

**MEETING MINUTES  
BOARD OF SELECTMEN  
September 5, 2017**

Present: Maura C. Curran, Chairman, Anthony V. Vegnani, Vice Chairman, Shawn Harris, John Danehey  
Patricia Vinchesi, Town Administrator

The Meeting was called to order at 6:03 p.m.

**Acceptance of Agenda**

**Mr. Danehey made a motion to accept the agenda for September 5, 2017  
Second by Mr. Harris, all in favor. Unanimous vote (4-0)**

**WALK INS**

David Dardi, 122 Gilson Road said the deputy director has gone on record stating there is a problem with wind turbines. Noise compliance testing is required and the owner of the turbine would bare the expense. Formal request for hearing to determine who can do independent testing for a firm not connected with the wind industry. Funds would be available from the money generated by the wind turbine. The MA Board of Health indicates you can require the sound or nuisance to correct the problem even sources that are legally built and zoned properly. A brief from Judge McDonald concluded the wind turbines were a source of noise and ordered them to be shut down. Requesting a hearing to determine if Scituate Wind is a nuisance and dictate what should be done. Mr. Doherty is requesting two hearings and he will bring in witnesses. Ellen Caster 120 Gilson Road, a neighbor supports this request and submitted a letter stating as much.

Mr. Taft, Brook Street water quality is an issue. The neighborhood continues to get brown and yellow water even over the summer months. There is poor water quality. He has a water filtration system for the water coming into his home. He feels this brown water is not acceptable.

**REPORT OF THE TOWN ADMINISTRATOR**

- Update on Grants Awarded

Nancy Holt put together a list of grants for one year.

Grants (Not Including Education Funding\*) - FY 2017-FY 2018 YTD 5,045,594.88 in the areas of Foreshore Protection, Public Safety, Culture & Recreation, Health & Human Services, Infrastructure Water & Sewer, Clean Energy, Best Practices/General Government. In addition, there were another \$23,209,292.19 for MBLC Library Construction Totaling \$4.9M, MSBA Middle School Construction to date \$20.7M and FEMA Flood Elevation Grant Program to homeowners \$1,501,738.19.

- Council on Aging Survey 667 people to date have completed the survey. Only 12 were manual and they were input into the system.
- Recognition event at 10 am at Hunters Pond on Mordecai Lincoln Bridge. There was a nice article in the Boston Globe this weekend.

### **SCHEDULED ITEMS:**

#### **Acceptance of Donations to Scituate Fire Department**

Chief John Murphy explained that Scituate Resident Jessie Morrell passed away in July and her family requested in lieu of flowers donations be made to the Scituate Fire Department. To date donations totaling \$945 have been made to SFD. More donations may be received by the SFD.

**Move that the Board of Selectmen accept donations in memory of Jessie T. Morrell to the Scituate Fire Department. Motion by Mr. Vegnani Second by Mr. Harris Unanimous Vote (4-0)**

#### **Outdoor Entertainment Permits**

- 1 Greenfield Terrace, 9/30/17

**Move to grant an outdoor entertainment permit for a DJ or IPOD for wedding reception on 9/30/17 at 1 Greenfield Terrace from 2-8 p.m. Motion by Mr. Danehey Second by Mr. Harris Unanimous Vote (4-0)**

- 117 Chief Justice Cushing Highway, 9/16/17

**Move to grant an outdoor entertainment permit for a DJ for wedding reception on 9/16/17 at 117 Chief Justice Cushing Highway, 4-10 p.m. Motion by Mr. Danehey Second by Mr. Harris Unanimous Vote (4-0)**

#### **Approve One Day Wine & Malt**

**Move that the Board of Selectmen approve a one day wine & malt license at the GAR Hall for Taylor Made Bartending on Saturday September 9, 2017 from 5:30 p.m. to 10:30 p.m. Motion by Mr. Danehey Second by Mr. Harris Unanimous Vote (4-0)**

**Selectmen Policy ADA Grievance Procedure**, Robert Vogel, Acting Building Commissioner  
The Building department is applying for a couple of grants one for the dog park and one for the marina. An ADA Grievance Procedure is required to accompany the grants. We wrote this up following an ADA template. This meets the requirements and lays out the process for an ADA complaint. It lays out the Town's procedure and meets all regulations. The AAB is very willing and helpful if further expertise is required for any of these procedures. Keith Walo, Country Way asked what changes. Mr. Vogel said we are formalizing the process.

