

**MEETING MINUTES
BOARD OF SELECTMEN
May 29, 2018**

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

Also present: James Boudreau, Town Administrator

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

Acceptance of Agenda

**Mr. Vegnani made a motion to accept the agenda for May 29, 2018,
Second by Mr. Harris all in favor. Unanimous vote (4-0)**

REORGANIZATION OF THE BOARD OF SELECTMEN

The Board of Selectmen thanked Chairman Curran for her service to the town and each took some time to recognize her significant contributions of service and time during a challenging year with the Town Administrator leaving and a new one hired along with other significant issues while she was the Chairman of the Board. Mr. Vegnani presented Ms. Curran with a gift for serving as Chairman for the past year.

Mr. Vegnani nominated Mr. Danehey as the new Chairman, second by Mr. Harris Unanimous Vote (5-0)

Mr. Vegnani nominated Ms. Curran as Vice Chairman, second by Mr. Harris Unanimous Vote (5-0)

Mr. Danehey nominated Ms. Canfield as the Clerk, second by Mr. Vegnani Unanimous Vote (5-0)

WALK INS – Mr. Fred Boyajian, 94 Marion Road has made major investments in town and he has several complaints. He has left messages with various departments to call him but his calls are not returned. Last year they were building a seawall in Sand Hills. The project was delayed and he said he lost a lot of money. He claims it is still not completed and they are using the area to stage for new water pipes. He asked why they are digging up Oceanside Drive in the summer time. The equipment and materials are still there and he would like answers why. Mr. Danehey said the seawall project will benefit all the homes in the area and although it is an inconvenience it needs to be done. There is a problem with the gas lines in the area and they need to be fixed. This is the time of year we can get the contractors to do the job. These jobs have to be done there is no easy fix. Mr. Boyajian said the seawall hasn't worked and he has pictures of the water going over the seawall. Mr. Danehey said that neighbors in the area have reported to him that the seawall repair is a great benefit to the neighborhood and it will not stop all of the water if

the height is greater than the seawall but it is a significant improvement. Mr. Danehey said Mr. Boyajian's time is up for walk in and he must move forward on the agenda.

David Dardi, 122 Gilson Road is here about the wind turbine and he sees on the agenda the contract is testing is on the agenda. Seven months ago it was decided to do the noise study. Mr. Danehey said we will discuss this in more detail when the agenda item comes up. Mr. Dardi said Mr. Danehey said any family has a right to complain. Mr. Danehey said at this point the board does care about the families. Mr. Dardi asked if the board understands the importance of this and he is not going away. Mr. Danehey said as long as people are respectful he has no problem.

Andrea Hunt, 66 Mann Lot Road is hoping that Karen Canfield reported to the board that the school committee voted to release the 14 acres of land to surplus. She is wondering if the board can provide a timeframe to put these 14 acres under a conservation restriction. Mr. Danehey said they have not formally been informed by the School Committee as yet.

REPORT OF THE TOWN ADMINISTRATOR

Memorial Day ceremony was yesterday and went very well. The DPW did a great job getting everything ready. The last spring household hazardous waste will be in Scituate at Captain Peirce Road and they will accept latex paint on June 16, 2018 from 9 a.m. to 1 p.m.

SCHEDULED ITEMS:

Donations to Scituate Fire Department, John Murphy

Chief John Murphy said Captain Pat Reilly and Bob Paine worked with the dive team. Mr. Paine donates his time to make sure the fire department has the right equipment. In May, \$11,055 was earned at a fundraiser held at the Barker Tavern to be used for dry suits for the dive team. Bob stepped up and ran a fundraiser working with Captain Reilly. Chief Murphy thanked the Barker Tavern for hosting the event. Ms. Curran thanked Mr. Paine for his effort running the fundraiser.

Motion by Ms. Curran to accept the donation to Scituate Fire Department in the amount of \$11,055. Second by Ms. Canfield Unanimous Vote (5-0)

Library Foundation Update, Ginny Ayers, Chairman

Ginny Ayers, Skip DeBrusk, Joe McNally, and Peter Lincoln were in attendance and the foundation has raised over \$1.55 M to date. Families have signed up to make additional donations. The Hamilton Company Charitable Foundation that was founded by Harold and Maura Brown recently made a donation that brings their total to \$106,000 completing their \$100,000 pledge to sponsor the large Community Room in memory of her parents Justice Joseph & Margaret Nolan. Ms. Ayers gave a check to Mr. Boudreau in the amount of \$100K as the most recent donation to the town. There is a fundraiser this weekend at Untold Brewing called Books and Brews and tickets are on sale on the Scituate Library Foundation website. You can email Liz Henry for tickets as well. There will be brewery tours and food to go along with the beer. This is an adult's only fundraiser. There are smaller wine and cheese parties organized at

neighbor's homes. The library building is selling itself these days since people like it so much. Ms. Canfield asked if it has been six years and stated that the core group of people who have worked these fundraisers are extraordinary.

