

**MEETING MINUTES
BOARD OF SELECTMEN
November 7, 2017**

Present: Maura C. Curran, Chairman, Anthony V. Vegnani, Vice Chairman, Shawn Harris, John Danehey, Karen Canfield

Al Bangert, Acting Town Administrator

The Meeting was called to order at 7:06 p.m.

Acceptance of Agenda

**Mr. Vegnani made a motion to accept the agenda for November 7, 2017
Second by Mr. Harris, all in favor. Unanimous vote (5-0)**

WALK INS

Ann Burbine 10 Pennycress Road is a merchant in North Scituate. She thinks our fire department and public safety people are the best. Her concern is there was only one engine there and no ambulance. It was supposed to be staffed and have an ambulance there. Ann feels time is of the essence and when a truck shows up with two people on it the people cannot be rescued. She is not being critical or making accusations. She needs to know why there is no ambulance there and more than one truck. Ms. Curran said we have received a lot of praise for the response time for the tragedy this weekend. Chief Murphy said we have started and the goal will be a 24 x 7 ambulance. With upcoming budgets we hope to staff the station with an ambulance full time. 4:22 dispatch and 4:27 fire department was on scene. The execution and response was excellent. We now have the capability and we can try to get this in the budget for a 24 x 7 ambulance. There were a lot of concerns with the gas station next door so all necessary staff was there. We had good mutual aid. When Chief Murphy looked back to try to critique it he said it went very well. It was an old building with a lot of stuff in it. It is grandfathered since it was an old building and it is not up to modern specs of what is required today.

REPORT OF THE ACTING TOWN ADMINISTRATOR

Budget process is under way. The Special Town Meeting is next week in the Center for Performing Arts at Scituate High School.

Regional sewer committee meeting is Wednesday afternoon at the Public Safety Building at 3 p.m. Shawn Harris will attend and Kevin Cafferty will report to the board at the November 21st meeting.

SCHEDULED ITEMS:

Kim Stewart, Animal Control Officer

Chief Stewart said on behalf of the department he congratulates Kim Stewart on this well-deserved award. In addition to being an outstanding animal control officer, there is not a week that goes by that Kim is not helping the department without having to be asked. Her volunteer work is endless with tours, public safety day, raising money for Kids for Christmas, golf tournament, SANDS, etc. She is the first one to volunteer and the last one to leave.

Maura Curran said the Animal Control Officers Association of Massachusetts (ACOAM) held their Annual Meeting and Awards Banquet on Friday, October 27, 2017 in Marlborough, MA. Kim Stewart was named the 2017 Animal Control Officer of the Year. The Selectmen all thanked Kim for a job well done.

Board & Committee Applicant Sister City Sucy en Brie

Anita Aherne is interested in a position on Sister City Sucy en Brie. She has worked with the committee behind the scenes for a couple of years. She has hosted teenagers at her home and chaperone's and their families. She has been active in helping Pat Jacquart. Ms. Curran thanked Anita for making it official and for hosting guests. The Selectmen moved the board and committee appointments earlier in the meeting as follows:

1. Move to appoint Anita Aherne to the Sister City Sucy en Brie Committee for a term of three years or until a success is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Mr. Vegnani second by Ms. Canfield Unanimous Vote (5-0)
2. Move to appoint Ann Marie Jean to the Sister City Sucy en Brie Committee for a term of three years or until a success is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (5-0)
3. Move to appoint Emilie Bubin Green to the Sister City Sucy en Brie Committee for a term of three years or until a success is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (5-0)
4. Move to appoint Peter S. Lincoln to the Sister City Sucy en Brie Committee for a term of three years or until a success is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (5-0)

5. Move to appoint Suzanne T. Lincoln to the Sister City Sucy en Brie Committee for a term of three years or until a success is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (5-0)
6. Move to appoint Patricia Jacquart to the Sister City Sucy en Brie Committee for a term of three years or until a success is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (5-0)
7. Move to appoint Nicole Joyaux to the Sister City Sucy en Brie Committee for a term of three years or until a success is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (5-0)

Liquor License Violation Hearing 7-ELEVEN

Sgt. Gerald O'Brien, Licensing Officer reviewed what occurred the evening of the violation. Sgt. O'Brien spoke with the juvenile that was arrested. The employee remained quiet but did not say any word to the officers at all. Ms. Curran asked if the software was in the store to check the identification. The id in the scanner did work in an old scanner but the new scanners today it was rejected. Officer Billings said all employees are required to be trained.

