the road the sidewalk would be on. Phase III would require involvement with MBTA.

This concluded the CPC project requests for FY 15. The total figure put forth by CPC this year is \$1.662 million. Mr. Vegnani asked Ms. Fenton what the total figure was that we received through taxes and from the Commonwealth. Ms. Fenton stated it was \$1.68 million, so basically we are spending everything brought in this year. There is \$3 million of unencumbered funds in the reserves that will not be touched this year.

The Board thanked Ms. Fenton for her presentation.

Appointments.

Mr. Danehey MOVED that the Board of Selectmen appoint Sean McCarthy, Interim Town Engineer, to South Shore Regional Recycling Cooperative. SECONDED by Mr. Vegnani. All in favor. Unanimous vote. (4-0)

Mr. Danehey MOVED that the Board of Selectmen appoint Linda Hayes to the GATRA Advisory Board. SECONDED by Mr. Vegnani. All in favor. Unanimous vote (4-0).

DISCUSS/REVIEW/SELECTED TOWN MEETING ARTICLES.

Town Pier Rehabilitation Warrant Article. Present for this discussion was Mark Patterson, Harbormaster. The rehabilitation of the commercial fish pier was put out to bid. Five companies responded however, unfortunately, all of the bids were higher than the contracted engineer's estimate and thus over budget. The Seaport Advisory Council, who awarded the Town of Scituate a grant of \$325,000 (80% of this project), has not wavered in their support despite this financial setback.

In order to move forward, we will need to vote to transfer from Retained Earnings in the Waterways Enterprise Fund the sum of \$70,231.00, for the purpose of paying increased costs contingent upon such funds beings used as part of the Town's share of the grant.

The Board agreed that this was something they would support.

South Shore Recycling Cooperative Inter-municipal Agreement Renewal.

This item was postponed to the March 11th Meeting.

Other Business.

ACCEPTANCE OF MINUTES.

Mr. Vegnani MOVED to accept the Meeting Minutes of February 18, 2014. SECONDED by Mr. Danehey. All in favor. Unanimous vote. (4-0)

Mr. Vegnani MOVED to accept the Executive Session Minutes of February 18, 2014. SECONDED by Mr. Danehey. All in favor. Unanimous vote. (4-0)

Mr. O'Toole reminded everyone about the St. Patrick's Day Events and the Parade on Sunday, March 16, 2014.

Mr. Vegnani spoke about the great turn out for the FACTS Coalition meeting on March 3rd. FACTS Coordinator Annemarie Galvin did an excellent job coordinating this forum. A task force will be forming to come up with some initiatives to tackle this issue.

On that note, Mr. Danehey announced the plans for a vigil that the Scituate Clergy Association is hoping to put together to address and support this issue of drug use and overdoses in this Town.

He also noted that he has been approached by some residents interested in applying to the Veterans Advisory Council, and this is something the Board will be considering at a future meeting.

At this time, Chairman Harris announced that the Board would be adjourning the open meeting and going into an Executive Session to discuss the deployment of security personnel or devices, or strategies with respect thereto. Finance Director Nancy Holt took the Roll Call: Mr. Danehey, present; Mr. Harris, present; Mr. Vegnani, present; Mr. O'Toole, present.

Mr. Danehey made a MOTION to adjourn Regular Session at 10:50 PM to enter into Executive Session. SECONDED by Mr. Vegnani. All in favor. Unanimous vote. (4-0).

Respectfully submitted,



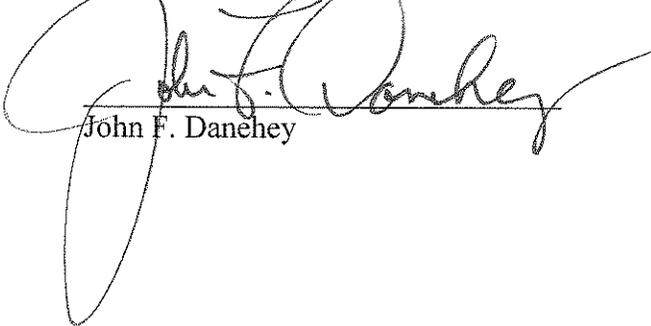
Sheila M. Manning
Assistant to Town Administrator



Shawn Harris, Chairman



Anthony V. Vegnani, Vice Chairman



John F. Danehey



Martin O'Toole

List of Documents for March 4, 2014 Board of Selectmen Meeting

Agenda

Memo from Town Clerk re addition of Planning Board Position on Town Election Ballot

Letter from Conservation Agent re Minor Activity Permit Fee

Petition Article re Feasibility Study Senior Center

Petition Article re Foreshore Protection/related information re allocation of funding

Proposed Watermain Improvement summary

South Shore Regional School Budget materials

Letter outlining Stabilization Fund request from South Shore Regional School

School Department Budget Documents

Memo from Planning Board on proposed Zoning Articles for ATM

Walnut Tree Hill Bond Release document