

**MEETING MINUTES
BOARD OF SELECTMEN
March 27, 2018**

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

Also present: James Boudreau, Town Administrator

The Meeting was called to order at 7:03 p.m.

Acceptance of Agenda

**Mr. Vegnani made a motion to accept the agenda for March 27, 2018
Second by Mr. Harris, all in favor. Unanimous vote (5-0)**

WALK INS – none at this meeting

REPORT OF THE TOWN ADMINISTRATOR

Mr. Boudreau said last Tuesday the emergency management team had a meeting with MEMA and FEMA to begin the preliminary damage assessment for the March 1st and 4th storm. This work is required to declare a disaster so we qualify for 75% reimbursement. The initial assessment is \$1.4M in clean-up costs; this includes \$300K for removal of debris in fourth cliff and over \$6M in repairs to seawalls, revetment and other foreshore protection areas. The numbers have gone up since last Tuesday as we continue work this week at Peggotty Beach at a cost of about \$1,000 an hour for that cleanup. The costs are mounting. We will continue to update our costs with FEMA and we are hoping to qualify for a federal disaster with our declaration to allow for reimbursement.

The board previously approved a wind turbine noise study. Al Bangert has been working on this and an RFP was sent out. We had eleven firms take copies of the RFP and three responses. Two of these were not firms that looked at noise. After reviewing the third firm's response, we disqualified them. We had two firms that did not bid that took copies of the RFP. When we asked why they did not bid it was because of the time line. We are going to see if these firms can take it on if we extend the timeline. If so we will hold a meeting with them and invite the residents in to participate we would like to move this ahead as quickly as possible.

The Moderators meeting is at Town Hall in the Selectmen Hearing Room on Wednesday, April 4th at 4:30 p.m.

Coffee with the Crew was held last Friday at the Coffee Corner and it went very well. It was a good event and people were glad to see them. The people we met were unanimous in their praise with storm response for the DPW, Police and Fire Departments. In another month, another

coffee will be held as long as people are interested. Ms. Curran thanked Mr. Boudreau for hosting the coffees.

SCHEDULED ITEMS:

Outdoor Entertainment Permit, Satuit Waterfront Club for South Shore Peer Recovery Fundraiser, Mike Bulman

Mike Bulman, 24 Jericho Road is here to requesting an outdoor entertainment permit for a fundraiser at Bulman Marina owned by Mike Bulman. Abutters list was emailed to Jan on 3/21/18 and she will notify the abutters with the date & time of the event. Mr. Danehey offered the use of the Scituate Harbor Community Building for parking, backup, etc.

Move to grant an outdoor entertainment permit for the South Shore Peer Recovery Group for a private event on August 23, 2018 from 6-10 p.m. at Bulman Marine in Scituate Harbor. Motion by Ms. Canfield second by Mr. Danehey Unanimous Vote (5-0)

DPW Contracts, Sean McCarthy, Town Engineer

- All In One Tree Service amend existing contract #15-HW-99

Contract #15-HW-99 to All in One Tree Service, Robert Dockendorf for aerial tree work was approved with two others for stump grinding and emergency tree work by the Town Administrator in October 2015 and none were expected to exceed \$50,000. Due to the tree damage in the March 2-4, 2018 Nor'easter known as Storm Riley, the contract for aerial tree work will exceed \$50,000. Any tree work in the power lines, the Highway Department calls National Grid. Mr. Danehey asked about the plans to clear the trees that fell over on the town common. He would like to see trees replanted to replace the trees that fell. Mr. McCarthy will talk to Brad Washburn and Karen Joseph about this. This contract goes out every three years or can be extended annually. Mr. Harris asked why this is not done in a bid process annually rather than every three years.