Mr. Vegnani asked what the status is of the HVAC system problem. Mr. Boudreau and Mr. Harris said they are discussing this issue at the PBC meeting tonight. Mr. Danehey asked if someone could attend the next Selectmen meeting with an update. Ms. Devin will follow up to schedule this for the next meeting.

Outdoor Entertainment Permit, Jessi Finnie, Director, Scituate Town Library

Ms. Finnie explained the outdoor concert series. Ms. Curran asked where this will be held and Ms. Finnie said under the porches. Mr. Danehey said he liked the idea and hopes it is successful.

Move to grant an outdoor entertainment permit to the Scituate Town Library Director Jessi Finnie for Wednesday evenings June 27th, July 11th, July 18th, July 25th, August 1st, and August 8th, 2018 from 6-7:30 p.m. Motion by Ms. Canfield second by Mr. Vegnani Unanimous Vote (5-0)

Mr. Vegnani recused himself from the meeting for his families permit request at 7:43 p.m.

Outdoor Entertainment Permit, A. Vegnani

Mrs. Anne Vegnani explained the request to the Selectmen and she has notified the abutters.

Move to grant an outdoor entertainment permit to Anthony and Anne Vegnani for an acoustic guitar at a private event on 6/23/18 at 98 Chief Justice Cushing Highway from 4 pm to 6 pm. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (4-0) Mr. Vegnani recused himself for this vote.

Mr. Vegnani returned to the meeting at 7:45 p.m.

Contract Wind Turbine Acoustical Study, A. Bangert, Special Projects

Mr. Bangert said resuming this summer will be the mitigation of the wind conditions. This is underway. In October the Board of Selectmen asked that an acoustical study be commissioned to determine if the wind turbine was operating in compliance with the Department of Environmental Protection Division of Air Quality Noise Regulations (310 CMR 7.10).

After consultation with the DEP a Request for Proposals was developed, posted and advertised in January 2018. Copies of the RFP were sent to eleven firms. Three responses were received by the due date of March 6. Of these, two were incomplete and the third was defective. Several other firms indicated that they did not respond because other priorities would prevent them from meeting the timeline in the RFP.

A second RFP was issued in March and four responses were received in late April.

- The four responses were evaluated versus the following criteria:
 - Experience with field testing
 - Familiarity with Massachusetts DEP testing protocol
 - Methodology for monitoring wind conditions
 - Task understanding
 - Qualifications of staff
- Two firms were assessed to be acceptable:
 - Epsilon Associates (rated Superior) - \$50,000
 - ACENTECH (rated Adequate) - \$52,650

Ms. Canfield asked Mr. Dardi if he was satisfied. Mr. Dardi said he preferred ACENTECH and Mr. Bangert selected Epsilon Associates.

Mr. Bangert said the testing could take all summer long. Mr. Danehey said would the turbine shut down impact the testing. Mr. Danehey asked if October and November would be better to test since the wind turbine is not shut down. Ms. Curran wants to make sure the neighbors are aware the turbine may be on due to testing when we previously agreed to shut down during certain hours. Mr. Vegnani asked how many samples and Mr. Bangert said four nights will be included. Mr. Danehey asked what the optimal time is for the noise issues. Mr. Bangert said it is broader than just southwest winds. Mr. Bangert said the time of year the most incidents occurred was in the summer. Mr. Harris asked if the company is available 24 hours. Mr. Bangert said yes they are available.

Payment for the study would be provided by the Wind Turbine Revolving Account, which is funded exclusively by revenue from the turbine's operation.

If the Board would like to move forward with this acoustical study Mr. Bangert recommends that the contract be awarded to Epsilon Associates. This recommendation has been reviewed with the DEP, Scituate Wind and Third Cliff resident David Dardi.

