



**Advisory Committee
Meeting Minutes
Community Room, Scituate Public Library
Thursday, January 17, 2019
7:00 pm**

Committee Members Present: Lincoln Heineman Chair; Anthony Antoniello; Patrice Metro; Elise Russo; Jamie Gilmore; Mike Westort

Committee Members Absent: Jerry Kelly; Sean deLacy

Also in Attendance: Nancy Holt, Finance Director; Stephen Mone, Harbormaster; Theresa Nielsen; Frank Middleton, Esq.

Not in Attendance: Jim Boudreau, Town Administrator, Mike DiMeo; Kevin Kelly; Pam Avitabile

The meeting was called to order at 7:01 pm by Lincoln Heineman.

Lincoln Heineman asked for a motion to accept the agenda, a motion was made by Jamie Gilmore; seconded by Elise Russo; Unanimous vote (6-0)

Review Petition Article: Terminate Go Green Lease Theresa Nielsen, Frank Middleton, Esq.

Jamie asked where Attorney Middleton was from and he said Marshfield. Theresa Nielsen who lives on Stockbridge Road had 171 people sign her petition. She explained that Mark McKeever who also filed the petition, is a neighbor of Go Green and could not be at the meeting due to a prior engagement. Lincoln explained the role of Advisory and asked Theresa to present the issue.

Concerns:

- The Go Green company has been in business for 10 years and the place is not in compliance
 - Not representing his company like he said he would
 - Had promised to make a lot of money for the town selling mulch and compost.
 - Has not sold compost in 9 years.
 - Taking in too many contractors (not from Scituate) and cannot handle all the incoming yard waste
- Visited 3 towns: Marshfield, Norwell and Hanover and they have a great system, they don't except outside contractors.
- A Private waterline may have been put in without permission
- Uses the road and Driftway for personal parking, sewers are blocked and grass is being destroyed

Anthony asked if Mr. Lopes was here, and Lincoln said he will be invited to a future meeting.

Anthony said it is very difficult to get in and out of the area. Anthony asked what he was going to do with all the material.

Attorney Middleton informed the Committee that they are asking for a Town meeting vote on the grounds for repeated violations:

- Using land for multiple purposes other than what the lease says. He is selling other types of items, stone dust and wood (logs).

Lincoln asked if selling other items is a violation his lease. Mr. Middleton said yes.

- He is not composting and he does not have a permit to do so. This was part of his lease agreement. He is mulching instead and nothing is leaving the property
- The site should not have anything materials higher than 12 feet (piles are currently over 40-50 ft. high)

Jamie asked if McKeever had a pending civil case, Middleton said no.

- He is creating a nuisance: smell, dust and broken down trucks.
- Fire hazard: in violation of fire codes, piles are supposed to be 30 feet apart and 25 feet from abutters. They have had 15 mulch fires to date.
- Works out of a trailer (no building)

Jamie suggested that the Advisory Board goes to visit the site. Lincoln agreed.

Jamie asked if anyone has spoken to Mr. Lopes. Jamie said that the Town brings their waste to him at no charge. The only means of income is with commercial contractors. Jamie hoped they could come to a compromise. Attorney Middleton said that they have not reached out to Mr. Lopes recently, but Mr. McKeever had hired a lawyer in the past and slight changes made.

Theresa Nielson said she has heard that he tries to charge Scituate residents.

Jamie asked to invite the DPW and the Fire department to a future meeting.

Anthony said the area is a disaster. You cannot get in and there is no place to dump.

Mike Westort asked why it was coming to the Advisory Board, he thinks it should go to the fire department or DPW. There are steps in between before we just terminate the lease.

Lincoln asked if they had contact with the Town, Mr. Middleton said he had written a letter to the (acting) Town Administrator [Al Bangert] and the zoning board who said it was a Board of Selectmen decision, not a zoning issue.

Lincoln asked Attorney Middleton to provide him with copies of the letters that were sent to the Town Officials.

Attorney Middleton felt that nobody in the town was taking an enforcement stance.

Lincoln asked if the new Town Administrator was contacted, Mrs. Neilson said not yet. Mr. Middleton said they will be in contact with both the Town Administrator and the Board of Selectmen to present them with the violations.

Attorney Middleton said that the Town officials know that he is in violation of his lease and that he has emails which show this.

Lincoln asked to see the Town officials emails showing that they knew that he was not in compliance.

Attorney Middleton said that the DEP was currently investigating the situation and that they are waiting for the results.

Jamie felt that the Town has a responsibility to ensure that all businesses operate safely.

Patrice asked about jurisdiction and thought it should be the Town Administrator's responsibility.

