

TOWN OF SCITUATE
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Advisory Committee Meeting Minutes
Thursday, August 11, 2022
Zoom Video/Audio Conference – 7:00 pm

Pursuant to Chapter 22 of the Acts of 2021, Chapter 22 of the Acts of 2022 and Chapter 107 of the Acts of 2022, Scituate Advisory Committee Members held the August 11, 2022 meeting via Zoom Video and/or Audio (Dial-in for those with only phone access). All participants participated remotely.

Committee Members Present: Elise Russo, Jerry Kelly, Lynda Ferguson, Missy Seidel, Patrice Metro, Dan McGuiggin, Lincoln Heineman and Jamie Gilmore; Chair

Committee Members Not in Attendance:

Also in Attendance: Nancy Holt, Finance Director/Town Accountant; Seth Pfeiffer, SCTV Facilitator; James Boudreau, Town Administrator; Mark Thompson, Chief of Police; Michael Gibson, Charter Review Committee Chair; Dan Fennelly, Community Preservation Committee Chair; Janet Cornacchio, Scituate Arts Society; Karen Canfield, Select Board Member

Mr. Gilmore called the meeting to order at 7:00 p.m.

Mr. Gilmore read the following opening statement.

The Scituate Advisory Committee 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.

Ms. Metro made a motion to accept the agenda which was seconded by Ms. Seidel and voted unanimously in favor (8-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. McGuiggin-yes, Mr. Heineman-yes and Ms. Metro-yes

Ms. Russo made a motion to accept the minutes of the August 4, 2022 meeting which was seconded by Ms. Metro. The minutes were voted majority in favor (6-0-2) by roll call vote;

Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-abstain, Mr. McGuiggin-yes, Mr. Heineman-abstain and Ms. Metro-yes

Special Town Meeting Article Discussion

Article 14 – Home Rule Petition for Special Legislation for Retired Police Officers

Chief Thompson explained that the mandatory retirement age is 65 years old. He explained that like other communities they are looking for an extension to 70 years old. This would provide additional officers for details and special events as well as to serve as mentors to the younger officers. There is no cost associated with the proposal and it is a win-win for the department. The retired officers are capped at 1,200 hours of work and they are not eligible for benefits and it does not affect their current retirement.

Ms. Metro asked about the legal citations in Section 2. Chief Thompson stated that the citations dealt with civil service and the officers that retired from Scituate are already covered by civil service. Ms. Metro asked for an explanation of what comprises police detail work. Chief Thompson explained that these are details at construction sites and since they have a police radio they also act as a force multiplier while in these positions.

Mr. Kelly noted that the article said the special police officer has the ability to arrest someone. Chief Thompson said they still have full law enforcement powers while working in the detail capacity. Mr. Kelly asked about the compensation in Section 7 and Chief Thompson responded that the officers paid at the same rate as other officers under the collective bargaining agreement. He also noted that officers are not eligible for 111F benefits.

Mr. Heineman asked if any other community had done this already. Chief Thompson replied that several other communities had already enacted this legislation. Mr. Heineman asked if the officer would be in a new level based on their rank at retirement. Chief Thompson responded that the detail rate was the same rate for all officers regardless of rank or whether they are active or special police officers.

Mr. McGuiggin asked if recruitment would be outside of the town or if it would be open to others. Chief Thompson responded that this only applies to Scituate officers that have retired.

Mr. Kelly asked if there was a mandatory retirement age for special police officers that are retired. Chief Thompson said they are only seeking to extend the age to 70 years of age. He also noted that special police officers outside of this do not have an age limit but they would still need to pass a physical.

Mr. Kelly made a motion to recommend Article 14 which was seconded by Ms. Russo. The article was voted unanimously in favor (8-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. McGuiggin-yes, Mr. Heineman-yes and Ms. Metro-yes

Article 6 Community Preservation Committee Projects

Mr. Fennelly noted that he had forwarded his presentation to members in advance of the meeting.

Mr. Fennelly noted that nine applications were received and one request was turned down as ineligible and another was not able to be vetted in time for the special town meeting. He noted that there was \$5M in fund equity of which \$2.8M was allocated to existing projects. He also noted that the annual income was about \$1.8M and the state match varies and he was unsure if the town would get as much as the \$800,000 received in the prior year. Mr. Kelly asked if the high state match amount was due to additional funds allocated by the Commonwealth and Mr. Fennelly stated it was due to the increase in fees charged at the registries.