**Move that the Board of Selectmen approve the ADA Grievance Procedure Operational Policy #61-17. Motion by Mr. Danehey Second by Mr. Harris Unanimous Vote (4-0)**

**Horsley Witten Peer Review Contract Amendment**, Brad Washburn, Director of Planning and Development

Mr. Washburn is requesting a change order to update the amount of the contract to increase up to \$75,000. This expense will be paid by Toll Brothers.

**Move to amend the Horsley Witten Group, Inc. peer review consultant services contract #17 PB-1 for Seaside of Scituate residential project to an amount not to exceed \$75,000. Motion by Mr. Harris Second by Mr. Danehey Unanimous Vote (4-0)**

**Interfund Borrowing**, Pam Avitabile, Treasurer/Collector

Ms. Avitabile is here to ask for an interfund borrowing from two previous town meeting articles. At the November 4, 2013 Special Town Meeting, article 12 was authorized in the amount of \$12,000,000 to design, renovate, expand, and furnish the public library. To date there is a balance of \$5,500,000 that is unissued. Nancy Holt has requested \$250,000 be borrowed to cover incurred costs until the Town received the final grant payment. We are on budget and under the \$12M.

At the April 26, 2017 Annual Town Meeting article 3FF Infiltration/Inflow for Cedar Point in the amount of \$2,500,000 was authorized. To date the total balance has been unissued. Kevin Cafferty, DPW Superintendent has requested that \$188,000 be issued for the engineering of the infiltration/inflow project for Cedar Point. This was a capital improvement article. Mr. Danehey wants to be sure the final paving will be curb to curb paving.

**Move that the Board of Selectmen approve the Interfund Borrowing request prepared by the Treasurer Collector in the amount of \$438,000 for Library Construction/Renovation and the Infiltration/Inflow at Cedar Point. Motion by Mr. Danehey Second by Harris Unanimous Vote (4-0)**

**Change of Hours and Liquor License Category – O’Callaghan’s, Keith O’Callaghan**

This was before the board on July 11, 2017 and approved. The ABCC requirement document did not list a public hearing notice and abutter notification as required therefore it was not done for the change of license category and change of hours. After we submitted the documents to the ABCC they returned the application with no finding asking us to advertise as a public hearing and notify the abutters. We have asked the ABCC to correct their website.

In order to satisfy this requirement, a public hearing notice was posted and abutters notified. We are resubmitting this to the board for approval.

Mr. O'Callaghan has submitted an application to change his restaurant liquor license from Wine and Malt to All Alcohol. The Selectmen agreed to the change.

**Move to approve the application for a change of category License for O'Callaghan's LLC d/b/a The Voyage, Humarock MA, from Wine & Malt to All Alcohol. The premise is located at 14 Marshfield Ave which consists of 2100 square feet and one floor with two rooms. Motion by Mr. Vegnani Second by Mr. Danehey Unanimous Vote (4-0)**

Mr. O'Callaghan would like to change his liquor license hours from Monday thru Thursday from 11 am to 11 pm and Friday and Saturday from 11 am to 1 am and Sundays from 10 am to 11 pm. The Selectmen said this is a residential neighborhood and asked if would be acceptable to end the serving time at 12 am on Friday and Saturday. Mr. O'Callaghan agreed that Friday and Saturday from 11 am to 12 am would be acceptable.

**Move to approve a change of liquor license hours Monday – Thursday 11 am to 11 pm, Friday and Saturday 11 am to 12 am and Sundays from 10 am to 11 pm. Motion by Mr. Danehey Second by Mr. Vegnani Unanimous Vote (4-0)**

**REVIEW CPC FALL Special Town Meeting Articles**, Karen Connolly, Chairman, CPC  
It is unusual for CPC to come before the town in the fall but not unprecedented. CPC will be voting at the end of September but wanted to inform the Selectmen of current plans.

- Preserve ancient map (Town Clerk/Archives)

This is a map of Maine that was part of MA until 1820 and it was found by an intern working in the archives. This will restore and preserve the map. The cost is \$8945.00 plus insurance and it is a couple of feet wide. More information can be obtained from the applicants. It was published in 1815 and is very rare. The archivist will come and to answer any questions.

- Parking/access for CPC land acquisitions (Conservation Commission)

Every time we do an acquisition we promise to provide access to the land. CPC is proposing that the leftover money be rescinded and used to fund this. There is \$273,000 that can fund parking and access to CPC land acquisitions. Maps will be available at next week's CPC meeting. The project will come in at \$500,000 and use the rescinded money and take the rest from the open space reserve. Frank Snow said the money to be rescinded is more like \$317,000. Crosby Property, Bates Lane, Higgins and other property including Appleton field would need the parking and access. The conservation

Commission received input from DPW, Fire, Police but not the Commission on Disabilities (COD). The Conservation Commission received some great feedback from the COD after their meeting. They would like to include the parking areas, picnic area and handicap accessibility to these areas. There is clearing required and a wetlands crossing. Crosby is the most expensive at a few hundred thousand dollars. The roads would be excavated and some type of road material used. There would be kiosks at each location. We have already spent \$25,000 for the design of these properties. The Selectmen asked if this could be prioritized and phased.