Move to approve the existing contract # 15-HW-99 All in One Tree Service, Robert Dockendorf for aerial tree service work for expenses in excess of \$50,000 through its expiration date of October 26, 2018. Motion by Mr. Harris second by Mr. Danehey Unanimous Vote (5-0)

REVIEW FY19 Town Operating Budget

- School (300)

Superintendent Ron Griffin and Director of Business and Finance Paul Donlan provided a copy of a presentation to the Board of Selectmen. Mr. Griffin said that the operating budget for FY19 highlights the major components of the budget and is intended to provide transparency for our

community. Educational priorities are enrollment. Mr. Griffin reviewed enrollment history and projections for Scituate Public Schools. The priorities are investing in people. 83 % of the overall budget is investing in the people who work in the schools. Optimal class size in our elementary schools is another big input. The advisory committee requested information regarding funding in our district such as STEM, Performing Arts and World Languages. Closing the budget gap is a challenge the school department is faced with this year. Overall costs are \$40.7M in the FY19 Budget Request. Costs include personnel services, contractual services and Material supplies. Mr. Griffin provided an overview of per pupil spending in district compared to other communities and funding and resources for state and federal grants. Fees charged total 1.4M for athletic fees, bus fees, full day kindergarten, etc. This is a balanced budget for FY19. Mr. Griffin provided another document to the Selectmen titled Proposed Plan to Balance FY19 Budget. There was a gap in the FY19 budget that included a pre-existing deficit budget in FY18 of \$441,000, projected reductions in state and federal funding by 3.3% and 5.1% in lower offsets. The plan proposed to close the budget gap for FY19 includes Personnel Services savings through retirements, leaves & temporary position \$340,009, Savings due to enrollments \$151,000 and potential reductions in staffing \$314,547. The second area is Contractual services with savings of \$89,128. Lastly, Material & Supplies reduce overall spending by \$94, 635. The School Committee approved this budget. Mr. Danehey commended Superintendent Griffin on hitting the number. The last operational override was in 2011 and it may be time to talk about this. The town needs to identify that education is a priority so we are not treading water from an academic standpoint. Ms. Canfield asked to explain how the deficit is being handled for FY18. Superintendent Griffin said the operating cost deficit is carried over the FY19 budget. Mr. Harris commented that the information was laid out very well and the team did a great job. Mr. Vegnani asked about the differences in the budget and the contracts. Superintendent Griffin said the union contracts are in negotiation. At the end of the FY18 you can't have a deficit. Mr. Donlan said there are payments that will not be made. The positions were not reduced as planned. There are some reserves that were used to get through this year. Ms. Curran thanked the Superintendent for attending the meeting. Mr. Danehey asked if the school committee will vote to change the times of school start times. Superintendent Griffin said there will be no changes for next year. This will be explored in the future as outlined recently in Boston there are a lot of things to be considered. Community involvement is important when making these decisions and what the ramifications are with these changes.

Annual Town Meeting Warrant Article 3 Item UU Replacement of Unit 3, Stephen Mone, Harbormaster & Fran McMillen, Chairman, Waterways Commission & John Murphy, Fire Chief

Harbormaster Mone and Chief Murphy provided a presentation to Waterways earlier this evening. The Waterways vote was 8-1 in favor of the replacement of Unit 3. Harbormaster Mone brought letters from the Marina Owners and some fisherman in support of the new boat.

Harbormaster Mone did a lot of research into this new boat. Chief Murphy & Harbormaster Mone visited the Plymouth Harbormaster's office to take a ride on the boat. The boat is similar to a lobster boat. Chief Murphy reviewed the costs for the boat. This is a year round boat rather than a seasonal boat. Currently we are limited with what we can do with our existing boats and this will allow Scituate year round access. Chief Murphy said this is a 30-40 year boat. The order timeline for the boat is a couple of years. It would have to go out to bid. Unit 3 is the year round boat and the fire fighter boat that will be back in service and we can keep it together until this new boat is received. Ms. Holt said right now it would be borrowing to obtain the funds. Mr. Harris said Scituate had three Coast Guard boats here in the past. Now those boats are gone. You need the presence of a boat like this. It is a big investment and not like anything we've ever had. There were a lot of questions that we have the answers to now regarding how the fire department and the harbor master's office would collaborate. That has all been worked out. The Selectmen voted in favor of this at the last Selectmen's meeting. Chief Murphy said they will make sure communication is improved with the Waterway's Commission ongoing.