90 Foot Baseball Field Construction Phase - Recreation - \$993,520

Mr. Fennelly explained that the project was continuation of a field project from several years ago that was tabled due to unknown items with usage of the old Gates property. The second 90' baseball field was lost when the athletic field project was completed. He notes there are about 190 players trying to share the one field resulting in scheduling issues. He explained that the affected organizations and the Recreation Commission got together with all the field stakeholders and decided to put the field at the Central Fields. The project includes a softball field within it which addresses the growing senior softball players. The outfield is still usable for multi-use sports such as soccer and lacrosse. He noted that \$130,000 was allocated in 2017 to the Central South Field and it was rescinded. The estimated cost of \$993,520 includes the softball field infield soup to nuts and an alternative for two additional scoreboards and batting cages.

Ms. Ferguson asked about all of the current soccer fields in that location. Mr. Fennelly responded that the fields are still there and they have the fields at the high school and at old Gates. Mr. Heineman asked if it was natural grass or turf and Mr. Fennelly responded natural grass. Ms. Metro asked for clarification of the field usage and Mr. Fennelly responded that two infields would be built on the south side of Central fields and confirmed that multiple games could not occur on the two infields at the same time.

Cushing Trail Restoration – OpenSpace/Recreation - \$150,000

Mr. Fennelly explained that it connects the Aberdeen and Utility neighborhoods with the high school and Cushing School. He noted that no one was sure when it was originally installed and it had been maintained but it needed repair. The project would remove the existing paved section with a walking path. The total cost is \$170,000 but \$20,000 of engineering had been provided.

Beach Commission – mobi-mats – Recreation - \$13,052

Mr. Fennelly said similar to the other beaches, this project would provide these mats to additional beaches to allow handicapped access. The cost includes freight and there is a 15% contingency.

Historic Preservation Study – Historic - \$60,000

Mr. Fennelly noted there are over 200 historical items including the recently purchased Mordecai Lincoln property and other items such as burial grounds, the historic fire truck and carriage. This project would develop a comprehensive plan of what is in the Town and would provide approximately 50 deliverables and it is similar to plans developed by neighboring communities. He noted that the Committee had looked at the cost and scope of plans done in other communities. He stated this plan would also serve as a planning tool.

Damon Access & Picnic Area – Open Space - \$105,700

Crosby & Bates Picnic Area – Open Space - \$107,500

Mr. Fennelly stated that in 2014 and 2016 the Town purchased quite a bit of conservation property without parking and access provisions. He noted that subsequent to that the proponents came back seeking additional funds but the funds were insufficient to complete the access and picnic areas. He noted that the quotes received on the bid was between \$70,000 to \$150,000 and that was how the cost was derived by the Conservation Commission.

Ms. Metro asked where the Damon property was located and Mr. Fennelly responded it was off Clapp Road. Ms. Seidel asked if there was now a process to include costs for parking and access in future purchases and Mr. Fennelly responded in the affirmative noting the Committee had learned many lessons over the years. Ms. Seidel asked who was responsible for the trails and the parking lots to ensure they are kept in good shape. Mr. Fennelly responded that the Cushing Trail would be the DPW and the Conservation Commission and their trail volunteers would be responsible for the other areas.

Bailey Ellis House Windows, Tower & Door Restoration – Historic - \$89,526

Mr. Fennelly noted that the Scituate Arts Association has been working on the Bailey Ellis House for many years and successfully obtaining grants. He noted other projects included drainage concerns. He stated that the project would replace windows in and windows around the tower and replace the door to address leaks and security. There is a \$15,000 grant that has been obtained by the Scituate Arts Society to apply to the project which has a total estimated cost of \$105,000. Ms. Ferguson asked if the artists are paying rent and who receives the funds and Ms. Cornacchio said it goes into the Arts Society funds to address building needs.