Jacqueline & Brian Guilmette Hanson, MA sent three employees to the FACTS training. One employee was on the register. The id is actually the juvenile's picture. Mr. Guilmette said the id looks real. Mr. Vegnani asked if it was scanned and Jacqueline Guilmette said it was not scanned although the register can scan it. Mr. Harris asked if Sgt. O'Brien could tell it was not real. Sgt. O'Brien said it looks real and he could not tell it was counterfeit. The only way to defeat this is the new up to date scanner. Mr. Guilmette said it costs about \$4500. The store immediately stopped taking out of state identification. The employee did not ask for a second type of identification which is the store policy. Mr. Vegnani sympathizes that it was a tough id to catch but the person was not trained and the id was not scanned. Mr. Vegnani said these are two things that should have happened. Mr. Danehey said the concern is the alcohol was served to an underage youth. Mr. Guilmette said the reputation does not exist at this store that it is easy to purchase liquor at the store. Mr. Guilmette feels they are very vigilant at checking ids. Mr. Guilmette feels the youth broke the law saying he is an adult. Mr. Danehey said the Selectmen are the local licensing authority for liquor violations. They purchased two thirty packs and this is a serious issue. Mr. Guilmette said it is not the cost of the scanner. They are willing to purchase this scanner. Immediately Mrs. Guilmette took down the old policy and now it is MA licenses only. Barbara Quinlan in the FACTS group has the information on the scanner. Ms. Guilmette said they are planning on purchasing the new scanner. Right away they stopped accepting out of state licenses and terminated the employee. Ms. Curran said the employee was not trained to

check ids and the id was not scanned. We need to stay ahead of it to keep our kids safe. Mr. Danehey feels a 10 day suspension is reasonable under these circumstances because the employee was not trained and the id was not scanned. A license is not a guarantee it is a privilege. Ms. Curran agrees with Mr. Danehey. Mr. Vegnani said the business needs to get better technology so they do not serve minors. Ms. Canfield said it is troubling that someone was on staff for four months that was not trained. Ms. Canfield agrees but the severity of the punishment being the third offense in six years and the technology she feels warrants 5-7 day suspension.

Move that the Board of Selectmen find that a liquor violation occurred on Friday, September 29, 2017 at JBNJ Foods Inc. d/b/a 7 ELEVEN. Motion by Mr. Harris second by Mr. Vegnani Unanimous Vote (5-0)

Move that the Board of Selectmen vote to impose a 10 day suspension of the Retail Wine & Malt Beverages License held by JBNJ Foods Inc. d/b/a 7 ELEVEN 337 Gannett Road Scituate, MA. To be served from November 8, 2018 through Friday, November 17, 2017. Motion by Mr. Danehey second by Mr. Vegnani In favor Vegnani, Danehey, Curran Vote Against Harris Canfield Unanimous Vote (3-2) Motion passes.

Ms. Canfield made a motion to reconsider and Mr. Harris Second Unanimous Vote (5-0) to reconsider the vote.

Ms. Canfield said they have been diligent for six years but there is no current violation. She is more inclined to consider this a second offense. Mr. Harris said the time has been six years since the last violation. Ms. Curran said the employee was not trained and the id was not scanned. Mr. Harris said at what point you invest in training for a new employee. Ms. Canfield said they should not be selling liquor if they are not trained. Mrs. Guilmette said they are trained in house and off premise. It is a process. Mr. Danehey said each case is unique and facts determine situations. For consistency sake Mr. Danehey looks at a few things. This was not a sting operation. Second it was two thirty packs and third they were 17 and 18 year olds. The fact it was an out of state license does not phase him at all. There is a cost of business and it is the businesses decision whether to purchase a scanner that could detect this fake id. Mr. Danehey said it was not even scanned and the cashier was not tips certified. This is the third offense for this business. Somebody can get hurt and fortunately these minors did not get hurt. Mr. Danehey said the license will be lost next time.

Move that the Board of Selectmen vote to impose a 10 day suspension of the Retail Wine & Malt Beverages License held by JBNJ Foods Inc. d/b/a 7 ELEVEN 337 Gannett Road Scituate, MA. To be served from Wednesday, November 8, 2018 through Friday, November 17, 2017. Motion by Mr. Danehey second by Mr. Vegnani In favor Vegnani, Danehey, Curran, Canfield Vote Against Harris Vote (4-1) Motion passes.

Bartending Service, Cocktails, LLC, Jim Dentremont

Mr. Dentremon has been serving alcohol for 30 years. He has supplied his tips certification and excellent references. Mr. Danehey said he should provide the service the right way. Mr. Dentremon takes this very seriously. He has provided services at the Cohasset Lighthouse. There are 35 bartenders and six managers and they do about 150 events per year.