Elise said the area is bad but had assumed it was okay with the Town and did not know he was not in compliance.

The Committee thought that it was between the Town Officials and Go Green (Tim Lopes).

Mike asked who Attorney Middleton was representing, he said Mr. McKeever and Mrs. Neilson.

Lincoln asked Lianne to invite Mr. Lopes to a future Advisory Meeting as well as Atty. Middleton, Mr. McKeever and Mrs. Neilson.

Jamie explained that a private petition is non-binding so he thinks this issue needs to be brought to the Board of Selectmen.

Lincoln asked when they are scheduled to present to the Board of Selectmen and Mr. Middleton said they are not.

Jamie said they should try to get the Town Officials to respond to the original letter stating that Go Green is violating their lease and that the issue needs to be addressed.

Lincoln said he thought the lease was up June 2019, Nancy and Mr. Middleton said it was extended an additional 10 years (June 30, 2022).

Nancy said that on March 29, 2008, Article 22 allowed the Selectmen to lease the land for a yard waste business.

Lincoln read Town Counsel's opinion on the matter: "Assuming the Town voted to allow the Town Administrator and Board of Selectmen to enter into the lease, Town Meeting cannot direct the Selectmen to terminate a valid lease."

Patrice asked if this was a valid contract because Go Green is in default.

Jamie said that he understood that Mrs. Neilson is only objecting because the business is not being run properly.

Attorney Middleton said he will look back in his records to see what points he had sent to the Town Officials and provide it to Lincoln.

The Committee asked Lianne to research how many fires Go Green has had in the past.

Waterways Enterprise (66) or (298) Stephen Mone

The Committee asked about the de-Icers and Stephen said they are working well.

Goals:

- Promote more transients

Accomplishments:

- De-icers deployed last year, a few electrical issues due to storm damage with the pedestals which has been resolved (80% of docks stayed can stay in the water)
- Training with Scituate Fire Department (Sim-Lab)
- Trained with Dive Team
- \$5,000 for an infrared camera
- Re-configured Cole Parkway and Maritime Center to make more room
- Purchased inflatable boat for Herring River
- Working with local fishermen on cleaning up waterways
- Established life jacket policy
- Replaced marine radios
- Grant for cameras through Homeland Security for boat ramps, entrance to the harbor and to view up and down the coast

Mike asked if someone else was tied into the feed, Stephen said the coast guard has access and if a town asks, Stephen can give them permission as well

- Training of Assistant Harbormasters
- Enforced parking at Town Pier and Cole parkway, worked with police
- New “Welcome to Scituate” sign in the entrance to the harbor
- Worked with Dr. Skomal, White Shark studies
- Created a Facebook and Instagram Account
- Replaced carpets in Cole Parkway Marina office
- Mapped moorings
- Rebuilt the pump-out station
- Got all the Titles for the old trailers and surplus boats so they can be sold

Lincoln asked, if the Town charged interest if people are late paying their fees, Stephen said if you do not pay on-time (within 15 days) for your mooring you are charged a \$100 late fee.

Budget:

Lincoln said the revenue numbers went down from 17 to 18, Stephen said it had to do with the way they were collecting fees. The money was not always showing up on the correct year.

Lincoln said there is no revenue for the Maritime Center, Nancy said it has its own Revolving Fund for rentals which is used for repairs at the Maritime Center.

Lincoln asked about expenditures, Stephen said everything stayed the same, he put in for a little more for Repair and Maintenance which was not fully approved, the Town Administrator recommended spacing items out so they would not mature at the same time.

Patrice asked about the deteriorating docks at Cole Park Marina and the restrooms that were not ADA compliant. Stephen said that the docks are rotting and are breaking down from being taken in and out of the water. He will ask for a grant to replace the old docks. The Harbormaster building needs some updating, the bathroom is not fully ADA Compliant. This would be a capital request.

Lincoln asked Stephen about Capital Items:

- Comprehensive dredge permit for all waterways, the State will only consider giving you a 50% match if you are “shovel ready” (\$100,000)

Elise asked if the police’s seasonal salaries issue was resolved, Stephen said not yet. Howie Kreutzberg, Vice Chair Waterways, said they do oversight of budgets, financials, spending and they noticed \$45,000 was going to the police department for the Marine Unit. In their opinion, it seemed like redundant services so they wrote a letter to the Board of Selectmen and Advisory Committee to question why this was happening. Stephen said he has the same jurisdiction that the police have on the water, issue citations, make arrests. Stephen said they would call the police if an arrest was needed.

