

**MEETING MINUTES
BOARD OF SELECTMEN
March 19, 2019**

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

Also present: James Boudreau, Town Administrator

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

Acceptance of Agenda

**Ms. Curran made a motion to accept the agenda for March 19, 2019
Second by Mr. Harris Unanimous vote (5-0)**

WALK INS - NONE

REPORT OF THE TOWN ADMINISTRATOR

Mr. Boudreau provided an update on the water treatment plant. The basins are drained out and we found some cracks to repair and we're starting demolition of the track vac this week. Chemical tanks are going in this week and the last thing will be the track vac system in the sedimentation tanks. We should be back online first week of April.

Well 18 is good to go and the numbers are looking good. Mr. Boudreau reviewed some numbers with the Board.

The IT Director interviews are going well and we're close to choosing a candidate. We have filled the Board of Health Director position and we will let you know who it is soon – he is a Scituate resident and we will have an announcement shortly. We're very happy.

SCHEDULED ITEMS:

Dribbles Common Victualler License (N. Scituate) – Rob Struzziero

Mr. Struzziero is opening a second location and in process of renovating the entire shop. He hopes to open in a month or so. He also hopes to expand and offer deli wraps in the future as well as continue to provide the Wilbur Wheels. The Board was happy to see that Dribbles decided to expand in this area.

**Move to approve a Common Victualler's License for Dribbles located at 367
Gannett Road Scituate, MA 02066 pending Board of Health approval.**

Motion By Mr. Vegnani Second By Ms. Canfield Unanimous (5-0)

Special Event Application for Scituate 5K9 Race – Rachel Naclerio

Ms. Naclerio is organizing this event to benefit the Scituate Dog Park. The race starts at

Baystate Athletic Club and is sponsored by Driftway Animal Hospital. The race will not cross the road at all and starts at 8:30 AM. Ms. Curran asked about the DPW's question for port-a-potties and trash removal. She will have volunteers to clean. Mr. Danehey asked if the bathroom facilities will be open at the Animal Hospital— she will look into this. The registration will be in the parking lot of Baystate Athletic Club and the route is all off road on the bike path. The Board thinks it's a unique concept but expressed some concerns with the animals and being careful. There will be police officers and volunteers and the race should be spread out to allow for plenty of space on the sidewalk for runners with their dogs. Ms. Curran suggested staggered start times to avoid congestion along the route.

Move to approve a Special Event Permit to Rachel Naclerio, for the Scituate 5K9 Road Race on May 19, 2019 from 7:30 a.m.-11:30 a.m.

Motion By Mr. Vegnani Second By Mr. Harris Unanimous (5-0)

7:30 **DISCUSS/VOTE** Cushing Estates Sewer Connection Request - Joe McNally, 21 Hickory Ln, Bob DeLorenzo, 21 Hickory Ln, Paul Mirabito, Ross Engineering

Mr. DeLorenzo, 26 Hickory Ln, provided background on the development (18 main houses) which was built in 1994. The septic system was designed for simple sewer tie in. We all have our own tanks and one system failed a few years ago and was tied in. The development is now 25 yrs. old and the residents wanted to explore options. We met with Kevin Cafferty and Wil Branton to discuss the ease of tie in and they have been extremely helpful. We have also held 3 info meetings with neighbors that included 11 of 18 homeowners and 9 were immediately on board. Today they are making a formal request to tie in to sewer.

Mr. Vegnani thinks that developments like this need to be part of our long term plan and will help add revenue to the sewer enterprise fund. He is in favor of this as long as we understand the numbers and capacity.

Ms. Canfield noted that DPW does support this venture. Mr. Branton said it is a relatively small project. Ms. Canfield also noted that this was an original condition in 1994 when the homes were built.

Ms. Curran is aligned with the Selectmen to bring more homes on line. She just wants to make sure our capacity numbers are projected accurately. She mentioned the Cedar Point project which will alleviate approximately 40,000 gallons/day. Mr. Cafferty said it's been an extremely wet spring and fall so we are up there in inflow and infiltration.

Mr. Mirobito, Ross Engineering, prepared a presentation map of the area to explain how simple the process would be.

