

**MEETING MINUTES  
BOARD OF SELECTMEN  
April 24, 2018**

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

John Danehey was not present at the start of the meeting

Also present: James Boudreau, Town Administrator

The Meeting was called to order at 7:02 p.m.

**Acceptance of Agenda**

**Ms. Canfield made a motion to accept the agenda for April 24, 2018**

**Second by Mr. Harris, all in favor. Unanimous vote (4-0)**

**WALK INS** – No walk ins this evening.

**REPORT OF THE TOWN ADMINISTRATOR**

Mr. Boudreau said Ship Shape day is this Saturday, April 28<sup>th</sup> 8 am – 1 pm at Town Hall and he hopes a lot of people will participate. Kevin Cafferty, Chief Murphy and Nancy Durfee attended a symposium with Mr. Boudreau hosted by the National Institute for Harbor and Coastal Infrastructure. The economics of coastal infrastructure was reviewed. The magnitude of the issue was discussed and what Massachusetts is facing and where that money is going to come from. It is going to become harder and harder to obtain money from these grants now that Boston and many other communities are applying, it is becoming more competitive.

The Public Building Commission met last week regarding the senior center. The architectural bids came in and were reviewed. They have narrowed it down to three companies. Background checks and interviews will be performed before they choose the final architect for the project. This is on track.

Mr. Boudreau met with representatives of the dog park project today. The six bids were opened last week and the project came in over budget. We are substantially short of funds by approximately \$100K. The three lowest were right in the same ball park so we know the bid package was good. The dog park group is checking to see if there are any additional funding available for the project via grants, etc. If not, these bids will need to be rejected and we will have to do some additional value engineering to bring the costs down even further. We will work on this over the summer.

We are beginning the paving in town and the schedule is posted on our website and Facebook page. Mr. Boudreau reviewed the schedule with the Board. The current schedule includes the

area where the water pipes were replaced. Other work is being priced out for our Chapter 90 funds to be used as well and this will cover Jericho and Hatherly Road. Once the roads are newly paved motorists tend to speed. Mr. Boudreau will ask Chief Stewart to keep a close eye on these roads to make sure people are not driving too fast on them. Route 123 will be done the last week in April during the week from the rotary to Neal Gate. Businesses will remain open. Mr. Harris asked Mr. Cafferty to inform the businesses on Route 123 that this will be happening.

Mr. Harris provided an update regarding the meeting about 4<sup>th</sup> cliff in Humarock.

### **SCHEDULED ITEMS:**

**The Tondorf family was not present at the start of the meeting for the Public Hearing. We will resume the Public Hearing when the Tondorf's arrive.**

#### **Election Poll Hours**

Kathy Curran asked for shorter poll hours since this is an uncontested race. The polls need to be open for at least 5 hours. Absentee ballots will be available next Thursday. Ms. Curran is asking that the poll hours be 8 am to 2 pm. Chairman Curran requested that the hours be at least 8 am to 3 pm. Mr. Vegnani agreed that 8 am to 3 pm would be better. Ms. Canfield is fine with the shorter hours since the absentee ballots will be available and it is an uncontested race.

**Motion to set poll hours for the Annual Town Election to be held on Saturday, May 19, 2018 at the Scituate High School gym located at 606 Chief Justice Cushing Highway from 8 am-3pm. Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (3-0) Ms. Curran abstained from voting and Mr. Danehey was not present at the time of the vote.**

**Mr. Danehey joined the meeting at 7:15 p.m.**

#### **Remote Participation Policy, Jim Boudreau, Town Administrator**

This should be infrequent and the chair must be notified in writing 48 hours in advance. Ms. Curran would like to limit the number of meetings per calendar year people can participate remotely. Mr. Vegnani said we should limit the # of remote people participating at the same time. Add language if easily achievable. Mr. Vegnani would like to state "at a location with remote participation availability". The board discussed remote participation with executive session and decided to leave it as written. The board agreed to leave the statement "should be infrequent" and not put a specific number of meetings since this should be at the discretion of the chair of the committee. The board agreed to vote the policy with the following changes; remote participation should be infrequent, the chair must be notified in writing at least 48 hours in advance of the meetings, remote participation must be at a meeting location with availability and

you cannot operate a motor vehicle while participating remotely. Ms. Devin will make these changes and produce a final document.

**Move to approve and implement Remote Participation Policy 62-18 in the Town of Scituate effective June 1, 2018 subject to the addition of items discussed. Motion by Mr. Vegnani second by Mr. Danehey Unanimous Vote (5-0)**

**Mr. Danehey excused himself from the meeting at 7:20 to return after the Tondorf license agenda items.**

**JKM SQ, LLC dba Riva Liquor License Change of Beneficial Interest, Kara Tondorf**  
Ms. Tondorf explained to the Board of Selectmen that they were making changes with the restaurants they run in Scituate and are updating the licenses accordingly.