Motion by Mr. Vegnani and second by Mr. Danehey

Town Administrator Position Status

Ms. Curran said they finalized the contract with Mr. Boudreau and we will welcome him here on January 2, 2018. In the meantime Al Bangert will continue to serve as interim Town Administrator. The Selectmen thanked Al and Donna.

Ellis Land Swap, Al Bangert, Interim Town Administrator

The Selectmen asked Mr. Bangert to look at parcels of land that could be used as a swap for the Ellis property as agreed with the Attorney General's office.

1. A site known as the Town Forest abutting the Ellis property on the west side of Route 3A opposite the Public Safety Complex. This 20-acre property was acquired by the Town in 1928 and has never been protected. It is wooded, accessible to the public from a parking area on Route 3A, and has several trails.
2. A site along Woodland Road in the Egypt area. The Town acquired this 15-acre site in a 2002 tax-title taking. It is a wooded site that can be wet during some seasons. The public can access it by way of a paper street known as Nile Terrace.
3. A site located on Route 3A adjacent to Tack Factory Pond. The Town acquired this 12.2-acre site in a 1999 tax-title taking. It is primarily an open site with some marsh and wetland abutting the Pond. The public can access this property by way of a 50' wide strip between #385 and #389 Chief Justice Cushing Highway.
4. A portion of several parcels totaling 37 acres located off Clapp Road. The Town acquired 12 acres in 1982 and the remaining 25 acres in a swap with Raymond Livingstone in 2016. The site is wooded with some wetlands. The public can access it by way of 120' of frontage between #6 and #26 Clapp Road. This is an area that was discussed for playing fields in the future but 7 acres can be taken for this purpose.

Ms. Curran would like a decision tonight since this is on article 11 of the Town Warrant. Ms. Canfield asked what the swap agreement included. Mr. Bangert checked with the Attorney General's office and with Mr. O'Connell. All of these proposed properties meet the Attorney General's criteria. Mr. Vegnani said at some point in time we may need to put more acreage into a conservation restriction so we should only put what is required at this time. Mr. Danehey said the Clapp Road property may have had a Conservation Restriction. Mr. Vegnani would like to

eliminate the Clapp Road property until we see what we'd like to do with that property. Mr. Vegnani likes the Woodland Road property. Penny Scott Pipes, 8 Booth Hill Road recommends taking the seven acres next to the pond to protect the watershed. Mr. Danehey likes this location. Ms. Canfield likes this location as well and it protects the water supply. Penny Scott Pipes said it is on the radar of the Conservation Commission and it would be a great location. Andrea Hunt 66 Mann Lot Road said the Town Forest said there was a sign that said conservation land. Mr. Bangert said it is listed as Town Land not Conservation land and has never been converted. She asked if it was listed in the town charter as green space. Mr. Bangert said he has no idea. Penny Scott-Pipes said you cannot put a well on property with a Conservation Restriction. Mr. Vegnani also likes Tack Factory.

Move that the Board of Selectmen vote to seek Counsel's advice on designating the following parcel for conservation purposes and imposing a conservation restriction on Town owned property identified as -Parcel Identification 47-2-29-R, 12.2-acre parcel located on Chief Justice Cushing Highway near Tack Factory Pond. Motion by Mr. Harris Second by Mr. Danehey Unanimous Vote (5-0)

Warrant Articles for November 14, 2017 Special Town Meeting

The following articles will be addressed at the Special Town Meeting by the assigned Selectmen.

Article 1-5 Maura Curran

Article 6-7 John Danehey

Article 8-9,11 Anthony Vegnani

Article 10,12 Karen Canfield

OLD BUSINESS:

Continuance of Public Hearing Humarock Seafood dba Nautical II, Stephen Leaman applicant and Jon Aieta, Attorney

This is a continuation of a hearing that began in July. Met with Planning Board in August and discussed with the building department. It is a permitted use as of right. The plan has since been adjusted to reduce the seating and parking requirement. At the planning board meeting, the parking spots in front encroach on the public way. Mr. Aieta submitted a letter today with a new seating plan and a copy of a letter from the Building Commissioner Robert Vogel. The planning board hearing has been moved to November 9th and November 21st. Mr. Aieta is hoping the board will make a decision tonight. Mr. Danehey said he is waiting to hear from the planning board and we still do not have a lease. He is not in a position to make a decision tonight. Attorney Aieta said it is in the board's discretion and they do have the ability to approve this tonight. There will be two high tops and eight seats at the bar. Mr. Leaman has been in touch with the town offices. Ms. Canfield would like the planning board to go through their process.