Mr. Kelly made a motion to recommend Article 6 which was seconded by Ms. Seidel. The article was voted unanimously in favor (8-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. McGuiggin-yes, Mr. Heineman-yes and Ms. Metro-yes

Article 9 – Charter Review Committee Recommendations

Mr. Gibson, Chair of the Charter Review Committee shared his screen to show his presentation to members. He reviewed the eight members and their two year effort to go through the Charter and get input from other committees, boards and commissions and through public forums. He noted the last update was in 2003 and reviewed the timeline of the Committee's work. He highlighted the items that were not changing and included the form of governance and how persons are elected based on the limitations of a Charter Review Committee. He noted that they will make separate recommendations to the Select Board for items that would be under the purview of a Charter Review Commission.

Mr. Gibson noted general language clean-up relevant to Select Board, gender specific pronouns, sections that were no longer applicable and create clarity and consistency. He noted they added revised language relevant to some duties and responsibilities. He stated that some specific proposed changes included a rolling policy review by the Select Board, Town Administrator

hiring and removal and review procedures, clarified the maintenance of public buildings, facilities and schools, revisions to budget schedules to provide more adequate review, and elimination of limitations on elected official recall and revised the members of the Capital Planning Committee to remove the Town Administrator and the School Committee as voting members.

Mr. Gibson if the Advisory Committee will print the entire red-line in their booklet. Mr. Gilmore asked Mr. Gibson's opinion and he replied that it would be helpful, a good reference point and more transparent.

Mr. Heineman made a motion to recommend Article 9 which was seconded by Mr. McGuiggin. The article was voted unanimously in favor (8-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. McGuiggin-yes, Mr. Heineman-yes and Ms. Metro-yes

Ms. Canfield advised members that the Select Board will be re-populating the Bylaw Review Committee and will provide the Charter Review Committee's notes to them.

Other Business

Ms. Holt informed members that Articles 2, 3, 4, 10, 11, 12 & 13 were in the consent agenda which was approved by the Select Board at their last meeting. She informed members that the Advisory Committee booklet needed to be available by September 2, 2022 and it would need to go out to the printer due to the color content. Mr. Gilmore asked members to have their write-ups to Ms. Holt by August 26th. Mr. Gilmore polled the members if they objected to including the red-lined version of the charter in the booklet and there were no objections.

The members assigned articles in the following manner.

Article 1 - Siting of Water Treatment Plant – Mr. Kelly
Article 2 – Unpaid Prior Year Bills – Mr. Gilmore
Article 3 – FY23 Budget Reconciliations – Mr. Gilmore
Article 4 – Transfers to Reserves – Mr. Gilmore
Article 5 – Capital Plan – Mr. Gilmore
Article 6 – Community Preservation Committee – Ms. Russo
Article 7 – Amend Zoning Bylaws Section 750 – Setback, Stepback – Mr. McGuiggin
Article 8 – Amend Zoning Bylaws Section 750 – Penthouses – Mr. McGuiggin
Article 9 – Charter Review Recommendations – Mr. Heineman
Article 10 – Amend General Bylaws Section 10260 – Senior Center Food Service Fund – Ms. Metro
Article 11 – Local Option Acceptance of MGL C. 32B §20 – Ms. Metro
Article 12 – Acceptance of 27 Brook St Easement – Ms. Ferguson
Article 13 – Acceptance of Border St Easement – Ms. Ferguson
Article 14 – Home Rule Petition for Special Legislation for Retired Police Officers – Ms. Seidel

Ms. Holt noted that the unpaid prior year bill article would have to increase based on the receipt of additional bills today.

Mr. McGuiggin asked about the water treatment plant siting information and Mr. Kelly asked Ms. Holt if there were any updates from the neighbors and Ms. Holt responded that she did not know. Mr. Gilmore noted the alternate site website was not available today and Ms. Russo also noted an issue. Mr. Gilmore noted the reference to replacement plantings being provided.

Ms. Russo made a motion to adjourn the meeting which was seconded by Mr. Kelly at 8:21 p.m.; the Committee; voted unanimously in favor (8-0) by roll call vote; Mr. Gilmore-yes, Ms. Russo-yes, Mr. Kelly-yes, Ms. Ferguson-yes, Ms. Seidel-yes, Mr. McGuiggin-yes, Mr. Heineman-yes and Ms. Metro-yes

Respectfully Submitted,

Nancy Holt
Recorder