

**MEETING MINUTES
BOARD OF SELECTMEN
November 21, 2017**

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

The Meeting was called to order at 7:01 p.m.

Acceptance of Agenda

**Mr. Vegnani made a motion to accept the agenda for November 21, 2017
Second by Mr. Danehey, all in favor. Unanimous vote (5-0)**

WALK INS

Keith Walo, 200 Country Way said about 4-6 weeks ago the board should have received an email from Stephen Ambrosi. He believes the wind turbine study does not have to be done again. Mr. Walo asked if the board was putting any credence behind the report. Ms. Curran said the Acting Town Administrator is putting together an RFP to put out the bid for a wind turbine study. Ms. Curran said this gentlemen's input would be considered.

REPORT OF THE ACTING TOWN ADMINISTRATOR – Mr. Bangert is on vacation this week. Nancy Holt wished everyone a happy and safe Thanksgiving.

SCHEDULED ITEMS:

Tax Classification Hearing, Todd Glowac, Board of Assessors Fred Abalong, Board of Assessors

The Board of Assessors recommends that the Town maintain the single class rate with the factor of 1.

Mr. Danehey said Steve Jarzembowski has been with the Town of Scituate for 29 years and thanked Steve for his service to the Town. Steve will be retiring effective the first of January. This will be a big loss to the Town and it will be hard to fill his shoes. Ms. Curran thanked him for his professionalism and all his hard work. Mr. Harris, Mr. Vegnani and Ms. Canfield also thanked Steve for his service and excellent job he has done. Steve Jarzembowski said he has been fortunate working here and his clerical support staff in the office he would like to thank for their excellent work over the years.

Move that the Board of Selectmen vote to approve the Residential Factor, according to MGL Chapter 58, Section 1A. Motion by Mr. Danehey second by Ms. Canfield Unanimous Vote (5-0)

South Shore Peer Recovery, Jan Kelly, South Shore Peer Recovery

- Outdoor Entertainment Permit, WPA building 12/5
Move to grant an outdoor entertainment permit for the South Shore Peer Recovery Group for a private event on Tuesday, December 5, 2017 from 4 pm to 8 pm at the WPA building located at 7 Henry Turner Bailey Road. Motion by Mr. Danehey second by Mr. Harris Unanimous Vote (5-0)

- Grant Update

Jan Kelly is the center manager at South Shore Peer Recovery. There are weekly programs that are free to all. Sunday family meetings are held for extended support. Community members bring gifts to give to other non-profits. In September South Shore Peer Recovery was one of nine grantees in the country awarded \$399,000 to expand their programs. Telephone support program will be implemented, 14 week sober parenting journey, a program called craft, and a parent coaching program. Ms. Kelly is looking forward to expanding and finding another location in Scituate. Ms. Curran asked how the craft program will be publicized. Ms. Kelly said there will be an outreach plan that will be implemented. The Selectmen thanked Jan Kelly for all the work she and her staff do.

Liquor License Violation Hearing Village Market, Sgt. Gerald O'Brien, Licensing Officer & Jim McGinnis, Village Market Owner

Sgt. Gerald O'Brien said Wednesday, October 25, 2017 an underage alcohol sting occurred at Village Market. There was a 20 year old female acting as an agent and at 8:00 p.m. she entered the Village Market at Front Street to purchase a bottle of wine. The clerk asked her for her id and the agent told them she left it in her car. The clerk called a supervisor over. When the supervisor asked for her date of birth the female gave a false date of birth. The alcohol was then sold to the agent. After the agent left with the wine, Sgt. O'Brien went into the store and asked why she sold the alcohol to the female. The supervisor/manager said she looked old enough.

Mr. John Connell, Attorney with Jim McInnis said Annie O'Donnell was the clerk on duty that evening.

The attorney asked if the underage agent was asked for identification. The attorney asked if the date of birth was given by the female. When conducting a sting it is the government making sure the establishment is in compliance. When the underage agent is asked for their age, the establishment should have passed the compliance check. As a legal matter this board cannot find the store against compliance. The ABCC guidelines state that during a compliance sting, an

agent should have left the store when asked for identification and not misrepresented her date of birth.

Mr. McInnis can't believe this happened. It is a priority in the store not to have this happen. It was a human error which is not an excuse. Mr. McInnis has reinforced this again with his management and staff. Mr. McInnis said we do not ID every single customer because we know them. Mr. McInnis said if they don't have an ID we cannot sell them alcohol. It is a priority in the store. The McInnis family is sick about it and Annie is also very upset about it because she gave the okay. It is a priority and the license is needed for the business to make it in town. Annie and Ray the two managers have taken the training class. Mr. McInnis knows sorry isn't good enough and they are working hard to reinforce this. Annie O'Donnell is the Assistant Manager and has worked there since 1989 as a sophomore in High School. Annie reviewed the process the store employees follow. An underage customer entered the store and when she had no ID the clerk called Annie over to the register. Annie asked her for the id and she asked her how old she was. She then proceeded with the sale. Annie instituted the store's alcohol policy and trained all employees. She feels awful that this happened.