Lincoln asked what Waterways would like to see happen, Howie said the payment should come out of the police budget. Lincoln said it would be up to the Town Administrator, not an amendment at Town Meeting and not sure what the Advisory Committee could do, Jamie said they could recommend that the reduction of the budget comes from Police. Lincoln disagreed due to the way the Waterways Budget was set up.

Anthony asked about the water usage fee attached to the slip and mooring fee, Stephen said the fee is to maintain the marinas and waterways. It is now called the Waterways User Maintenance Fee. Stephen added that all the marinas pay it as well.

Patrice stated that at the last meeting, the Police Chief had said that everything was sorted out.

Lincoln agreed and added that Chief Stewart had said there had been a meeting with the Waterways Commission and the issue was resolved. Howie disagreed that the issue was resolved and said that the former Town Administrator authorized the payment of these services and that he was looking for action prior to Town Meeting.

Jamie read the minutes from the last meeting where Chief Stewart said that Waterways was comfortable with the services they were receiving for the \$45,000.

Stephen felt that the police are doing the same thing that he is empowered to do.

Jamie asked Stephen if he felt he needed them. Lincoln asked the last time they made an arrest. Stephen said never. Stephen said they make stops, make safety inspections, etc.

Jamie stated that the Chief had said they had increased success at the spit, Stephen said the Spit is not the water and is not part of the \$45,000.

Lincoln said you could write an amendment to the budget saying no funds will be used for the police.

Jamie said they could give an opinion.

Lincoln said they could take a vote.

Patrice felt that they needed to hear from the Town Administrator.

Jamie asked if he inherited this situation, Stephen said yes. Howie said the Town is paying for redundant services.

Lincoln asked if it was in addition to or redundant.

Craig Rosenquist, Waterways Commission Member, said that there is also an additional expense for the slip the police is using.

Will Tibbets, 79 Jericho Road, said that he did not think there was a need for police on the harbor and that they did not patrol it in the past. He felt that people are scared to speak up.

Jamie asked if he had a boat in the harbor, Will said yes.

Stephen said they can work together with the police, but felt that he and his staff were capable.

Capital items (cont):

- Replace Pump out Boat \$79,000 (clean vessel act- Federal Program issued through the State)
- New Pickup Truck, will keep old truck as well. Asking for Advisory's support, the Town Administrator and Capital did not approve.

Lincoln asked Stephen to remind Advisory about the pickup truck because it may not be on the Capital Plan. Nancy said it will not be on the plan if the Board of Selectmen does not accept it. Nancy said it will be out of scope and cannot be added.

Lincoln asked a question regarding the indirect costs for the Maritime Center. Stephen and Nancy explained that the difference in the indirect costs was the Hull & Marina policy. The debt changed to \$250K (as one item) because the Land Acquisition for the Maritime Center was mis-classified on the schedules provided to the Treasurer Collector by the Town's financial advisor. It was discovered and corrected in the Town Administrators recommendations.

Shellfish (295) Stephen Mone and Nancy Holt

Lincoln asked where the fees go. Nancy said General Fund.

Budget:

Level funded

Jamie asked about the oyster farming, Craig Rosenquist said the Commission is being formed.

Lincoln asked, why shell fishing cannot be done in the summer, Stephen said in Scituate the water is not clean. The water temperature goes up which causes the bacteria to go up. Hopefully, the new test results will come back conditionally approved.

Attendance for January 24th Meeting:

Patrice - Y

Anthony - Y

Elise -Y

Jerry - Remote Access

Jamie -Y

Mike - N

New Business:

Invite Kevin Kelly and Pam Avitabile on February 14

Move Capital Plan Review to February 21st

Lincoln Heineman asked for a motion to adjourn the meeting, Jamie Gilmore made a motion at 9: 07 PM, Mike Westort seconded the motion; Unanimous Vote (7-0).

Respectfully Submitted,
Lianne Cataldo (Recording Secretary)

Outstanding Items:

- Invite Tim Lopes to future meeting and possibly DPW and Fire Department
- Look for U-Tube videos for zoning
- Email list of topics for Warrant
- Attorney Middleton said he will look back in his records to see what points he had sent to the Town Officials and provide it to Lincoln.
- The Committee asked Lianne to research how many fires Go Green has had
- Lincoln asked to see that the Town officials emails showing that they knew that he is not in compliance.
- Lincoln asked that attorney Middleton gives him copies of the letters that were sent to the Town Officials.
- Invite Kevin Kelly and Pam Avitabile on February 14
- Move Capital Plan Review to February 21st

Referenced Materials

- Agenda
- Departmental Budgets and Goals and Objectives