Mr. Danehey asked Mr. Cafferty what we own. Mr. Cafferty said it is now a public way but was private and we would have to look into engineering to take ownership of the manhole. Mr. Harris said we need to understand who is responsible if something fails.

He is also concerned about others who have expressed an interest in sewer tie in previously and are still waiting. Mr. Danehey asked if we could put in a main in the center of Persimmon Rd. Mr. Mirobito would need to look into elevations. Mr. Danehey thinks it's a good idea but he proposes that we have a meeting on sewer capacity with real numbers to determine what we can do. We need further clarification from the sewer department.

Mr. DeLorenzo understands the capacity issues but feels they have the right to tie in – could be vote with a contingency?

The Board will work with the Finance Director to look at the Sewer Enterprise Fund before voting to be fair to all those that are also looking to tie in.

Mr. Mirobito noted how easy it is to tie in 15 houses and they were built to be tied in much sooner.

The Board asked for a comprehensive sewer plan discussion to be held at the April 23, 2019 meeting and that a vote be taken at the May 7, 2019 Board of Selectmen Meeting.

Jamie's Pub Sewer Agreement, Ralph Constantine

Mr. Constantine was not in attendance at this time.

Poll Hours for Annual Town Election – Kathleen Gardner, Town Clerk

Ms. Gardner said we have four people running for Selectmen and a Debt exclusion question. We will have absentee ballots for town election available the last week of April. She's requesting 7 AM - 5 PM for voting hours. Mr. Danehey anticipates a large turnout and would prefer to extend to 6 PM. There is no early voting for town elections but ample time for absentee or to have a ballot mailed. Ms. Canfield asked how many came between the hours of 5-6 PM. Kathy noted it was probably about 100 people.

Move to set the poll hours for the Annual Town Election to be held on Saturday, May 18, 2019 at Scituate High School Gymnasium located at 606 Chief Justice Cushing Highway to be set from 7 AM – 6 PM.

Motion By Ms. Curran Second By Mr. Harris Unanimous (5-0)

DPW Contracts, Kevin Cafferty, DPW Director, Sean McCarthy, Engineer

1. Award contract to C. Naughton Corporation for parking lot improvements at the Egypt Beach Parking Lot for \$265,000.00.

This is an in house design, through the beach funds – similar to the project we did in

Humarock but we will be adding an outdoor shower. We received a great response. Mr. Vegnani asked if we could add a bathroom. DPW has looked into it in the past but it's possible. We may have to eliminate a few parking spots to accommodate a pre cast bathroom facility. Mr. McCarthy said we are adding 22 additional parking spots. The Board would like an area to drop off gear – DPW can work on accommodating that. Mr. Harris asked about the paving details. The Board would like to make sure we look at the design for safety possibly on an angle. If we do this it might make sense to do a one way in/out. The Board would like to see some new designs (striping layouts) at a future meeting but will award the contract today.

Move that the Board of Selectmen award the contract for the Improvements to the Egypt Beach Parking Lot to C. Naughton Corporation of Bridgewater, MA for \$265,000.00

Motion By Ms. Canfield Second By Ms. Curran Unanimous (5-0)

2. **DISCUSS/VOTE** Award contract to RFS Corp for Phase 3C water main replacement

We went out to bid for this phase which includes replacement of Oceanside Drive, service transfers on Turner, Gannett Rd., Booth Hill Rd, and add alternate on Mann Lot Rd. Total cost of project is \$2,031,243.64. RFS is the low bidder and was recommended by Weston & Sampson and has worked on Hatherly Rd. Mr. Cafferty feels comfortable with them. This project includes patching but not the full paving. It needs to settle for a year, then pulverize the road, and do final paving with a different contractor.

Move that the Board of Selectmen award the contract for Phase 3C of the water main rehabilitation project to RFS Corporation of Norfolk, MA for \$2,031,243.64.

Motion by Mr. Harris Second by Mr. Vegnani Unanimous (5-0)

3. **DISCUSS/VOTE** Award contract to The Truck Store, Inc. to purchase a roll-off Truck for the transfer Station for \$60,000.

We have been looking for a truck for a few years for the transfer station. We went out to bid and received 3 bids. We use this truck for Heritage Days to pick up trash. The truck it's replacing has 595,000 miles on it and this truck has 60,000.