**Move that the Board of Selectmen approve a liquor license change of beneficial interest to Kara Bilodeau-Tondorf for JKM SQ, LLC dba Riva 114-116 Front Street. Motion by Mr. Vegnani Second by Mr. Harris Unanimous Vote (4-0)**

**Grateful Haven dba Rivershed Liquor License Change of Beneficial Interest, Kara Tondorf**

**Move that the Board of Selectmen approve a liquor license change of beneficial interest to Kara Bilodeau-Tondorf for Grateful Haven dba Rivershed 17 New Driftway. Motion by Mr. Harris Second by Mr. Vegnani Unanimous Vote (4-0)**

**Kansha Restaurant Group, Inc. dba Hook & Harvest Liquor License Transfer of License, Change of Manager, New Officer/Director, Management/Operating Agreement, Katelyn Tondorf**

**Move that the Board of Selectmen approve a transfer of liquor license, change of manager, management operating agreement, new officer/director to Katelyn Tondorf for Kansha Restaurant Group dba Hook & Harvest. The 6,318 sq. foot space is located at 227 Chief Justice Cushing Highway and consists of: 4,930 sq. feet of space on the 1<sup>st</sup> floor with 5 rooms and 2 bathrooms; 833 square feet on the second floor with 3 rooms and 1 bathroom and a 555 square foot basement with 2 rooms and parking areas in the front and on the sides of the building. Motion by Mr. Vegnani second by Ms. Canfield Unanimous Vote (4-0)**

**Change of Common Victualler & Entertainment Permit**

**Move that the Board of Selectmen approve a transfer of the Common Victualler and Entertainment License for Kansha Restaurant Group dba Hook & Harvest 121 First Parish Road, Scituate, MA to the new owner Katelyn Tondorf to include all terms of the current Common Victualler and Entertainment permit. Motion by Ms. Canfield Second by Mr. Harris Unanimous Vote (4-0)**

### **Mr. Danehey re-joined the meeting at 7:40 p.m.**

#### **New Hawker Peddler License Application Lola Jane, LLC, Robin King**

In November Robin King purchased a food trailer. It started as private catering and he would like to use the food truck at the beach this summer. The vehicle is 10 x 12. Mr. King would like to have the truck at Peggotty Beach full time. He will stay away from the handicap parking spaces. Mr. Danehey feels this is a unique opportunity and good for the town. It would be a nice amenity for the public. Mr. King feels it's an extension of a local Scituate business. Mr. Harris asks that Mr. King get creative parking without taking up a spot and not block people. Mr. Harris is fully behind this. Ms. Canfield asked about refrigeration and power. Mr. King said he has a generator and has been fully inspected by the Board of Health. Purchasing and Receiving will be done at ORO. Everything will be in compliance by the Board of Health. Ms. Canfield asked Mr. Boudreau to see if any additional insurance is required. Ms. Canfield is concerned about the late hour of 8 p.m. Mr. Vegnani is supportive of the idea. The generator may be loud and it may be a problem for the residents in the area. Mr. King said it is very quiet and not like a generator you hear in the backyard. Mr. Vegnani would like a space designated with the Chief of Police. Mr. Vegnani is not in favor of overnight parking there. Mr. Vegnani would like to move this to the next Selectmen meeting to vote so people may have a chance to weigh in on this. Ms. Devin said the distance from a store selling similar wares is 300 feet. Mr. King will check with the police department to determine where he will park at Peggotty. Mr. Vegnani would like to move this to the next Selectmen meeting to vote so people may have a chance to weigh in on this.

#### **First Herring Brook Reservoir Dam Water Storage and Fish Ways – Phase III**

Improvements Contract, Sean McCarthy, DPW Engineer This will be postponed to a future meeting.

