

Board of Selectmen Meeting Minutes

Tuesday, March 24, 2020

Facilitated @ Scituate Town Hall, 600 Chief Justice Cushing Highway with Remote Participation due to COVID- 19
Emergency

In attendance on site: Mr. Vegnani, Chairman, Mr. Harris, Vice Chairman, Ms. Curran

In attendance via remote participation: Ms. Canfield and Ms. Connolly

Also in attendance on site: Mr. Boudreau, Town Administrator

Acceptance of Agenda

Ms. Curran made a motion to accept the agenda for March 24, 2020 at 7:08 p.m.

Second by Mr. Harris Unanimous vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Message read by Chairman Anthony Vegnani. In response to Governor Baker's declaration of a public health emergency and the related Emergency Executive Order dated March 12, 2020, Town of Scituate public meetings shall meet remotely until further notice. This meeting will be recorded by Scituate Community Television, can be viewed live on cable television channel 9 and will be posted on our website the next day. Participation by the public for the Public Hearing and Wind Turbine Report will be available by audio conference bridge.

If you wish to participate on the topics of 7:15 Public Hearing Hibernian Tavern New Liquor License Application and 7:30 Wind Turbine Sound Level Compliance Testing Results for this meeting the audio conference call in can be accessed via any of these three numbers and if the line is busy keep trying:

Dial any number (US) to join: (425) 436-6308

Long distance charges could apply (425) 436-6338

depending on your calling plan (425) 436-6300

Access Code: 817651#

Follow the directions for the calling service. You can listen to the audio and your phone line will be muted. You will be allowed to ask questions or comment during the moderated Q&A period by following the audio directions.

REPORT OF THE TOWN ADMINISTRATOR

Mr. Boudreau thanked the residents for their support in this unprecedented time and all the department heads and town employees. The town has moved into a minimal staffing model. The staff will be working remotely with some essential employees on site separated. Employees will be checking emails and phone messages. We will do the best we can to maintain services. We have four cases of COVID 19 in Scituate to date. As more testing is done, there will be more cases. There is a new testing site in Weymouth if referred by your doctor.

20200324 bos minutes

The town warrant is posted for April 13, 2020. We expect town meeting will be postponed to May. The Town Election will be postponed to June 13, 2020 at the next Selectmen meeting. The golf course is closed because the maintenance crews are out working on the course to get it ready to open. It is closed to walkers at this time.

Mr. Harris asked what people do if they need assistance. Mr. Boudreau said to call 911 as usual. The resident will be asked a series of questions and respond appropriately to support the resident.

SCHEDULED ITEMS:

Acceptance of Donation Beautification Commission, Leslie Dienel

Move that the Board of Selectmen accept a donation in the amount of \$500.00 from Charles and Lynna Pollard to the Scituate Beautification Commission. Motion by Ms. Curran second by Mr. Harris Unanimous Vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Hibernian Tavern New Liquor License Application, Michael Carlyle & Areline McClay & Carolyn Conway
Michael Carlyle provided an overview of the new restaurant they are planning to open in Scituate harbor. Mr. Carlyle reviewed the hours they would be open for customers. Attorney Conway said it would be non-live entertainment such as television and radio. Sundays will be acoustic music and other times may be a live Irish Band. The entertainment will all be inside. Ms. Connolly said this would be a nice addition to the town. Ms. Canfield said this will be a good fit in the harbor and the hours are aligned with other businesses. Ms. Curran would like to take a look at the hours. This location is close to residents. Ms. Curran would like to take a closer look at the hours for alcohol service and entertainment.

Move to approve a new all alcohol restaurant liquor license to Hibernian Tavern, Inc. located at 111 Front Street, with hours of operation Monday – Thursday 10:00 a.m. –

12:00 a.m., Friday through Sunday 10:00 a.m. – 1:00 a.m.

Contingent upon Board of Health and ABCC approval. Motion by Karen Canfield second by Mr. Harris Unanimous Vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Move to approve a Common Victualler's License to Hibernian Tavern Inc. 111 Front Street, Scituate, MA, pending final Board of Health Approval. Motion by Ms. Canfield second by Mr. Harris Unanimous Vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Move to approve an annual indoor entertainment license with windows closed to Hibernian Tavern, Inc. located at 111 Front Street, Scituate, MA, Monday through Thursday 12 noon – 10 p.m. Friday & Saturday 10 a.m. – 12 a.m. and Sunday 10:00 a.m. – 10:00 p.m. Motion by Ms. Curran second by Mr. Harris Unanimous Vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Wind Turbine Sound Level Compliance Testing Results, Al Bangert

Mr. Bangert summarized the results of the wind turbine sound level compliance testing.