OLD BUSINESS:

Proposed Zoning Map Amendment for Extension of Business District and Overlay District, Brad Washburn, Director of Planning & Development

Ms. Curran said this was reviewed by the Selectmen at the December Selectmen meeting but they wanted Mr. Washburn to come back and review it again. Mr. Danehey asked how this is zoned. Mr. Washburn said it is currently zoned residential. The parcel has been used for business purposes for the last 30 years. The article requests that this location is zoned for business and mixed use. Mr. Washburn said this is not spot zoning since they are making it consistent with the area, it is the opposite. There was a public hearing by the planning board and it was approved. This specific site has no issues. Fran Dillon brought this to the planning department for consideration. Mr. Danehey said this makes perfect sense. Mr. Vegnani asked if we should do the whole area rather than that one location.

Move to support article 17 as written. Motion by Mr. Danehey second by Mr. Harris Unanimous Vote (5-0)

Opioid Litigation, Jim Boudreau, Town Administrator & Peter Merrigan, Sweeney Merrigan Law, LLP

Mr. Boudreau said given the fact that Scituate has been a leader in fighting the OPIOID epidemic he felt the Board should hear about this litigation.

We are a consortium of six national and three local law firms who share a reputation for high standards and dedication to the causes we pursue. Our local team, known as MOLA (Massachusetts Opioid Litigation Attorneys), consists of my firm, Sweeney Merrigan Law; KP Law (formerly Kopelman & Paige), a well-known municipal law firm in Massachusetts;

and Rodman, Rodman & Sandman, which has represented municipalities in contamination cases for many years.

The costs to communities vary from town to town. We have found that people and communities have documented these damages they are under reported. It is an abatement model at forward looking damages. They are advocating for three areas. The goal is to provide funding for the communities. The three areas are officer training and safety, treatment and prevention services and education. The money should go to teaching young children at an early age. This is different than tobacco litigation. When the funding came back it came in at the state level rather than the municipal level. They are individual law suits and not a class action. This is a mass tort litigation. Individual law suit would be filed on behalf of Scituate, MA as part of a multi-district litigation. The judge will oversee the issues such as discovery. There were about 425 cases filed and this group filed about 200 of them. There are about 75 municipalities represented at this time. The firm is paid 25% but there is no obligation to the town. They are capping their costs at 10% of the net recovery. Individualized damages to Scituate will need to be determined.

We are filing cases in the federal courts in Massachusetts which are then being consolidated nationally in a Multi District Litigation (MDL) for pretrial, discovery, and possible settlement discussions. Our consortium is the national leader in this litigation, and we hold leadership positions in all aspects of the MDL Our consortium has filed 137 of the approximate 257 cases on file in the MDL, more than any other firm in the country. We believe having more cases filed than any other group will allow for greater influence in the MDL and will serve our clients well. We work purely on a contingency fee agreement, which means there are no costs to the town unless we are successful in securing a recovery.

Mr. Danehey asked how it is quantified by community. There will need to be some model determined to award damages. There could be a strategy to identify opioid deaths, ems responses, population size, etc. There is a tremendous amount of human and financial resources required. Ms. Curran asked what would be required of our community resources. Mr. Merrigan said it would be extremely unlikely that local resources would be required. The law firm will be required to do the research but there is no obligation to commit employees to this. Mr. Merrigan does not anticipate a major undertaking from the Town. Mr. Vegnani asked which South Shore towns are participating. Mr. Merrigan cannot share the names of the towns publicly. There is a lot of current activity but there is not any hard and fast deadline. Mr. Merrigan feels this is a tremendously important litigation. This is one of the only ways to create change in the industry. The ultimate goal of the law suit has cut marketing and sales force in the pharmaceutical industry, injunctive relief is a big part of it, and in 1970 the controlled substances act said we cannot allow pharmaceutical companies to market these products the same way. Mr. Merrigan mentioned the 60 minutes special that recently aired regarding what happened and how the act was not followed. Actual procedures need to change in the pharmaceutical industry to address this issue. Ms. Canfield asked what concerns our Town Counsel had regarding this matter. Mr. Boudreau said they were mostly procedural issues. Mr. Danehey said there should be some form of litigation to go after these distributors and doctors who are over subscribing. Counsel has seen the engagement to represent. This would have to be a straight up contingent fee agreement.

Mr. Merrigan said there is a sentence in there if there is an in kind settlement. Mr. Danehey said he supports this.

The Selectmen agreed to add this to a future agenda to vote.