Mr. Danehey asked if members of the audience would like input. Phyllis Karlberg, 26 Hughes Road said she would like to make sure one of the monitors is on her home. Mr. Dardi said the wind affects a person who lives down wind of it. People on Collier Road get affected from a different wind direction. Mr. Dardi said both principals of the two company finalists are funded from the money that comes from the electric bills. They give money to wind turbine operators and Robert O'Neill is very much in tune to that group and has a vast amount of experience. Epsilon has not found any problems with wind whereas the other company points out the problems. Mr. O'Neill seems to have a pre conceived notion. Mr. Danehey said there has to be a trust factor. Mr. Dardi said the community group likes the other company better. Epsilon has experience in many different states across the country. Both are registered engineering firms. Neither is bias and they have a fiduciary responsibility to us. ACENTECH has more experience with submarines and less with wind turbines. Mr. Vegnani hopes that there is a violation found because we know people that have no problem with the wind turbine. We have to take these

firms at their professional integrity and hopefully we'll get some resolution. Mr. Dardi said Mr. Vegnani said if we find things out of compliance the wind turbine operator will try to mitigate the problem and he should not expect too much. Mr. Dardi said Epsilon Associates likes to average the information while ACENTECH does not. Mr. Dardi would like to see the data. Mr. Danehey said that is a reasonable expectation.

Move that the Board of Selectmen vote to award the contract for the Wind Turbine Acoustical Study (Contract 18-WT-01) to Epsilon Associates of Maynard, MA in the amount of \$50,000 for the scope of work as specified in their Response to Request proposal dated April 25, 2018. Motion by Mr. Harris second by Ms. Curran Unanimous Vote (5-0)

Mr. Bangert said he would like for one of the Selectmen to be the liaison to the wind study project.

Old Gates School, Doug Smith, Chairman, Historic Commission

This was requested by Ms. Curran to determine the historical significance of the Old Gates School. Mr. Smith said the Scituate Historical Commission was asked in 2010/2011 to determine the historical significance of the old Gates School Building for purposes of a Community Preservation Committee application. The Gates School was constructed in three phases. The first section – now known as the A wing was constructed in 1917, with the angular roof, spire and auditorium built in 1931. The B wing (where the gym is) was constructed in the late 1940's and the C wing (far area to the right if facing the building) was in the late 1950's. The section of most historical significance is the A wing area. The Gates School has also experienced (what is known in historic preservation as) "muddling." Muddling is when a historic structure goes through *renovation* rather than *restoration*. The Gates School went through various additions and renovations to accommodate the educational use needed at the time of such activities. Muddling can negatively affect the historical significance of a property. It would take the skill set of a historic preservation architect to fully evaluate what components of the existing building can be preserved or could be "unmuddled." It is hard to determine what parts are historical. It is a common misconception that National Register listing protects property from demolition. This is not the case.

A key consideration in evaluating historic resources is setting. The Gates School is located near several historic resources in Scituate – Cudworth House, Lawson Tower, Little Red School House, Cudworth Cemetery, Lawson Common and the Unitarian Universalist Church. The setting alone adds to the historical significance of the building. The key historical component is the main original section of the building. The architects are noted and constructed similar buildings to the Gates School (Colonial Revival) that are now listed on the National Register.

This is a historically significant area/section of town. Ms. Curran asked if CPC funds could be used for this project. Mr. Smith said restoration expenses are much higher than renovation

expenses and if the strict conditions were met, CPC funds may be able to be used but you have to be careful.

Andrea Hunt, 66 Mann Lot Road said the National Registry does not protect it from being demolished, however if a section is registered with the State Historical Commission the state can provide matching funds for restoration. In looking at the cost, there would be a good possibility for grants. She was also told that they put you to the top of the list if it is a question of demolition. Ms. Hunt asked if the architect will be tasked with the option of saving the historical part of the building. Mr. Danehey said we are charging them with determining the cost of using a portion of the old building and the cost to demolish completely. Ms. Hunt said after speaking with CPC she believes that CPC funds could be used for that portion of the building. Mr. Smith said you have to be careful to use CPC funds. Gordon Price, 48 Mann Lot Road, asked if Mr. Smith knew what part was considered historical. Mr. Smith said it was included in the Durkee Brown study. Mr. Smith said demolition is expensive and has to be added to the cost of the project.

DPW Contracts, Kevin Cafferty, DPW Superintendent & Sean McCarthy, Town Engineer

1. First Herring Brook Reservoir Dam Phase III

Sean McCarthy and Tom Cook are working on this project at the reservoir and 60% of the design is completed. This contract awards phase III by a grant received

This project consists of Phase III-90% design and permitting of the Reservoir Dam Water Storage and Fish Passage Improvements Project.