BACKGROUND

- ☐ In May 2018 the BOS awarded a \$50,000 contract to Epsilon Associates to conduct a wind turbine noise compliance test.
- ☐ Epsilon worked with the MassDEP over the course of five months to establish an agreed upon “Sound Level Compliance Monitoring Protocol” involving four Scituate locations¹ and specific wind conditions². Final agreement with the DEP was reached 11/27/19.
- ☐ Epsilon began monitoring wind conditions and completed the first on April 19, 2019.
- ☐ Sound level testing consists of measuring the "L-max" or maximum sound emitted by the turbine when running versus the "L-90" or lowest sound level with the turbine shutdown. Sound is quantified using the logarithmic decibel scale as dBA³.

DISCUSSION

- ☐ Epsilon completed all of the evening noise tests between 1am and 4am⁴ generating 16 data sets incorporating several hundred direct measurements of ambient and turbine sound levels. Scituate Wind LLC cooperated fully with Epsilon throughout the overnight testing periods.
- ☐ The results of the testing program show that sound levels due to the wind turbine operating during wind conditions producing maximum power and during wind conditions identified by resident noise complaints comply with the MassDEP Noise Policy⁵ with the exception of one night at one location.
- ☐ This table summarizes the difference in decibels between maximum sound levels with the turbine running versus the lowest ambient noise level. Compliance requires this difference to be less than 10 dBA.

Test Date	4/19/19	7/31/19	10/2/19	12/6/19
Wind Conditions	> 20 mph	11-22 mph	> 20 mph	11-22 mph
151 Driftway	7 dBA yes	13 dBA no	3 dBA yes	9 dBA yes
26 Hewes	negligible yes	8 dBA yes	1 dBA yes	9 dBA yes
122 Gilson	5 dBA yes	3 dBA yes	2 dBA yes	9 dBA yes
34 Driftway	1 dBA yes	4 dBA yes	2 dBA yes	9 dBA yes

In order to further understand the apparent non-compliance that occurred at 151 Driftway on 7/31/19, Epsilon analyzed the L-90 sound level differences between turbine on and turbine off. The property is adjacent to the turbine and the sewage treatment plant, and the turbine is more audible at this location than at the other three locations by 1 to 3 dBA. However, on July 31st this difference jumped to 9 dBA suggesting that something else may have influenced the sound levels besides the wind turbine on this evening (pages 6-20 and 6-21 of the report.)

David Dardi, 122 Gilson Road is glad to see that Epsilon took great efforts to see the one night and what happened. Mr. Dardi has reviewed the report and said it is inconclusive and incomplete. Mr. Vegnani asked for the raw data and Mr. Bangert said he will ask Epsilon for the raw data.

Ellen Kasper 120 Gilson Road is happy no decisions will be made tonight. This is a problem for many years. On April 19th the testing was not done on an evening that typically does not cause problems. People do not believe the residents are having problems even when it is not more than a level 10. Mr. Bangert said the testing has to be done at full energy as well as a data point. Mr. Vegnani said there is nobody on the board that doesn't believe there are residents that are bothered by this. There will be another meeting where everyone can evaluate this.

Joanne Levesque is a Duxbury resident and has been an advocate for Scituate residents since 2012. There is a document and the protocol for the acoustic monitoring was provided to MASS DEP. MASS DEP Southeast regional office has reviewed and the first comment is they did not formally approve the protocol. Ms. Levesque pointed out other concerns with the report asking where the raw data and scada data was and the technician field notes. Also, where are the audio tapes for this testing. Mr. Bangert said we have hired professional engineers to review this data and provide analysis on this testing. The information that Ms. Levesque is requesting was available to the engineers. Ms. Levesque said a peer review is incredibly important with this testing. Mr. Vegnani asked Ms. Levesque what her background is. She served on the wind advisory committee in Duxbury. Other community residents ask her for advice. Mr. Vegnani said she is concerned for the residents but not a professional. Mr. Vegnani said we all acknowledge that something is going on but we do not believe the test was rigged. Mr. Vegnani said the Board just wanted truthful data. Ms. Levesque said if only four tests are done it needs to be done when it impacts neighbors and the April 19th test were not those conditions.