- Trails mapping and signage for CPC land acquisitions (Conservation Commission)  
CPC received a proposal for trail maps and signage from Conservation. Steve Ivas and Deb Linehan are working on map preparation. The cost is approximately \$45,000. Ms. Curran asked if the app that Lisa Fenton developed for kayaking and can this all be incorporated. The cost includes doing the web development and printing maps.
- Complete replacement of windows at Central Park Housing (Housing Authority)  
Stephen Coulter is here to represent this item. This is a second request to complete the entire building for \$278,000. The lower level was approved and is being done. When it was replaced there was asbestos caulking in the windows and cost an additional amount up to \$160,000. Phase two included the additional money for the asbestos caulking that needs to be removed. The total is \$408,000 to complete the entire building. The last budget came from the CPC undesignated funds. \$198,000 is in the reserve fund to use and there is \$2.3M in the undesignated funds to use. Mr. Vegnani asked what resources the Scituate Housing Authority (SHA) has access to pay for these types of improvements. There is a capital budget of \$50,000 annually to pay for fixes for the buildings. The SHA should apply for grants to pay for these types of projects. There is work going on at other locations paid for by the SHA. Ms. Connolly said Housing Authorities are eligible for CPC funding for capital projects. Mr. Danehey asked Ms. Connolly to provide that information to him. Ms. Connolly will give Mr. Danehey the link to obtain the information. The Selectmen agree it is a worthy cause and effort. Ms. Curran suggests there may be some shared cost opportunities that exist and should be considered.

#### **DPW Projects, Kevin Cafferty, DPW Superintendent**

##### **1. Change Order for additional Seawall at 68 Oceanside Drive**

There are sources of funds to pay for this are \$500,000 and \$116,000 left over from grant money and the remainder from seawall funds. We have confirmed with the EOEA that the money is available. We have enough funds to do this with some low interest borrowing. Ms. Curran asked what the course is if it does not pass at Town meeting. We have authorization for money that was already approved that we could use. Ms. Holt said they called to be sure they could still access the low interest loan.

**Move that the Board of Selectmen award a change order not to exceed \$730,000 to SPS New England to construct 116 feet of seawall at 68 Oceanside Drive.  
Motion by Mr. Danehey Second by Mr. Harris Unanimous Vote (4-0)**

**2. DISCUSS Hatherly and Jericho Road Traffic Design**

Mr. Cafferty said the sidewalk would be bumped out and there will be a cross walk installed for people crossing. Mr. Harris asked if this is a priority at this time. Mr. Cafferty said the road is being resurfaced at this time and not a huge cost. Mr. Vegnani feels this is not a trouble spot in town. The existing sidewalk is in extremely bad shape and they are improving it. Mr. Terrence Dillon, Turner Road has requested this area be corrected for quite some time. He provided a copy of documents to the Selectmen. Ms. Curran read the letter out loud at the meeting outlining his request. Mr. Danehey lives in that neighborhood also and sees the need for this improvement. The road is going to be grinded and redone anyway so the cost will be minimal. Mr. Harris suggests that we look at replacing the water pipes that were installed in the 50's before we repave the road. He also asked to look at the sewer lines. Mr. Cafferty said he would look at that.

**Move to accept the proposed intersection of Jericho Road and Hatherly Road subject to review of the water and sewer pipe plans over the next five years.  
Motion by Mr. Danehey second by Mr. Vegnani Vote (3-0) Mr. Harris is opposed to this motion. In favor Ms. Curran, Mr. Vegnani, Mr. Danehey  
Motion passes 3-1**