Ms. Curran explained how concerned the Board of Selectmen is regarding the sale of alcohol to underage people. It will be noted in the record that there was a violation even though the appropriate procedures were not filed. Mr. Vegnani asked what the process is again. Ms. O'Donnell said she takes the license and then they insert the license into the laptop in the front of the store. It gives you a green check mark if the license is valid or a red X mark if it is a fake ID. The date of birth is then input into the cash register. Mr. McInnis said this is the software that is at Sand Hills General Store. It is not at every single register due to the cost but more importantly, space constraints. Mr. Vegnani feels the store should be penalized at a high level and if not it will be the store getting off on a technicality. Mr. Vegnani needs to feel comfortable that Mr. McInnis is going to make this happen. What is going to change at the store so be sure this doesn't happen again. There needs to be a change in the operation. If the software isn't used it doesn't matter. Ms. Canfield said their procedures should be reevaluated and every customer should be asked for an ID. Ms. Canfield said there is a pattern of selling alcohol to minors. Mr. Harris said he understands that the process has to be managed and Mr. McInnis needs to take ownership of the situation. Mr. Harris said mistakes happen and it might get overturned. Mr. Danehey asked if Attorney Connell had the regulations with him. He provided Mr. Danehey with a copy of the regulations. Attorney Connell hopes he does not take the argument the wrong way. These stings are supposed to be educational. When the agent for the police department does not meet the guidelines you cannot penalize the licensee. He asks the board not find a violation. Ms. Curran feels there are loopholes that need to be tightened up with Village Market. There is case law and ABCC guidelines that need to be followed and Mr. Vegnani said he doesn't care. He does not know what he is going to do here. He doesn't know how Mr. McInnis is going to change this so it doesn't happen again. Mr. McInnis said he can't

sit here and say that he is going to ID elderly people. Mr. McInnis will continue to reiterate with his employees how important it is to check identification. Attorney Connell said the general consensus is that you don't card every person but use a degree of reasonableness. People do make mistakes and that is what happened here. Mr. Danehey thanked Attorney Connell for providing the guidelines. Mr. Danehey said it is fair to say that the individual did not comply with the guidelines and that undermines the fairness as outlined in the guidelines. Knowing the cases cited and the police acknowledged the error that was made it would be overturned. Mr. Danehey said if it was compliant they may have lost their liquor license. This has to be controlled by Village Market since it is a significant part of his business. If it comes before the board again and there is a violation the penalty will be extreme. Village Market has to prevent the underage selling or the privilege will be taken away. Mr. Vegnani agrees with Mr. Danehey that a violation would be overturned but he wants the violation noted in his record. Ms. Curran would like to see written documentation as to what the next steps of the business will be to update procedures so this will not happen again by December 30, 2017.

Move that the Board of Selectmen there was no finding of a violation on Wednesday, October 25, 2017, MFJ Market Inc., d/b/a The Village Market a result of failing of non-compliance with guidelines set forth by the ABCC. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (5-0)

Archives Northeast Document Conservation Center Contract for \$35,170, Kathy Curran, Town Clerk

This contract is for the cleaning, de-acidification and preservation of the paupers/overseers of the poor records. Funds were approved for this project through CPC at the 2016 Annual Town Meeting on April 134, 216 Article 12 Community Preservation, Item 10.

Move that the Board of Selectmen approve the contract to Northeast Document Conservation Center for the cleaning, de-acidification and preservation of the Paupers/Overseers of the Poor records. Motion by Mr. Danehey second by Mr. Harris Unanimous Vote (5-0)

Naming of North Scituate Playground, M. Glancy, Recreation Director and Jeanine Chisolm, Chair Playground Fundraising Committee

Mr. Danehey asked the group to see if the estate was interested in naming the playground after Susan B. Phippen. After consulting with the estate they have other naming plans and thanked the Selectmen for consideration. Ms. Glancy said the group is looking to put a sign up for the playground. The group would like to call this The North Scituate Playground. Jeanine Chisolm is the fundraising committee chairman. The group took a vote and The North Scituate Playground was the vote. It is nice for the area of town that it is in. North Scituate deserves this. Mr. Vegnani thinks this is a good opportunity to name the playground after someone in town.

The group raised \$22,000 toward the playground. There are plaques, benches, equipment, named in the playground for people who donated.