#### **DPW Water Pipe Replacement Project & Flushing Program, Kevin Cafferty, DPW Superintendent**

21 Miles of pipe have been replaced to date. There are a lot of improvements in the system. Redevelopment of wells has been done. The water resources committee met with DPW and had several questions that were answered. Mr. Cafferty showed the Selectmen a brochure from the 1930's identifying brown water as an issue in our community. How we eliminate it is to replace old water pipes and flush the water pipes on a regular maintenance schedule. This clears out the sentiment in the pipes. During the March storm we lost 1M gallons of water due to the broken water pipe at Peggotty Beach. This pipe is being repaired at this time. We have had several water main breaks and there was a period of time where there were a lot of complaints. Flushing began again this week. What causes the water to be clear one day and brown the next? It can be flushing or a broken water pipe that could cause brown water. Ms. Curran asked how much

more flushing is being planned. Mr. Cafferty said we are going to flush as much as we can without draining the reserves. Spring will be flushing and Fall will be flushing also. Mr. Danehey asked if there were other techniques that other communities use for this so we are not wasting water. Mr. Anderson said there is ice pegging done in some communities. Mr. Cafferty said it can be expensive and has some other requirements. Mr. Cafferty said he met recently with an engineering firm to see if there is a better way. It would not work for Scituate due to the required amount of water to do this alternative. How long will the flushing of the mains continue? Mr. Cafferty said we will go into May or as long as we can and pick it up again in the fall. Does the beige color water cause contaminated water? Mr. Cafferty said not but if the water is dark he wouldn't drink it. There is bottled water available at the water department for people. Should the cold water only be used to clear the water? Mr. Cafferty said use the outside spigot to run until clear. Should we drain out hot water heaters that have sediment in them? Mr. Cafferty said that is up to the maintenance recommended for the hot water heater unit.

Well improvements are underway and Sean Anderson provided an update on the status of all the wells. We do not publish our well locations for the safety of the town. Mr. Cafferty said there will be a five year program to maintain these wells. Well 18 has the highest manganese and iron levels of all our wells. This well has been taken off line for now. The carbon filters were replaced in the plant itself which was a major project. Since doing this we are getting really good water sample results. We have always been below DEP levels but due to this we are really low which is good. Hydrant services have been replaced around town and leaks have gone way down. A new upcoming project is Oceanside Drive, sections of Gannet Road where we are transferring water services from an old pipe to a new pipe. There are two parallel pipes but the older pipes are still in service and everyone was not transferred to the new pipes. This is an ongoing project and there are a lot of sections where the pipes are too small and a mismatch of pipes. This is part of our long term plan. Sean Anderson thanked the public for their patience during these changes. Mr. Cafferty said anyone is welcome to take a tour of the water treatment plant and see what is happening. It is an impressive facility. Mr. Harris said 22 miles of pipe has been replaced. There is a total of 110 miles of pipe in Scituate. There will still be 80 miles of older pipes. Prior to the replacement of pipes every time we flushed we broke the water pipes. Mr. Harris said years ago the town did not flush the water pipes because the pipes broke constantly. The pigeon hill tank had 18 inches of sediment there. They started this project today. They dive the tank and clean it up. It cannot be taken off line to clean it. Multiple divers were sent down to clean it out. This will help the brown water situation but the water is moving around and stirring it up. It may get worse before it gets better. Mr. Harris asked why we don't flush at night. Mr. Anderson said overtime, safety, too risky and the staff needs to work the next day. We do it during the day and communicate to residents area by area. Ms. Curran asked if we call people. Ms. Curran would like to elevate our level of communication and would like to isolate an area and put out a call to let people know. The more we advise people the better off we are going to be. Mr. Anderson said we notify the condo associations in town. The water

resources committee put together a questionnaire to educate people. Ms. Canfield said it is good to capture the water and use it to water your gardens, lawns, etc. Mr. Danehey asked how many complaints were received and Mr. Anderson said about 100 calls a day. Mr. Vegnani asked if it was realistic to eliminate brown water or is it unrealistic. Mr. Anderson said it is not unrealistic. At some point with flushing in the spring in summer we will eliminate the brown water. Mr. Vegnani asked what a realistic time is. Is it 10 years away? Mr. Anderson thinks 3-5 years is realistic. There was no flushing for years and years. Mr. Vegnani said it is not a judgement on effort but people expect to have clean water to bath, drink and wash laundry. The Selectmen were given the expectation that the water pipe replacement project would change this. Mr. Anderson is working the plants first and move to the highest complaint areas for brown water. Ms. Curran wants to know the threshold to take the next step and we need to be proactive in planning to eliminate the brown water. She does not want to wait five years and this is a core component to our livelihood. Mr. Anderson said one of the variables is will we have the water in the fall to do the flushing program. Flushing once a year will not be adequate. Ms. Curran asked DPW to bring concerns and needs to the Board of Selectmen. The board thanked the DPW for all their hard work.