Move that the Board of Selectmen award the contract for the purchase of a 2001 Mack Roll-Off Truck to The Truck Store of Raynham, MA. for \$60,000.00.

Motion By Ms. Canfield Second By Mr. Harris Unanimous (5-0)

4. **DISCUSS/VOTE** Award contract to Tri-Sales to purchase water meters for the Water Meter Replacement Program.

We went out to bid after 3 years. We have a very specific water meter that we use that is compatible with our system. These are the wireless meters. Mr. Danehey would

like to know how far along we are and how many more we need to replace. DPW will let the Board know this number.

Move that the Board of Selectmen award the contract to provide water meters with absolute encoders and integrated radio to Ti Sales Inc. of Sudbury, MA for the unit prices provided.

Motion By Mr. Vegnani

Second By Mr. Harris

Unanimous (5-0)

Presentation of Annual Town Meeting Article 23. Zoning Bylaw Amendment:

Greenbush/Driftway Zoning Amendments – Brad Washburn, Director of Planning & Development, Ted Brovitz

Mr. Brovitz presented the Greenbush Vision Plan that he's been working on with EDC. They put together a plan for different areas of Scituate – maintaining historic charm, and offering mixed use buildings. They've vetted with the public and now they are trying to come up with zoning standards to accomplish the plan which is complicated. There are 7 districts in the Greenbush-Driftway Initiative. Ms. Curran wants to understand who's overseeing Design Review Committee to maintain consistent design. The Planning Board appoints members to Design Review. This is not proposing development, but we want to show the type of development that can happen over time. We're removing the base districts but keeping the overlays. We want more opportunity for business development.

Ms. Curran inquired about resident feedback. Mr. Washburn said they had several sessions in Greenbush. There were a lot of questions that they helped answer. Mr. Vegnani thinks it's organized much better but wants to make sure no one is displaced by any of the changes. Mr. Brovitz said no. Ms. Burbine said the medical building was formerly in a residential district and now has moved to business district. Mr. Washburn will try to get an aerial map to show the area. Ms. Canfield feels this is thoughtful planning and exactly what we need – it's proactively looking at what we want our villages to look like and putting standards in place. Ms. Canfield inquired about traffic flow – Brad said it would be incremental over time and it would be part of the discussion during plan development.

Ken Duval, Elm Park – what does small and large scale mean? Mr. Brovitz explained that the proposed Drew project is large scale – small scale is Totman who is already there. Small scale residential is town homes, cottages, typically less than 1440 sq ft. The Board thanked Mr. Brovitz for his presentation.

Scheduled break at 9:05 PM

Meeting resumed at 9:20 pm

Jamie's Pub Sewer Agreement, Ralph Constantine

Ralph Constantine has joined the meeting. Ms. Canfield provided background that Mr. Constantine has been reaching out for months for assistance. The viability of a restaurant without sewer is the issue. He has come to discuss a short term proposal to help address the situation. Ralph put in a tight tank when his system failed years ago with the caveat

from the town that sewer was forth coming. It's been 10 years and we were spending \$1100 a week on septic prior to the fire. The cost to replace the building after the fire is now double and the septic costs are too much. We need a temporary bridge to get us until we get to sewage.

A proposal has been set which would help alleviate costs – proposed .02/gallon as opposed to .07.

Talking points for a possible agreement – presented by Ms. Canfield

1. 3 year agreement with option for BOS to renew for additional 1 year at a time
2. Jamie's would be able to dispose of their waste at a discounted rate of \$.02 per gallon, versus the \$.07 currently being charged.
3. Town would monitor quarterly water usage to make sure additional sewerage is not being disposed of. If disposal exceeds 75% of water usage, Jamie's will need to pay the difference. Could be grounds for terminating agreement, after a hearing before the BOS.
4. Agreement terminates when sewerage is available at that location, even if agreement has not expired.
5. Sewerage being disposed of must meet the Town's disposal requirements (Jamie will need to install a grease trap to ensure that grease is removed from the sewerage).

Add in its non-transferable to a new business owner.