Proposed spillway improvements will increase storage capacity of the reservoir by raising impoundment level by 1.5 feet and increase emergency spillway capacity to meet current dam safety regulations. Proposed fish way improvements would improve fish passage function by lowering the fish way exit by 3.9 ft.

Prior studies identified these improvements as cost-effective solutions for increasing water supply storage in the reservoir, increasing emergency spillway capacity to current regulation standards and improving conditions for fish passage.

This project builds upon the Phase II-60% design and initial permitting phase completed in 2017.

Move that the Board of Selectmen award the reservoir design and permitting contract to Tetra Tech engineers for \$182, 309. Motion by Mr. Harris second by Mr. Vegnani Unanimous Vote (5-0)

2. Highway Department MAC Truck

Mr. Harris reviewed the spec sheet and is satisfied with the state pricing.

Move to award a contract to Ballard Truck Center for \$167,877 for replacement of the DPW-Highway Division's 1993 International 6 wheel dump truck #1-7 with a 2019

Mack Granite 64 FR 10 wheel dump truck. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)

Senior Center Logo, Linda Hayes, Director, Council on Aging

Ms. Hayes would like some consistency and uniformity with the new Senior Center logo. Volunteer badges, print materials, etc. She is aware of the SEA SCITUATE logo but she wants this to be consistently recognized for the Senior Center. Gordon Price, 38 Mann Lot Road said this is a good piece to add to get some excitement for the project.

Move to accept the adoption of a new logo for the Senior Center to use for branding and marketing its programs and services. Motion by Ms. Canfield Second by Mr. Harris Unanimous Vote (5-0)

Widows Walk HVAC Contract, Nancy Holt, Finance Director/Town Accountant

In 2017 at town meeting it was voted to replace the HVAC system at Widows Walk. The Town voted \$80,000 to replace the HVAC systems at the Widow's Walk maintenance building and clubhouse at the April 2017 annual town meeting. The maintenance building HVAC project was completed in August 2017 for \$9,900. The contract before you tonight is with Energy Conservation, Inc. and it was procured through MGL Chapter 25A, the same statute through which the ESCO project was procured. The new system has a SEER rating of 18 SEER and the old system was only 13 SEER. There is also savings associated with the new system as it is a 4-zone design with variable operational characteristics, versus the existing single-zone and compressor operating either on or off. Mr. Harris would like to have seen a bidding process for this item. Mr. Harris would like more information and would like to speak with Kevin Kelly before voting on this. Ms. Curran asked what this includes and to have more information on this. This item will be postponed to a future meeting.

Abatement of Ambulance Charges, Nancy Holt, Finance Director/Town Accountant

Ms. Holt said most of FY12 was previously written off. This is about 13.5% of the receivable. The third party biller attempts to collect it and then it goes to the deputy collector. The board has not adopted any further collection procedures.

Move to approve the recommended abatements for all outstanding ambulance charges from FY 2012 and FY 2013 totaling \$93,500.93. Motion by Ms. Curran second by Mr. Vegnani Unanimous Vote (5-0)

Scituate Recreation Employee Disclosures, N. Holt, Finance Director/Town Accountant

Personnel who work in other areas of Town are included on this list.

Move that the Board of Selectmen, as required by Massachusetts G. L. c. 268 A, have reviewed the disclosure forms from the following municipal employees who seek to provide personal services to Scituate Recreation. The exemption under section §20 (b) is approved for the following municipal employees as printed.

**Andrew Barlow
Michael Barba
Caroline Burns
Caitlyn Corey
Erin Culbert
Elizabeth Dorgan
Brian Hurcombe
Molly Scott
Christine Kane**

**David Jordan
Brian Stewart
Amanda Kruggel
Kathleen McCarthy
Craig Parkins
Matthew B. Poirier
Colleen Bonner
Jennifer Harris
Morgan Seghezzi**

**Lisa Howell
Brian Robinson**

Motion by Ms. Canfield second by Mr. Harris Unanimous Vote (5-0)

NEW BUSINESS:

1. One Day Liquor Licenses

- a. Silent Chef @ SMC on 6/30 from 11 am – 3 pm
- b. Riva @ SMC on 6/1 from 6-10 pm
- c. Scituate Knights of Columbus @ K of C on 6/16 from 7-11 pm, 8/3 from 2-6 pm and 8/4 from 3-7 pm for Knights of Columbus Events

Move that the Board of Selectmen approve a One-Day Wine & Malt license to Silent Chef for an event at the Scituate Maritime Center on June 30, 2018 from 11:00am – 3:00 pm Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)