Bill Ohrenberger is here with Steve Mederios who is an abutter. The planning board meeting happened a couple of months ago and there were multiple issues and a lot of unanswered questions. Although a site plan waiver has been filed the site plan has not been withdrawn. There are a lot of things such as an open deck with no seats. They agree that the planning board approval should be required prior to any issuance of a liquor license.

Ms. Curran said the board is not ready to approve a liquor license. Mr. Danehey suggests we continue this to December 5th.

Mr. Harris made a motion to continue the public hearing to December 5, 2017 second by Mr. Danehey Unanimous Vote (5-0)

NEW BUSINESS:

1. Board of Selectmen Newsletter, Karen Canfield

Ms. Canfield provided the Selectmen with a sample newsletter. She would like to produce this. Ms. Canfield suggests a pilot initiative can be undertaken. Ms. Curran thinks it is a great idea but it will fall under the town staff and resources are an issue. Ms. Canfield would commit to doing it in the pilot. Mr. Vegnani asked what the intent is to have a newsletter after every Selectmen meeting. Ms. Canfield said the board would all have to agree and approve. The process is an issue with open meeting laws in waiting until the next meeting to get the newsletter approved. Ms. Canfield wanted to open the dialog to discuss this tonight. Ms. Curran said communication is important. Ms. Canfield asked if the board would have any objection. Mr. Danehey sees the value in having the newsletter. Ms. Canfield thanked the board for the input.

2. Annual Town Meeting and Town Election 2018 Dates

The Selectmen would like to find out from Nancy Holt what the budget timeline is before we vote the annual town meeting. Nancy will meet with Lorraine, Michele, Al and Kathy Curran to determine best dates.

3. Board & Committee Appointments

Sister City Sucy en Brie was voted earlier in the meeting under Board & Committee
Applicant Sister City Sucy en Brie

4. One Day Liquor Licenses

a. Riva @ Knights of Columbus, 11/18/17 from 6:00 – 10:00 p.m.

Move to grant a one day wine and malt license to Riva for a function to be held on November 18, 2017 from 6 pm to 10 pm at the Knights of Columbus Hall. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (5-0)

OTHER BUSINESS:

1. Correspondence

- Veterans Day Luncheon at the Scituate Country Club
- Letter from Archivist regarding books donated by Karen Canfield who delivered them and found in a bag given to the Friends of Scituate Library
- Wreaths Across America on 12/16/17 looking for volunteers American Legion

2. Approval of Meeting Minutes & Housekeeping

Move to accept the meeting minutes for the Board of Selectmen meetings held on October 17th and October 26th, 2017. Motion by Mr. Vegnani second by Mr. Danehey Unanimous Vote (5-0)

Move to accept and not release executive session meeting minutes for October 17th, 2017 since matters discussed are still pending at this time. Motion by Mr. Vegnani second by Mr. Danehey Unanimous Vote (5-0)

Move to release the executive session meeting minutes for August 8, 2017. Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (5-0)

Veterans Day will be celebrated on Friday, November 10th and Town Hall will be closed.

Happy Birthday to Selectman Shawn Harris.

Karen Canfield attended the Holiday Fair at Scituate High School. The Commission on Disabilities held awareness fair on Saturday at the Scituate Harbor Community Building and it was fantastic with a lot of resources available.

Shawn Harris attended the Waterways meeting and said the Harbormaster said it will be important to get a fire boat in the future. There is also a resident who wanted to harvest oysters. The resident is very enthusiastic and the town could start the initiative. It can be very exciting if it does come to fruition. Mr. Harris said this is very exciting and will be a few years down the road.

John Danehey said Friday night the Varsity football team won against Medfield and they are going to the championship. They will also be playing football at Fenway park the night before Thanksgiving.

Anthony Vegnani said the women's field hockey team had a great season and the boys & girls soccer teams also had a great season. Mr. Vegnani thanked the individuals who planned Patricia Vinchesi's farewell party which was a big success.

Ms. Curran thanked the FACTS group for the peer recovery conference that was held on Sunday. The Affordable Housing Trust is finalizing the P&S for 163 Stockbridge Road and we are looking for advice on 11 Nelson since no one has responded to the lottery.

3. Adjournment and signing of documents

Motion to adjourn at 9:44 p.m. by Mr. Vegnani second by Mr. Harris. Unanimous Vote (5-0)

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for November 7, 2017 Board of Selectmen Meeting

- Agenda

Board of Selectmen Meeting Minutes for November 7, 2017

BOARD OF SELECTMEN

Maura C. Curran, Chairman

Anthony V. Vegnani, Vice Chairman

John F. Danehey, Clerk

Karen B. Canfield

Shawn Harris