



**Advisory Committee
Meeting Minutes
Large Conference Room, Scituate Public Library
Thursday, March 7, 2019
7:00 pm**

Committee Members Present: Lincoln Heineman, Chair; Jerry Kelly, Vice Chair; Anthony Antoniello; Patrice Metro; Elise Russo; Jamie Gilmore

Committee Members Absent: Sean deLacy; Mike Westort

Also in Attendance: Jim Boudreau, Town Administrator; Nancy Holt, Finance Director; Stephen Mone, Harbormaster; Police Deputy Mark Thompson, Brian Kelly, Waterways Commission Chair

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

A motion to accept the agenda was made by Lincoln Heineman, seconded by Jerry Kelly; Unanimous vote (6-0)

Lincoln Heineman asked for a motion to approve the meeting minutes from the 02/28/19 meeting with non-substantive corrections a motion was made by Jamie Gilmore; seconded by Elise Russo; Unanimous vote (6-0)

Waterways Commission Update: Deputy Mark Thompson and Brian Kelly, Waterways Chair

Use of Waterways Enterprise Fund to subsidize Police Marine Unit salaries: Brian Kelly said that Mark Thompson and the partners of the Scituate police department (Andrew Pierce, Mass Environmental Police; TJ Malvesti, Chief Coast Guard; Bob Gillan, Lieutenant Quincy Marine Unit) gave a presentation at the Waterways Meeting on February 6th the responsibilities and accomplishments of the Marine Unit; the Waterways Commission members acknowledged their value.

Brian said that he has accepted Jim's interpretation of the Waterways Enterprise Charter and that he hopes to have transparency and better communication in the future. He further said that members of the Commission voted and that in the summer they will review activities to make sure cost are not rising and they will revisit the request that the Town Administrator finds other sources to fund the Marine Unit in FY21. They will need to meet prior to October to discuss the budget.

Jerry told Nancy that he reviewed the opinion of Town Counsel [in reference to the Charter] that referred to an Improvement and Maintenance fund and asked if it was the same as an Enterprise Fund. Nancy said yes that we have an Enterprise Fund and she considers it a Chapter 45G and she does not think they will lose and funding [grants] due to the Marine Unit Salaries.

Jamie thanked Brian for all his efforts and said that when he looked at the fund charter, he still felt

that was a duplication of efforts. We still supplement with \$45,000 that has been unsupervised by the harbormaster up to this point. Jamie asked Brian if they have worked out a way to communicate for this year and look to move the funding out the following year. Brian said that he does feel that the communication needs to be improved, he wants to limit expenses and does not want to have multiple boats in one area at the same time. Jamie said that his understanding was that the police did not let the harbormaster know where they were, Brian said that there was some element of poor communication, and that everyone has agreed to try to improve the communication this summer.

Deputy Thompson clarified that there are not two law enforcement units on the water because the harbormaster is not considered law enforcement and that there is only one specific aspect of law enforcement on the water which they can arrest, Chapter 90 B (pertaining to boating violations).

Jamie said that the process in the past was that the harbormaster was aware of his limits and would communicate to the police department when their assistance was necessary. Deputy Chief Mark Thompson agreed.

Jerry asked Deputy Chief Mark Thompson if the harbormaster had the ability to look at outstanding warrants or the ability to make arrests for boating under the influence, Deputy Thompson said no.

Patrice asked about the harbormaster being able to give a citation or arrest. Deputy Thompson asked if she meant physically take them to custody. He said that Under Mass General Law Chapter 90 Section B the Harbormaster has the authority to make an arrest. However, the harbormaster and assistant harbormasters do not carry handcuffs or other equipment necessary to effectuate an arrest. Further, members of the harbormasters office are not sworn in as special police officers and/or do not have law enforcement training.

Anthony said in 1975 the harbormaster carried a weapon, Deputy Mark Thomas said Patterson and Mone did/do not have weapons.

Jerry asked about the Waterways Commission approving the harbormaster's truck, Brian said that the item was removed by the Board of Selectmen, so no discussion or vote was needed.

Gates School

Andrea Hunt , 66 Mann Lot Road, wanted to talk about not demolishing the Gates School.

Lincoln said that the item was not going to be on the warrant for the April Town Meeting and that the Senior Center would be discussed in about two weeks. The item will be on the **May 13th Special Town Meeting warrant.**

Nancy said you might want to consider a joint meeting with Capital Planning Committee in April. **Lianne to set up meeting in library if available.**

Jerry said we should invite Doreene Close, Andrea Hunt and Richard Taylor to the April Meeting.

Discussion, Voting and Assignment of Articles:

Special Town Meeting Articles

ARTICLE 1. FY 19 Budget Reconciliations: Lincoln

Nancy said they are waiting for the cost of insurance and that currently we were still in the black.

Vote postponed for Snow and Ice

(Original vote stands) Advisory Committee Vote: 8 - 0 Unanimous Vote in Favor of all items except Snow and Ice

Annual Town Meeting Articles

ARTICLE 3. Capital Improvement Plan: Elise

Capital Plan for the Harbormaster's truck. Item removed by the Board of Selectmen - **no vote needed**

- \$4 M for water treatment plan
- Fire doors for Wampanoag school (Item M) The selectmen added this item to warrant. Not replacing all doors, just repairing and replacing a few and replacing locks.

Lincoln asked if it was up to code, Nancy said it is in compliance for the time it was built.

Lincoln asked what else needed to be done at Wampanoag Nancy said that the Selectmen had the same as selectmen questions. Lincoln thought there were other things were not up to code, Nancy said everything is at code, but they have other items that need to be updated.

Nancy said the Board of Selectmen's vote on this item was unanimous.