Mark McKeever, 151 Driftway said the residents are suffering. Mr. Vegnani said the Board received a letter from the McKeever family and thanked them for their input.

David Dardi, 122 Gilson Road said he is not sure the DEP needed a full power test but 60%. DEP advice on the protocols got twisted.

Ms. Canfield said we all wish Mr. Dardi a healthy return. When we received notice this was on the agenda she alerted Senator O'Connor this was on the agenda. While we review this data we will be reaching out to the State Representatives.

The report will be made public and put on the Town of Scituate website. Mr. Vegnani thanked Mr. Bangert for his work on this project it is appreciated.

Consultant Contract Storm Tide Pathways \$112,668, Kyle Boyd, Coastal Resource Manager

Mr. Boyd explained that the Town received a \$112,668 Municipal Vulnerability Preparedness Grant from the Executive Office of Energy and Environmental Affairs for Stormtide Pathways mapping. With this grant funding, the Town is seeking to enter into a contract with a consulting firm to prepare comprehensive mapping of the storm tide pathways in Scituate and Cohasset. This process will include public participation including emergency personnel from both Towns. The overall purpose of this process is for our emergency personnel to have real time projections on the exact areas that will be flooding based off of projected weather forecasts. This grant will increase our response effectiveness as well as our resiliency matching funds Scituate \$26,000 in kind, Cohasset and UMASS Amherst and the remainder is grant funding. This will help us understand the storm impact on our communities. The completion date was the end of June but a big portion is presenting data to emergency personnel. Under the circumstances that might change. A contract extension may be required.

Move that the Board of Selectmen approve the contract with the Center for Coastal Studies up to \$112,668

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

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Request to build Osprey Nest @ Bailey's Causeway Marsh, Joseph Sammartino

The Selectmen would like to be sure the abutters were notified. Osprey's are fish eating birds of prey.

Move to approve request to build an Osprey Nest on marsh adjacent to Bailey's Causeway Motion by Mr. Harris second by Ms. Curran Unanimous Vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Appointment of Police Chief, Jim Boudreau, Town Administrator

Mr. Boudreau is recommending Deputy Chief Mark Thompson to be named as the Police Chief effective June 5, 2020. Mr. Boudreau is asking the Selectmen to waive their power of rejection. The Selectmen are sad to see Chief Stewart go but they have a lot of confidence in Deputy Chief Mark Thompson. Mr. Harris said he is so happy that Deputy Chief Thompson is being promoted from within. One of the most important roles the current Chief has is to mentor someone. Mike Stewart has done a fantastic job training and mentoring in Scituate. Mr. Boudreau said we would have a pinning ceremony for Mark Thompson in the near future. The assessment is underway for the next Deputy Chief.

Motion to waive the power of rejection and hire Mark Thompson as the Town of Scituate Chief of Police effective June 5, 2020. Motion by Mr. Harris second by Ms. Curran Unanimous Vote (5-0)

Roll Call Vote:
Mr. Vegnani yes
Mr. Harris yes
Ms. Canfield yes
Ms. Connolly yes
Ms. Curran yes

ASSIGN Town Meeting Warrant Articles to Selectmen

The Selectmen reviewed the warrant and assigned articles to each of the Selectmen to present to the residents at Town Meeting as follows:

ATM/STM April 2020 –Articles

STM

1. Unpaid Bills - Vegnani
2. FY20 Budget Reconciliations - Vegnani
3. Community Preservation - Vegnani
4. Cedar Point Sewer Project - Vegnani