We do not have an agreement drafted yet but want to see if the Board is amenable to this agreement.

Ms. Curran asked what the former weekly capacity was– Ralph said it was 550 thousand gallons – 100 seats. The new restaurant would be reduced to around 90 seats. Ms. Curran asked about the timing? If he gets agreement going, he will get the financing going. He's still waiting on insurance settlement for the fire and would love to get going this summer.

Mr. Vegnani worries about setting a precedent in town but understands the importance of bringing Jamie's back to No. Scituate. He believes it should be short term. Mr. Constantine said he can't move forward in the short term – it needs to cover until sewer arrives in No. Scituate.

Mr. Harris noted that we support Jamie's and want to help. Mr. Danehey wants Jamie's in No. Scituate. We must have an agreement that makes sure all parties are living up to the agreement. We understand it's a partnership. The Board needs to be fair to all business districts, for example, Humarock. Each case will need to be vetted individually.

Henry Yeh, 16 Wood Island Rd. He noted that Fresh Feast closed and it's important to bring Jamie's back. It's important for the whole town.

Fernanda Copeland, 19 Three Ring Rd. Businesses in No. Scituate are struggling. We need to make an exception to think long term to find ways to help business.

Ann Burbine, 10 Pennycress Rd. We need to take each item as it comes. We can't anticipate – we need to think about now. Foot traffic is non-existent and this is critical – an exception to the rule. It will take a year to rebuild.

Mr. Vegnani said it's the Board's job to anticipate what could happen as a result of this and we need to think this through.

Andrea Hunt, 66 Mann Lot Rd. We need to focus on the sewer capacity issue – whether we do regional or not. We have pipes in No. Scituate - we can upgrade the sewer capacity with a private treatment plant. This should be a priority.

Ms. Curran said we are trying to solve the issue, we are working through it – it is a priority for the Board and has been for many years but it takes time. We're talking to Senator O'Connor and Representative Meschino and we are getting closer.

Mr. Boudreau said developments, like the Drew project, are not taking capacity away from No. Scituate. We are making progress on phase I. The longest thing to do would be to site another facility in No Scituate – DEP said it would be a long process to permit. We're working on it and are closer than we have been.

Mr. Danehey feels that residents need to understand if we connect businesses, it will lead to developers. Residents have been waiting a very long time to tie in.

Mr. Vegnani commented how expensive sewer will be. We need to really think about the terms of this agreement. Ms. Canfield asked if Mr. Constantine would be agreeable to providing his operating budget to see how business is running.

Mr. Danehey said the Board would like to move forward with developing a draft of an agreement with Town Counsel to include that it's non-transferable to another business and a change of use is not allowed.

This will be voted on at a future meeting after the Board has heard a comprehensive Sewer Plan from DPW as noted earlier in the meeting.

Presentation of Annual Town Meeting Petition Article 26. Amend Zoning Map to extend Humarock Village Residential Overlay Zoning District – Ken Duval, Petitioner, Attorney Adam Brodsky, Scott Herzog

Attorney Adam Brodsky represents the owners of South River Marina LLC, 21 Central Avenue. The purpose of this article is to put the entire parcel in overlay district. We want to promote economic development in the business district and encourage multi-family use. His clients want to upgrade the marina and are exploring additional uses. This is a zoning map change strictly which is why we presented a citizen petition. It has been voted by Planning Board and Advisory and public comment has been positive. This requires a 2/3 vote at Town Meeting. If voted, there would be multiple public hearings while they undergo the permitting process. There isn't a current project at this time. Mr. Vegnani and Mr. Harris both think it's a good idea, and a good fit for the area. The Planning Board voted at their last meeting.

NEW BUSINESS:

1. Change of Board of Selectmen Meeting from June 18, 2019 to June 25, 2019

Move to accept the change in Board of Selectmen Meeting date from June 18, 2019 to June 25, 2019.