#### **50 Country Way Sewer Connection, Steve Guard, Attorney & Peter Genta, Developer**

Attorney Guard said they would like to phase in the buildings. Mr. Guard said they cannot energize the water in the building. They are asking for permission to bring buildings one and two online. The third building would not be allowed to come online until the pipe is installed. Mr. Cafferty needs to be comfortable that these buildings cannot be brought online until approved by Weston and Sampson so it does not cause a problem with the Sewer plant. Attorney Guard said we still need the water turned on and no one will be in there to use the water. The risk comes once the buildings are occupied. Attorney Guard said it costs \$68,000 to replace the pipe not including engineering, etc. Attorney Guard feels his client should pay 25% and the town should pay 75% towards the \$68,000. His client is willing to take on the cost of construction, engineering, permitting, etc. The DPW will be overseeing it also. Mr. Cafferty said the firm Mr. Genta is hiring would be experienced with this and the sewer department would oversee this. Attorney Guard said they will pay the fees in full for the water and install the water meters. The permit for this project went through a 14 month period. The sewer tie in fees were \$240,000. They feel these fees should be adequate to improve the infrastructure. They never expected to be responsible for additional infrastructure. Mr. Vegnani said it is the Boards job to determine if the tax payers are responsible to pay for part of this. Attorney Guard said this was not a condition of the permit. Ms. Canfield said in the Wesson and Sampson report it says "this line should be replaced". Mr. Cafferty is uncomfortable putting any buildings online until the engineering firm reviews this. This work also has to be approved at the Conservation Commission due to the location near the river. Mr. Genta said we need to bring paying customers on line to help pay for this. Mr. Genta would like June 1<sup>st</sup> for the first building and July 1<sup>st</sup> for the 2<sup>nd</sup> building if they move forward right away. Karen Joseph, Town Planner said

during the public hearing there was a requirement to meet all the conditions for sewer from DPW. There are other items on the project that need to be completed to anticipate occupancy for some units by June 1<sup>st</sup>. There is still site work to be done to get occupancy. Mr. Vegnani said the board needs to decide if they are willing to contribute to the \$68,000 cost. Mr. Cafferty said flow studies will be required for any Greenbush projects. Mr. Vegnani said we should hook them up with the water meters but not give them an occupancy permit until they meet all requirements. Mr. Vegnani suggests the town pay 50% up to \$39,000 since it does benefit the town for improved service to that area. The connection to building one and two will be dependent upon the review with Wesson and Sampson. The pipe will need to be put in as soon as possible. The developer has to go to conservation commission before they can install the pipe. Ms. Canfield asked how long it will take Wesson and Sampson to determine what is required for the first two phases.

**Move to revise the sewer connection requirements outlined by the DPW in the December 15, 2016 memo from the Town of Scituate as follows:**

**Allow the applicant to put water meter flow in place and reduce the hook up fee by \$39,000 and the contractor will pay for the full permitting and installation for the sewer and water connection project. The sewer flow for occupancy will be dictated by Wesson and Sampson and meeting all other requirements of the special permit.**

**Motion by Mr. Vegnani second by Mr. Harris Unanimous Vote (5-0)**

### **Arbor Day Proclamation**

Mr. Danehey read the Arbor Day Proclamation.

### **NEW BUSINESS:**

1. One Day Beer & Wine Licenses
  - a. Silent Chef @ SMC on 6/16
  - b. Taylor Made Bartending @ St. Mary's on 4/29
  - c. Taylor Made Bartending @ SMC on 5/12
  - d. Lavishly Dunn @ Lucky Finn on 5/4

**Move that the Board of Selectmen approve a One-Day Wine & Malt licenses to Silent Chef for an event at the Scituate Maritime Center on June 16, 2018 from 5:30 pm – 9:30 pm. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (5-0)**

**Move that the Board of Selectmen approve a One-Day Wine & Malt licenses to Taylor Made Bartenders for an event at St. Mary's Parish Hall on April 29, 2018 from 1:00pm – 4:00pm. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (5-0)**

**Move that the Board of Selectmen approve a One-Day Wine & Malt licenses to Taylor Made Bartenders for an event at the Scituate Maritime Center on May 12, 2018 from 12:00pm – 4:00pm. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (5-0)**

**Move that the Board of Selectmen approve a One-Day Wine & Malt licenses to Lavishly Dunn for an event at Lucky Finn Cafe on May 4, 2018 from 6:30pm – 9:30pm. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (5-0)**

2. Seasonal License Renewals
  - a. Hawker Peddler Renewal for Nona's

**Move that the Board of Selectmen approve the Hawker Peddler Licenses to Nona's Homemade, Inc. for the 2018 season. Motion by Mr. Danehey second by Ms. Curran Unanimous Vote (5-0)**

3. Hawker Peddler Selectmen Policy Revision/Update  
The Selectmen Hawker Peddler Policy is being updated for some housekeeping items, correction of website information, fees, dates for renewals, etc.