**3. UPDATE on Water System Replacement and Brown Water Issues**

Mr. Cafferty provided the Selectmen with an update on all the wells and status. Ms. Curran asked about the Brook Street neighborhood and why they are still having a significant amount of brown water. Sean Anderson, Water Superintendent said the numbers of calls are a fraction of what they used to be. People's patience have run out and there are some very upset residents. A lot of the areas are near Tichnor Court and the calls have dropped off. A lot of new water mains have been installed over the last few years. The old pipes contained a great deal of sediment in them which have flowed from area to area. The wells are being redeveloped to reduce the addition of manganese. An aggressive flushing program is needed for old and new pipes. In October the plan is to begin the flushing program. We could not do it last year due to the drought. During the time of flushing residents will get brown water but afterward the problem will be decreased significantly. The tanks are inspected every 3-5 years. Mr. Anderson wants to hire a company to dive into the tanks and clear out the sediment from the bottom. Mr. Cafferty said we have 110 miles around town. DPW would like to get into a cycle of replacing lines depending on the age of the lines and the break rate. Areas would be

selected to replace the water lines. DPW is using the asbuilts that are on file. Mr. Harris asked if it could be individual homes. Mr. Cafferty said that is a possibility that it could be a service line going up to a house. The DPW will look at Brook Street for flushing and see what can be done. The board discussed different scenarios with Sean Anderson that can cause brown water to a home. It can be a very complicated issue. Flushing spring and fall is the most important thing for the Town to do to help this problem. Keith Walo, 200 Country Way asked if this is something we have done in the past and do other towns do this. Mr. Anderson said we did flush in the past and the brown water problem was better when it was done. We have not had the opportunity to do this aggressively in the past due to the old pipes. Now that pipes are replaced we can begin an aggressive schedule. It is common for Towns to flush their pipes. This has been a problem for 60 years. The goal of the DPW is to have the best water system on the South Shore and that is what they are working toward.

#### **REVIEW Tentative List of Warrant Articles**

Ms. Vinchesi provided the Selectmen with a list of potential Fall Warrant Articles.

Mr. Danehey read the list aloud as follows:

#### *Tentative Working List of 2017 Fall Special Town Meeting Articles*

1. FY 17 Unpaid Bills contact: Nancy Holt
2. FY 18 Operating Budget Reconciliations: Grounds person in DPW, custodian for Gates
3. FY 18 Enterprise Reconciliations – Widow's Walk
4. Acceptance of MGL for 111F reimbursements
5. Assessors Revaluation – \$35,000 ½ or \$70,000 full
6. Application of Premium Payments to Grants and Loans
7. SRF revolving Fund approval for seawall grant and loan
8. Revolving Fund for gym usage fees at Gates
9. Design and Engineering – Route 3A and First Parish (\$200-225,000)
10. MGL Chapter 90B Acceptance
11. Conservation Land
12. Coastal Development and Update of 1972 Floodplain Map (TBD)
13. Mooring Field Regrid
14. Widow's Walk Capital – Parking Lot and Walk Regrade
15. High School Track?
16. CPC: contact: Karen Connolly

- Rescind Maxwell 2016 ATM land purchase article
- New article: purchase Maxwell parcel that has clear title

- Rescind prior land purchase articles (article numbers/dates to come)
- New article: parking/access to CPC land purchases
- Map preservation (town archives)
- Completion of window replacements for Central Park housing
- Allocation for CPC funding for Gates?

Mr. Harris asked about the design and engineering of First Parish Road and Route 3A and would like to wait to see how traffic flows. He would like to see how the special events change the traffic requirements. He would like to fix it right the first time. Mr. Vegnani drove his son to school this morning and it was very easy drop off, it was not chaos. Mr. Danehey suggests we kick it to the annual town meeting. Mr. Danehey said any changes should be done at the time we do the turf to take advantage of the cost savings.

Mr. Danehey asked about the walk regrade that is not handicap accessible and should be done at the same time as the parking lot regrade. Mr. Danehey suggests we do this with the irrigation system at the annual town meeting. Ms. Vinchesi said we don't want to pave it and then have to dig it up for the irrigation.

90B is the harbormaster enforcement of water.

Ms. Vinchesi wanted to remind the board to put seven acres in conservation. She has been in touch with Jim Toomey and Karen Connolly to put the Conservation Restrictions on the Ellis property.

### **OLD BUSINESS:**

1. **Adoption of Board of Selectmen Policies and Procedures** this will be table to a future meeting.
2. **Town Administrator Search Update**, Maura Curran, Screening Committee  
Ms. Curran said it was raised at the last Selectmen meeting to consider opening up the screening committee to additional members. Ms. Curran's concerns are confidentiality and that needs to be respected. If people are added it is still in executive session and not a public meeting. Mr. Vegnani does not want to delay the process but feels another opinion isn't going to hurt anything. There are six candidates being interviewed and the best applicants would move forward for an interview. Mr. Danehey said this was not set up initially and to change horses midstream is not the wisest thing to do. As Selectmen we are elected to a position and there are only five appointments allowed. Mr. Vegnani



made a motion to add two people to the search committee Mr. Danehey second the motion. In favor Mr. Vegnani Against Ms. Curran, Mr. Harris and Mr. Danehey motion fails.