ATM

1. Compensation of Elected officials (Consent) - Vegnani
2. Reports of Boards & Committees (Consent) - Vegnani
3. Capital Improvement Plan FY21 - Curran
4. Fiscal Year 2021 Operating Budget - Vegnani
5. Waterways Enterprise Fund (Consent) - Harris
6. Golf Course Enterprise Fund (Consent) - Harris
7. Wastewater Enterprise Fund - Harris
8. Transfer Station Enterprise Fund (Consent) - Harris
9. Water Enterprise Fund (Consent) - Harris
10. Stabilization Fund Excess Levy (Consent) - Connolly
11. Revolving Fund FY21 limits (Consent) – Connolly
12. Community Preservation FY21 Projects & Allocations - Connolly
13. Community Preservation Project Reconciliations (Consent) - Connolly
14. Amend Rate of Room Occupancy Excise Tax (Consent) - Canfield
15. Local Option Acceptance – SPED Reserve Fund - Canfield
16. Sale of Council on Aging and Minot Fire Station - Curran
17. Cell Tower Leases - Curran
18. Massachusetts General Laws Chapter 91 Liability (Consent) - Curran
19. Intermunicipal Agreement – Sewer District - Curran
20. Zoning Bylaw Amendment – Signs (Section 710) - Curran
21. Zoning Bylaw Amendment – Repair and restoration of non-conforming structures and uses - Curran
22. Amend general bylaws – Section 20140 – Time of Meeting – (General Town election date) - Curran
23. Amend general bylaws – Section 30430-30550 – Animal Control Bylaw - Curran
24. Amend general bylaw Section 10260 –MGL c 44 §53E1/2 revolving funds including - Curran
 - a. Add SHCB Rental
 - b. Add Maritime Center Rental
 - c. Add Fields Revolving
 - d. Add Aquaculture Fund

- e. Add PERC Witness Fees Fund
 - f. Rescind Recreation Program MGL c.44s53D and Add Recreation Program Revolving Fund
- 25. Citizens Petition-Amend General Bylaw Section 30600 – Right to Farm Bylaw - Harris
 - 26. Citizens Petition-Amend General Bylaw - Reduce Rooms Occupancy Tax to 4% - Canfield
 - 27. Citizens Petition –Appropriate \$5,000 to South Shore Community Action Council, Inc. - Vegnani
 - 28. Citizens Petition-Resolution Supporting An Act Establishing Medicare for All in MA - Connolly

OTHER BUSINESS:

1. Liaison Reports

Superintendent Search committee is meeting ongoing via zoom. Karen Connolly is on this committee. SANDS Help is available if people need help. www.sandshelps.org

2. Correspondence – No correspondence submitted for this meeting

3. Approval of Meeting Minutes

Move to accept the meeting minutes for the Board of Selectmen meetings held on March 10th, 11th and 17th, 2020. Motion by Mr. Harris second by Ms. Curran Unanimous Vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Move to accept and not release the Executive Session minutes for the Board of Selectmen meeting held on March 10, 2020 since the matter discussed is still pending at this time. Motion by Mr. Harris second by Ms. Curran Unanimous Vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Mr. Vegnani thanked everyone who pulled this meeting together this evening. Mr. Vegnani is proud of the Town in the way they are handling this crisis. It is important we follow the guidelines to minimize the impact to our community and it is going to grow. Our job is to pay attention to the rules and flatten the curve. Help the neighbors and local businesses to keep our community thriving.

Mr. Vegnani said a former Selectmen Joe Norton passed away last week and he was a Selectman for 30 years. We are all crushed by this great loss. Joe was a great person who loved this community. It is a huge loss and it is hard for us since we are going through this crisis right now and we cannot celebrate his life the way we would like to. Our well wishes go out to his family. We will celebrate all the great things he did for this town. We were very lucky to have Joe Norton in our community.

Ms. Connolly said we would celebrate Joe and thank him and thank his family for all they have done for our community. Ms. Canfield looks forward to the day we can celebrate Joe. Mr. Harris said he was a

great friend of his. He has done so much for Shawn as a friend, a member of the community and the Board of Selectmen.

4. Adjournment and Signing of Documents

The meeting was adjourned at 9:25 p.m. motion by Mr. Harris second by Ms. Curran Unanimous Vote (5-0)

Roll Call Vote:

Mr. Vegnani yes

Mr. Harris yes

Ms. Canfield yes

Ms. Connolly yes

Ms. Curran yes

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for March 24, 2020 Board of Selectmen Meeting

- Agenda
- Donation Beautification Commission
- New Liquor License Application for Hibernian Tavern
- Wind Turbine Sound Level Compliance Testing Results
- Consultant Contract for Storm Tide Pathways
- Request to build Osprey Nest @ Bailey's Causeway
- Appointment of new Police Chief
- Town Meeting Warrant Articles
- Approval of Meeting Minutes for March 10th, 11th and 17th, 2020 and the Executive Session Minutes for March 10, 2020

Board of Selectmen Meeting Minutes for March 24, 2020

BOARD OF SELECTMEN

Anthony V. Vegnani, Chairman

Shawn Harris, Vice Chairman

Karen B. Canfield, Clerk

Karen E. Connolly

Maura C. Curran