Motion By: Mr. Harris Second By: Ms. Canfield Unanimous (5-0)

2. Board of Selectmen Liaisons to Shellfish and Widows Walk Committees

Move to appoint Shawn Harris as the liaison to the Shellfish Advisory Committee motion by Mr. Danehey, Second by Mr. Vegnani Unanimous (5-0)

Move to appoint Tony Vegnani and Maura Curran as Co- liaisons to the Widows Walk Golf Committee

Motion by Mr. Danehey, Second by Mr. Harris Unanimous (5-0)

3. Seasonal Population Estimate

Move to approve the 2019 seasonal population estimate. As of July 10, 2019 our resident population estimate is 28,500.

Motion By Mr. Harris Second By Ms. Curran Unanimous (5-0)

4. Finalize ATM/STM Warrant and Assign Articles.

The Board reviewed the Special and Annual Town Meeting Warrants and voted which articles to support.

Move to support the Special Town Meeting articles 1-3

Motion by Mr. Harris, second by Ms. Curran Unanimous (5-0)

Assignment of Special Town Meeting articles 1-3 to Mr. Danehey.

Move to support Annual Town Meeting articles 1-28, excluding articles 3 and 21.

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

Move to not support Article 29.

Motion by Mr. Vegnani, Second by Mr. Harris Unanimous Vote against (5-0)

Move to not support Article 30.

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

Articles will be assigned at the 4/2/19 Selectmen meeting

5. Draft STM Warrant for May 13, 2019

This will be discussed at the next meeting.

OTHER BUSINESS:

1. Liaison Reports

Ms. Canfield mentioned the upcoming public Senior Center meetings.

The Golf Committee is very excited and has met 3 times already. They will be looking to get out an RFP for preliminary design.

Ms. Curran mentioned the parade was a great day – well done. Mr. Danehey thanked the DPW for doing such a great job cleaning roads, removing curb stops.

Mr. Danehey said the COA is excited to get info out on the Sr. Center plans

The Minister from Ireland came to visit along with Finnuola Quinlan. It was a great talk at the library. Thank you to Sister City West Cork committee and Brenda O'Connor, Chair. She's done a great job on that committee

2. Correspondence

The Board reviewed the following correspondence:

- a. MassDOT
- b. Columbia Gas
- c. Irish Heritage Month
- d. Commonwealth Sewer Rate Relief Fund
- e. MAPC

3. Approval of March 5, 2019 Meeting Minutes

Move to approve the March 5, 2019 meeting minutes

Motion By Mr. Harris Second By Mr. Vegnani Unanimous (5-0)

4. Adjournment and Signing of Documents

**Motion to Adjourn at 10:51 PM by Ms. Canfield Second by Mr. Harris
Unanimous (5-0)**

Respectfully Submitted,

Michele Seghezzi, Recorder

List of Documents for the March 19, 2019 Board of Selectmen Meeting

- Agenda
- Upcoming Events
- Dribbles Common Victualler License Application
- Special Event application Scituate 5K9 Road Race
- Cushing Estates Sewer Request
 - resident memo
 - sewer department memo
 - Cushing Estate subdivision map
- Jamies agreement talking points
- Annual Town Election Poll Hour request
- DPW Contracts
 - C. Naughton Corporation for parking lot improvements at the Egypt Beach Parking Lot
 - RFS Corp for Phase 3C water main replacement
 - The Truck Store, Inc. to purchase a roll-off Truck for the transfer Station
 - Tri-Sales to purchase water meters for the Water Meter Replacement Program.
- Presentation FAQ's for the Greenbush/Driftway Zoning Bylaw Amendment
- Petition article to amend Zoning Map to extend Humarock Village Residential Overlay Zoning District
- Change of Board of Selectmen Meeting from June 18, 2019 to June 25, 2019
- Board of Selectmen Liaisons to Shellfish and Widows Walk Committees
- Seasonal Population Estimate
- Annual and Special Town Meeting Warrants for April 8, 2019
- Draft Special Town Meeting Warrant May 13, 2019
- Correspondence
 - MassDOT
 - Columbia Gas
 - Irish Heritage Month
 - Commonwealth Sewer Rate Relief Fund
 - MAPC
- Meeting Minutes March 5, 2019

Board of Selectmen Meeting Minutes for March 19, 2019

BOARD OF SELECTMEN

John F. Danehey, Chairman

Maura C. Curran, Vice Chairman

Karen B. Canfield, Clerk

Shawn Harris

Anthony V. Vegnani