**Move to approve revision of the Hawker Peddler Operational Policy 53-18. Motion by Mr. Danehey second by Mr. Vegnani Unanimous Vote (5-0)**

#### **OTHER BUSINESS:**

1. Board & Committee Liaison Updates

Ms. Canfield needs to officially resign as the South Shore Coalition liaison due to a conflict with another board. She will be sworn in on Monday as the representative on the Metropolitan Area Planning Council and she cannot do both. The board will need to decide who will be the liaison.

Ms. Canfield said the Water Resources Commission has been working for a year on a proposal for new developments. They will be going to the other boards to present their recommendations to planning, CPC, Conservation, etc. before they come before the Board of Selectmen.

Mr. Vegnani said Ship Shape Day is Saturday so come to town hall to help clean up. It's a great day. Mr. Vegnani asked that the public supports the high school teams.

Mr. Vegnani went to the Historical Commission meeting last week. They want to participate and have input in some capacity with any design of a new senior center or any changes to the Old Gates Building. Ms. Curran would like the Commission to come in and speak about this building. Lorraine Devin will arrange for the Historic Commission to attend a future meeting to discuss the Historic relevance of the Old Gates Building.



Mr. Danehey is concerned about the plastic bags around town and would like to discuss what type of policy we want for our community. The current bags are not biodegradable and they are all over the place. Ms. Curran was contacted with a similar concern with nips and the trash all over town.

Ms. Curran wants to thank the people who showed up at Town Meeting. It was good healthy debate.

Mr. Harris thanked Ms. Curran, and all the town department directors for attending the meeting with the 4<sup>th</sup> cliff Air Force. Ms. Durfee showed them the erosion over the last storm. Mr. Harris said possibly we could have a state/federal partnership. What benefit is it to have that facility there. The army corps after the blizzard of '78 put up armor stone. Mr. Harris wants to keep the discussions going. The Airforce will go to the Mass Task Force to see if any funding is available and they agreed to post new signs. They will see how they can partner with the state. Maybe DCR could take it over and that was discussed.

2. Correspondence

- Letter from Resident James Hart for extension of Country Way walkway with petition signatures. Ms. Curran said this is part of the complete street grant process. Mr. Danehey agrees this should be done since this is a treacherous section in town. Mr. Harris agrees this should be done and could be done quicker if we don't have to move the telephone poles. Mr. Vegnani would like the telephone poles moved. The Selectmen want to see the cost of moving the telephone poles and they are in agreement in needs to be connected. The Selectmen asked Jim Boudreau to have DPW take a look at this.
- Senior Center Council on Aging event 4/26/18 at the River Club from 6-8 p.m.
- Division of Marine Fisheries effective April 5, 2018 is open.
- Scituate High School Graduation is June 1, 2018
- National Grid vegetation management plan.

3. Approval of Meeting Minutes

**Move to accept the meeting minutes for the Board of Selectmen meetings held on April 3rd and April 9th, 2018. Motion by Mr. Vegnani Second by Mr. Danehey Unanimous Vote (5-0)**

4. Adjournment and Signing of Documents

**Motion to adjourn at 9:56 by Mr. Vegnani second by Mr. Danehey Unanimous Vote (5-0)**

Respectfully Submitted,

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Lorraine Devin, Recorder

## **List of Documents for April 24, 2018 Board of Selectmen Meeting**

- Agenda
- JKM SQ, LLC dba Riva Liquor License Change application
- Grateful Haven dba Rivershed Liquor License Change application
- Kansha Restaurant Group, Inc. dba Hook & Harvest Transfer of Liquor License with changes
- Hawker Peddler License Application Lola Jane, LLC
- First Herring Brook Reservoir Dam Water Storage Contract – postponed to future meeting
- DPW Water Pipe Replacement Project & Flushing Program
- 50 Country Way Sewer Connection
- Remote Participation Policy
- Arbor Day Proclamation
- Election Poll Hours
- One Day Beer & Wine License Applications
- Seasonal License Renewal Hawker Peddler for Nona's
- Hawker Peddler Selectmen Policy Revision/Update
- Correspondence
  - Letter from Resident James Hart for extension of Country Way walkway with petition signatures.
  - Senior Center Council on Aging event 4/26/18 at the River Club from 6-8 p.m.
  - Division of Marine Fisheries effective April 5, 2018 is open.
  - Scituate High School Graduation is June 1, 2018
  - National Grid vegetation management plan.
- Approval of Meeting Minutes

Board of Selectmen Meeting Minutes for April 24, 2018

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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Karen B. Canfield

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Shawn Harris