### **NEW BUSINESS:**

#### **1. Set Date for Fall Town Meeting**

There is a 700 maximum limit to use the Center for Performing Arts and this would be difficult to manager. There is no space for her checkers inside the center. Accessing microphones was another concern in and out of the rows. It will be difficult for people to access the microphones. Mr. Harris agrees with Ms. Curran. Two weeks ago Ms. Vinchesi said there were 700 people in the auditorium and the remainder in the cafeteria. Most towns hold their town meetings in their auditoriums. People understand that it was one of the selling points on building the Center for Performing Arts. Mr. Danehey said the auditorium will be acoustically better and overflow can be in the cafeteria. Mr. Danehey said when the senior center is on the agenda we could consider it in the gymnasium.

**Move that the Board of Selectmen set the Fall Town Meeting date for Tuesday, November 14, 2017. Motion by Mr. Harris Second by Mr. Danehey Unanimous Vote (4-0)**

#### **2. One Day Liquor Licenses**

- a. Lavishly Dunn Catering @ SMC 10/7 from 1-5 pm
- b. Riva Restaurant @ SMC 9/14 from 6-10 pm
- c. The Hospitable Hostess @ SMC 9/17 from 2-6 pm
- d. Riva Restaurant @ SMC 9/10 from 11 am – 3 pm

**Move that the Board of Selectmen approve One Day Wine & Malt licenses at the Scituate Maritime Center, 119 Edward Foster Road for Lavishly Dunn Catering on Saturday October 7, 2017 from 1:00 p.m. to 5:00 p.m. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (4-0)**

**Move that the Board of Selectmen approve One Day Wine & Malt licenses at the Scituate Maritime Center, 119 Edward Foster Road for Riva Restaurant on September 14, 2017, from 6 p.m. to 10 p.m. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (4-0)**

**Move that the Board of Selectmen approve One Day Wine & Malt licenses at the Scituate Maritime Center, 119 Edward Foster Road for The Hospitable Hostess on Sunday September 17, 2017 from 2:00 p.m. to 6:00 p.m. Motion by Mr. Danehey second by Mr. Harris Unanimous Vote (4-0)**

**Move that the Board of Selectmen approve One Day Wine & Malt licenses at the Scituate Maritime Center, 119 Edward Foster Road for Riva Restaurant on September 10, 2017, from 11 a.m. to 3 p.m. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (4-0)**

## **OTHER BUSINESS:**

### **1. Correspondence**

NSRWA Water conservation workshop for families and lecture for adults on September 9<sup>th</sup> at the Scituate Town Library with Samantha Woods, Executive Director.

### **2. Approval of Meeting Minutes**

**Move to accept the meeting minutes for the Board of Selectmen meetings held on August 8th, Mr. Danehey abstained Ms. Curran, Mr. Harris, Mr. Vegnani Unanimous Vote (3-0)**

**August 22nd and August 29th, 2017 moved by Mr. Vegnani second by Mr. Harris Unanimous Vote (4-0)**

**Move to accept and not release the Executive Session meeting minutes held on August 8, 2017 since the matter discussed is still pending at this time. Mr. Danehey abstained In favor, Ms. Curran, Mr. Harris, Mr. Vegnani Unanimous Vote (3-0)**

Mr. Vegnani asked residents to complete the survey by the 15<sup>th</sup> so we can receive everyone's input. School is back in session and this Friday night is the football teams opening game.

Mr. Danehey said there was a parade at Scituate Beach Association that has gone on for 90 years. The parade of Horribles went off well. It is the end of summer and we have to move on and get back to school.

Mr. Danehey wanted to let Ms. Vinchesi know that it has been an honor to work with her and thanked her for all her work. Mr. Danehey was honored to work with Ms. Vinchesi and all of her hard work over the past eight years.

Ms. Curran thanked Nancy Durfee who hosted a meeting with the residents of Humarock regarding the beach re-nourishment and easements. She did an excellent job and it was the most positive that she has seen in years in Humarock. Nancy has made a lot of progress.

### **3. Adjournment and Signing of Documents**

Motion to adjourn at 9:36 p.m. by Mr. Vegnani Second by Mr. Harris Unanimous Vote (4-0)

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for the September 5, 2017 Board of Selectmen Meeting

- Agenda

## Board of Selectmen Meeting Minutes for September 5, 2017

### BOARD OF SELECTMEN

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Maura C. Curran, Chairman

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Anthony V. Vegnani, Vice Chairman

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John F. Danehey, Clerk

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Shawn Harris