NEW BUSINESS:

1. ASSIGN Warrant Articles for Annual and Special Town Meeting

The Special Town Meeting articles were assigned as follows:

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| Article 1 | FY18 Budget Reconciliation | Maura Curran |
| Article 2 | Unpaid Bills | Maura Curran |

The Annual Town Meeting articles were assigned as follows:

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| Article 1 | Compensation of Elected Officials | Maura Curran |
| Article 2 | Reports of Boards and Committees | Maura Curran |
| Article 3 | Capital Improvement Plan Items A through UU | John Danehey |
| Article 4 | Fiscal Year 19 Operating Budget | Maura Curran |
| Article 5 | Waterways Enterprise Fund | Shawn Harris |
| Article 6 | Golf Course Enterprise Fund | Tony Vegnani |
| Article 7 | Wastewater Enterprise Fund | Tony Vegnani |
| Article 8 | Transfer Station Enterprise Fund | Shawn Harris |
| Article 9 | Water Enterprise Fund | Tony Vegnani |
| Article 10 | Stabilization Fund Excess Levy | Tony Vegnani |
| Article 11 | Revolving Fund Limits | Karen Canfield |
| Article 12 | Community Preservation | Tony Vegnani |
| Article 13 | Community Preservation Act Reconciliation's | Tony Vegnani |
| Article 14 | MGL Chapter 91 Liability | Karen Canfield |
| Article 15 | Zoning Bylaw Amendment: Recreational Marijuana | Karen Canfield |
| Article 16 | General Bylaw Amendment: Recreational Marijuana | Karen Canfield |
| Article 17 | Extend Business District and Village Business Overlay District | Shawn Harris |
| Article 18 | General Bylaw Amendment: Expansion of Flue Clinic Revolving Fund to Include Additional Public Health Vaccinations | Maura Curran |
| Article 19 | Tack Factory Pond Land to Conservation Commission | John Danehey |
| Article 20 | Ellis Property Conservation Commission Restriction | John Danehey |
| Article 21 | South Shore Vocational Technical Regional Amended Agreement | Karen Canfield |
| Article 22 | Petition Article | John Danehey |
| Article 23 | South Shore Community Action Council Petition Article | John Danehey |

2. **Sewer Betterment Deferral** Parcel ID 14-1-49-0
Resident meets all requirements for a sewer betterment deferral.

Move to grant a sewer betterment deferral for current year taxes for parcel id 14-1-49-0. Motion by Mr. Harris second by Ms. Canfield Unanimous Vote (5-0)

OTHER BUSINESS:

1. Board & Committee Liaison Updates
The library won two community awards for the Children's library and reading hour.
There are two openings on the Recreation Commission.
2. Correspondence
Thank you letter to DPW from resident John Ustas for storm cleanups.
3. Approval of Meeting Minutes None to approve at this meeting.

EXECUTIVE SESSION:

Ms. Curran stated that the board will go into Executive Session to discuss strategy with respect to collective bargaining and I declare that an open meeting may have a detrimental effect on the bargaining position of the public body. – Police, TOSCA, AMP, Fire and that the board will not reconvene in open session.

Move that the Board of Selectmen go into Executive Session to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body. – Police, TOSCA, AMP, Fire Motion by Mr. Danehey second by Mr. Harris Unanimous Vote (5-0)

Roll Call Vote:

Ms. Curran yes

Mr. Vegnani yes

Ms. Canfield yes

Mr. Danehey yes

Mr. Harris yes

The Selectmen moved into executive session at 9:35 p.m.

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for March 27, 2018 Board of Selectmen Meeting

- Agenda
- Outdoor Entertainment Permit Application
- DPW Contract All in One Tree Service contract amendment
- FY19 Town Operating Budget Scituate High School Presentation and memo
- Annual Town Meeting Warrant Article 3 Item UU Replacement of Unit 3 boat information and Waterways Commission Questions
- Proposed Zoning Map Amendment for Extension of Business District and Overlay District
- Opioid Litigation package from Sweeney Merrigan Law, LLP
- Correspondence
 - DPW Thank you letter from resident John Ustas
- Approval of Meeting Minutes

Board of Selectmen Meeting Minutes for March 27, 2018

BOARD OF SELECTMEN

Maura C. Curran, Chairman

Anthony V. Vegnani, Vice Chairman

John F. Danehey, Clerk

Karen B. Canfield

Shawn Harris