Move that the Board of Selectmen approve a One-Day Wine & Malt license to Riva for an event at the Scituate Maritime Center on June 1, 2018 from 6:00pm – 10:00 pm Motion by Ms. Curran second by Mr. Vegnani Unanimous Vote (5-0)

Move that the Board of Selectmen approve three One-Day Alcoholic Beverage licenses to the Scituate Knights of Columbus on June 16, 2018 from 7:00 pm-11:00 pm, August 3, 2018 from 2:00 pm-6:00 pm and August 4, 2018 from 3:00 pm-7:00 pm pending tips certification documentation. Motion by Mr. Harris, second by Mr. Vegnani Unanimous Vote (5-0)

2. Board & Committee Appointments

- 1. Move to appoint the following for a term of one year or until a successor is named:**
 - Agent of Veterans Benefits - Donald Knapp**
 - Archivist – Betty Foster**
 - Custodian of Tax Title Property – Pamela Avitabile**
 - Custodian of Veterans Graves – Donald Knapp**

- **Fair Housing Officer – Jim Boudreau**
- **Fence Viewer – Paul Murphy**
- **Field Driver – Neil Duggan**
- **Licensing Agent – Sgt. Gerald O’Brien**
- **Local Auction Permit Agent – Pamela Avitabile**
- **Massachusetts Bay Transportation Authority – Al Bangert**
- **Metropolitan Area Planning Council – Brad Washburn**
- **Plymouth County Advisory Board – John F. Danehey, Chairman Board of Selectmen**
- **South Shore Recycling Cooperative – Sean McCarthy**
- **South Shore Regional School District Representative – Jack Manning**
- **Surveyor of Lumber/Measurer of Wood and Bark – Al Bangert**
- **Tree Warden – Michael Breen**
- **Veterans Agent – Donald Knapp**

Motion by Mr. Vegnani second by Ms. Curran Unanimous Vote (5-0)

2. **Move to appoint Mary Sancinito, Assistant Town Accountant for a term of three years or until a successor is named. Motion by Ms. Curran second by Mr. Harris Unanimous Vote (5-0)**

OTHER BUSINESS:

1. Liaison Reports

Ms. Canfield asked Ms. Holt to update the status of the Library HVAC. Ms. Holt said there will be a meeting on Friday morning. They plan to take the unit apart and move the compressor to another area and thread down into the ducts a deafener to absorb the vibrations. They do not expect the cost to exceed \$60,000. The acoustical engineers feel this will remediate the problem.

Mr. Vegnani met with the 7th grade class last week and they may present something to the Board of Selectmen that will help the community.

June 1st is the graduation ceremonies at 6 p.m.

The Scituate Varsity baseball team made the playoffs.

2. **Correspondence** Mr. Danehey requested that the correspondence be moved to the next meeting.

3. Approval of Meeting Minutes

Mr. Danehey abstained from voting on the approval of meeting minutes since he was not present at the May 8th Selectmen meeting or the Executive Session.

Move to accept the minutes for the Board of Selectmen meeting held on May 8th, 2018. Motion by Mr. Vegnani, second by Ms. Curran Unanimous Vote (4-0)

Move to accept and not release the executive session minutes for the Board of Selectmen Executive Session held on May 8th, 2018 since matters discussed are still pending at this time. Motion by Ms. Curran, second by Mr. Vegnani Unanimous Vote (4-0)

4. Adjournment and Signing of Documents

Motion to adjourn at 9:16 by Mr. Vegnani second by Ms. Canfield Unanimous Vote (5-0)

Respectfully Submitted,

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Lorraine Devin, Recorder

List of Documents for May 29, 2018 Board of Selectmen Meeting

- Agenda
- Outdoor Entertainment Permits for Scituate Town Library and Vegnani Family
- Contract for Wind Turbine Acoustical Study
- Historical Commission Letter regarding Old Gates School
- DPW Contracts for First Herring Brook Reservoir Dam Phase III and Highway Department MAC Truck
- Senior Center Logo recommendation from Council on Aging Linda Hayes
- Widows Walk HVAC contract postponed to future meeting
- Abatement of Ambulance Charges and backup
- Scituate Recreation Employee Disclosure forms
- Correspondence moved to next meeting not reviewed
- Approval of Meeting Minutes

Board of Selectmen Meeting Minutes for May 29, 2018

BOARD OF SELECTMEN

John F. Danehey, Chairman

Maura C. Curran, Vice Chairman

Karen B. Canfield, Clerk

Shawn Harris

Anthony V. Vegnani