Advisory Committee Vote: Unanimous Vote (6-0) of approving the fire doors at Wampanoag School

(Original vote stands) Advisory Committee Vote: Majority in Favor (7-1) of approving the Capital Plan

(Original vote stands) Advisory Committee Vote for New Treatment Well 17A: Majority in Favor (6 in favor 2 abstained)

ARTICLE 4. Fiscal Year 2020 Operating Budget Lincoln

Advisory Committee Vote: Unanimous Vote (6-0)

ARTICLE 5. Waterways Enterprise Fund: Jerry – Changed to Elise

Jerry asked if someone else could take his article due to his relationship with a member on the Waterways Commission. Elise volunteered since she is the Waterways liaison.

Advisory Committee Vote: Unanimous Vote (6-0)

ARTICLE 13. Community Preservation Act Reconciliations: Mike

CPC is not taking a vote until next week,

Advisory postponed their vote.

Nancy said they could vote because CPC had voted to rescind the Maxwell Trust. Lincoln said he wanted to wait until there was something to consider.

Jerry thought that they could still vote.

Nancy said that the BOS may decide to take it off the warrant.

Patrice said she would be more comfortable voting tonight so there was information in the booklet.

Lincoln made a motion to vote on everything except Maxwell trust rescission, second by Jamie Gilmore Majority in favor (5-1).

Advisory Committee Vote: Unanimous Vote in Favor (6-0) Excluding the Maxwell Trust rescission

ARTICLE 21. Acceptance of Public Way – Blanchard Farms Lane: Anthony

Anthony will attend the meeting on Tuesday at 7:00 PM at the DPW. Nancy will confirm time and location and let Anthony know.

Lincoln said that since the Street Acceptance Committee has not voted we will not vote tonight

Advisory vote postponed

ARTICLE 23. Zoning Bylaw Amendment: Greenbush/Driftway Zoning Amendments (Sections 300, 400, 500, 700, 800): Lincoln

Nancy said it is still being reviewed by Counsel.

Lincoln said that he is not in favor, he spoke with two residents on Jenkins Place who are not in favor also, he felt that it should not be a business overlay it should be kept residential.

Lincoln stated that Brad had said that this zoning change was in motion before he started, although he never said he was against it; he felt that ideally, you would do the master plan first.

Patrice asked for Jim's opinion, he said that this article would clear up the current zoning, he thinks if you take the parcel out, it should be a separate article. Jim also said that Brad feels this is a necessary zoning change.

Board of Selectmen voted to put it on the warrant only, they will vote to approve or not to approve before Town meeting.

Nancy told the Committee that the article was brought forward by the Planning Board.

Advisory Committee Vote: Motion failed (3-3)

ARTICLE 25. Conservation Land: Mike Westort

This was previously unassigned so Lincoln assigned this article to Mike Westort since he is the CPC liaison.

Jim said that there is no language yet, met with attorney of Environmental Affairs and the Attorney General.

Background: The Town took 7 acres of the Ellis Estate to build the Public Safety Complex. There was a dispute as to whether or not it was conservation land, so the Town is in the process of finding a 7 acre parcel suitable to swap. We could not find a single parcel big enough to meet the requirement so we have several parcels that total 7 acres. Environmental Affairs wants to take a look first. Conservation restrictions will be added to parcels and Ellis Estate.

*Andrea Hunt asked if it included the 14 acres from the school and **Jim said he believed it did but he would double check.***

Jim said that the only remaining question is the Art Center, we were going to carve it out of the conservation restriction, but found out that we can leave it in and exclude it as part of the conservation restriction. We will provide an allowance for the Art Center so it can still be used. Jim said that the meeting will be next week.

Lincoln added that the conservation restrictions can be strict.

Lincoln said they will table the vote for tonight.

Advisory vote postponed

New Business:

Article write-ups are due Sunday March 10th at Midnight.

Lianne to send out votes and assignments.

Lincoln Heineman asked for a motion to adjourn, Jamie Gilmore made a motion to adjourn the meeting at 8:02 PM, Jerry Kelly seconded the motion; Unanimous Vote (7-0).

Respectfully Submitted,
Lianne Cataldo (Recording Secretary)

Follow up Items:

- Invite Doreene Close, Andrea Hunt and Richard Taylor to the April Meeting.
- Jim Boudreau to verify that Article 25 includes the 14 acres from the school

On-going outstanding Items:

- Lincoln asked for a cost estimates for each building owned by the Town
 - Kevin said he send the insurance list to Lianne
- Patrice will follow up with him Chief Murphy regarding the number of ambulance runs and the cost
- Jerry will talk to Jim Boudreau about funding OPEB
- Lianne to set up meeting regarding Plymouth Country Retirement, invite Selectmen – Timing to be determined)
- Cole Parkway: drawing showed addition, Gary to research
- Gary will email Lincoln with any changes to the budget
- Lincoln will contact Doreene Close to come to Advisory to discuss why she does not want to demolish Gates and what she wants to do with it in the future.
- Lincoln asked for the balance in the Conservation Fund and the Driftway Park Fund
- Lincoln asked Brad to talk to Jim and Town Counsel regarding the option of stopping further building in Scituate due to the water restrictions
- Lincoln said the Town gave up \$200,000 by not selling the small parcel of land in Greenbush back to the MBTA and asked Brad to look at this issue when they negotiate.
- Flexible Open Space Article: Lincoln asked for the language as soon as it is available.

Referenced Materials

- Agenda
- Minutes from 2/12/2019, 2/21/19
- Annual Town Meeting Warrant
- Special Town Meeting Warrant
- Marine Unit Accomplishments
- Electrical/Pedestal Project Budget
- FY2020 Adjustments Spreadsheet