Move that the Board of Selectmen vote to name the new playground located on Henry Turner Bailey Rd., “*The North Scituate Playground*”. Motion by Mr. Harris second by Mr. Danehey Unanimous Vote (5-0)

Sewer Capacity, Kevin Cafferty, DPW Director, Will Branton, Acting Sewer Superintendent

Mr. Cafferty thanked the public for conserving water as the DPW makes updates to our systems. 1.60 is our total sewer capacity where 20% is reserved for future phases. For the past four years we have the following:

2014 1.305

2015 1.256

2016 1.220

2017 1.329 (rolling average)

The sewer department has plans in place to alleviate the situation. One is the new seawalls which will help with the heavy flooding in the Sand Hills area. With the new seawalls and the drainage improvements this will help reduce the flooding from winter storms. The tie gate was replaced that used to be there. Another is the Cedar Point Sewer replacement. This is a high inflow and infiltration area. The 17 foot deep clay sewer will be replaced with a pressurized system. The cost of the work is estimated to be \$2,500,000. In 2016 we were out there with flow meters and that is how we know the inflow and this is the area that needed replacement the most. Mr. Danehey asked if these would be connected to the homes. Mr. Cafferty said yes, these would be connected to the homes. The pressurized system will improve the situation and this is scheduled for next spring. Mr. Harris is concerned if the electricity goes out the pump does not work. Mr. Cafferty asked Ms. Canfield if she had any problems with it at her home. Ms. Canfield said she only lost power for 6 hours so there was not a problem. Ms. Curran asked if there were any other solutions evaluated. Mr. Cafferty said this is the solution that was selected. Mr. Harris said we can't repave roads and then tear them up to put in sewer. Mr. Harris asked Mr. Cafferty to please keep this in mind. The Town has been working with the towns of Hull and Cohasset to look into a regionalized sewer program. The Town of Hull is going to make upgrades to their treatment plant which has a direct outfall to the oceans and could potentially take the flows from north Scituate and Minot areas. The town has entered into an engineering study for feasibility of this project and has been working with state officials to pursue grant funding for this project. Mr. Vegnani said he is confused where we are right not in our sewer capacity. Our rolling average is 1.329 and we have the capacity to go up to 1.6. Mr. Cafferty had a list of potential future projects that would impact the sewer system. Mr. Vegnani said if we want to get economic development in North Scituate we need to get sewer there. Mr. Cafferty provided a list of projected additional gallons per day of sewer use with future residential and commercial projects listed. Mr. Cafferty put this list together with input from Karen Joseph, Town Planner and Brad Washburn, Director of Planning & Development. Mr. Harris asked about a moratorium. Mr. Cafferty will have to check with town council to see what

we can do to implement a moratorium. Mr. Vegnani is concerned about the rolling average going up. The Selectmen thanked Mr. Cafferty and Mr. Branton.

Municipal Vulnerability Assessment Presentation, Nancy Durfee, Coastal Resource Officer & Darci Schofield, Senior Environmental Planner, MAPC

Ms. Durfee provided a presentation for the Selectmen to review the Climate Vulnerability Assessment and Action Plan prepared by the MAPC. This will build from the existing climate related plans. This will be required to continue to qualify for grant funding to implement projects. There was a public meeting a year ago. Scituate has quite a bit of good news. 48.8% of the land has forest cover. This avoids runoff, reduces pollution and helps with carbon storage. 2015 was the warmest year on record and scientists predict by 2030 we can see 20-40 days over 90 degrees in the Commonwealth of MA. Scituate has 1,600 acres of salt marsh with is a first line of defense. There is some marsh deterioration that will need to be evaluated. Ms. Durfee said you can see the erosion with large pieces of peat dropping off the marsh. Mr. Harris asked about dredging and putting the material back into the marsh. Ms. Durfee said that is something that is being looked at to do this. The group will be looking at the salt water intrusion in aquifers and will need to be looked at as well as Scituate's wastewater treatment and pump stations. Ms. Curran thanked Darcy Schofield for her work and asks that she continues to work with Nancy Durfee. Ms. Durfee said we are fortunate to have the technical assistance of the MAPC who worked with us in 2011. This is a good thing for us to complete and will show us any vulnerabilities as well as successes. Mr. Danehey said it would be nice to show the community what is going on in the future. Ms. Durfee agrees and will arrange that in the future.

Library Trustee Appointment to fill Vacancy, Library Trustee Members, Nancy Verseckes, Candidate

Nancy Verseckes, 118 Gannet Road has been brought forward by the library trustees to fill the vacancy. Kevin Carleton, 48 Seaview Avenue, Chairman Library Trustees said Nancy Verseckes will fill this position until the 2018 Annual Town Election.

Karen Canfield has resigned from the Library Trustees position when she was elected to the Board of Selectmen. Ms. Canfield's term expires in 2020. The candidate from the Library Trustees is Nancy Verseckes. Mrs. Verseckes served three terms with the Board of Library Trustees from 1999-2008. She also served as an Interim Trustee one other time in 2013.

Move to approve the interim appointment of Nancy Verseckes to the vacancy on Library Trustees for the term otherwise set to expire in 2020 until the 2018 Annual Town Election or until another person is qualified. Motion by Mr. Vegnani second by Mr. Harris

Roll call votes are required from both Library Trustees and the Board of Selectmen. Ms. Devin requested a roll call vote.

Library Trustees:

Kevin Carleton yes
Carol Sullivan-Hanley yes
Sheila Kukstis yes
Elizabeth Holthaus yes

Board of Selectmen:

Maura Curran yes
Anthony Vegnani yes
John Danehey yes
Karen Canfield yes
Shawn Harris yes

DPW- Award Contract for Roach Field Parking Lot Improvements, Sean McCarthy, Town Engineer, DPW and Dan Fennelly, Scituate Recreation Commission

Mr. McCarthy said there were six RFP's sent out and two responses were received. The batting cages will be moved. Mr. Vegnani asked if we had budgeted 25% for engineering. Mr. Fennelly said he had \$23,000 budgeted so it was pretty close. Mr. McCarthy is hoping the work can begin in the front lot making the field accessible to continue play next season. Mr. Harris asked Mr. Fennelly if he is willing to see it through. Mr. Fennelly said he would and Mr. Harris and Mr. Vegnani thanked Mr. Fennelly for his help with this project. This isn't just to improve a baseball field this is also a safety issue.

Move that the Board of Selectmen award the contract for Engineering Design and Permitting services for Roach Baseball Field Parking Improvements to Merrill Engineers & Land Surveyors Incorporated for \$26,000.00. Motion by Mr. Harris Second by Mr. Danehey Unanimous Vote (5-0)

OLD BUSINESS:

Set Annual Town Meeting and Town Election 2018 Dates

Ms. Curran has a conflict for the Town Election date for her daughter's graduation. Ms. Holt said we can get a Town Counsel opinion on moving the Town Election date. Ms. Curran asked to table this to the next meeting.

NEW BUSINESS:

1. Board & Committee Appointments
 - a. Public Building Commission, Library Trustee Representative

Elizabeth Holthaus, 136 First Parish Road is requesting to represent the Library Trustees on the Public Building Commission.

Move to appoint Elizabeth Holthaus to the PBC as the user member for the library project for a term of three years or until a successor is named. Motion by Mr. Danehey second by Ms. Canfield Unanimous Vote (5-0)

2. 2018 Board of Selectmen Meeting Dates

OTHER BUSINESS:

1. Correspondence
Thank you letter from Patricia Vinchesi
2. Approval of Meeting Minutes

Move to accept the meeting minutes for the Board of Selectmen meeting held on November 7th, 2017. Motion by Mr. Harris second by Ms. Canfield Unanimous Vote (5-0)

Ms. Canfield said the fire department is requesting everyone to complete the special needs form. The library is a drop off spot for Christmas in Texas that is being organized by Scituate High School students. Mr. Danehey said good luck to the football team playing at Fenway Park His son will be on the field and it will be a great time. Drive safe and enjoy the game. Mr. Danehey wished everyone a Happy Thanksgiving. Mr. Vegnani wanted to say the girl's soccer team was still in the playoffs last meeting and they had a great season. The school committee decided to wait to make a decision on the Ellis property. Ms. Curran sat next to Mr. Litchfield and he informed Ms. Curran that Richard Mole was a Selectman in town in the 70's and he recently passed away. Mr. Vegnani asked residents to shop locally for the upcoming holidays.

3. Adjournment and signing of documents

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

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for November 21, 2017 Board of Selectmen Meeting

- Agenda
- Tax Classification Hearing Backup
- Outdoor Entertainment Permit 7 Henry Turner Bailey Road
- Liquor License Violation Hearing Village Market
- Sewer Summary Update
- Presentation Building a Resilient Scituate Climate Vulnerability Assessment and Action Plan
- Archives Contract 17-01
- Naming of North Scituate Playground
- Library Trustee Appointment to Fill Vacancy
- Roach Field Parking Lot Improvements
- Set Annual Town Meeting and Town Election Dates
- 2017 Board & Committee Appointment – Elizabeth Holthaus to PBC
- 2018 Board of Selectmen Meeting Schedule
- Acceptance of Selectmen Meeting Minutes
- Correspondence
 - Thank you letter from Patricia Vinchesi
 - Lakeville MBTA Solar Canopy Project
 - Humarock Holly Days
 - ABCC Compliance Check Guidelines
 - ABCC Decision for Bay State Food Shops Inc.

Board of Selectmen Meeting Minutes for November 21, 2017

BOARD OF SELECTMEN

Maura C. Curran, Chairman

Anthony V. Vegnani, Vice Chairman

John F. Danehey, Clerk

Karen B. Canfield

Shawn Harris