

MINUTES OF MEETING

BOARD OF SELECTMEN

DECEMBER 17, 2013

Present: John F. Danehey, Richard W. Murray, Martin J. O'Toole, Anthony V. Vegnani

Patricia A. Vinchesi, Town Administrator

Press: Globe South, Scituate Mariner

1. The meeting was called to order at 7:00 PM by Mr. Vegnani.
2. ACCEPTANCE OF AGENDA/ WALK-INS

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ACCEPT the AMENDED Agenda for December 17, 2013. SECONDED by Mr. O'Toole. No discussion. Unanimous vote. (4-0)

No walk-ins.

3. MEET NEW COUNCIL ON AGING DIRECTOR/ Linda P. Hayes – postponed to 1/7/14
4. PRESENTATION/ Wind Turbine "Flicker Study"/ A. Bangert – postponed to 1/7/14
5. DISCUSSION/ VOTE/ Water & Sewer Abatement # WS-13-1/ A. Bangert

Al Bangert, Director/ Department of Public Works, presented a resident's request for abatement on a very large water/sewer bill incurred by an undetected burst pipe. The home was unoccupied and the owner probably should have turned the water off. The Selectmen agreed that the sewer portion of the bill should be abated because the sewer bill is based on water consumption and the house was unoccupied. Mr. Bangert suggests reducing the water portion of the bill by the customary 25%. Discussion continued on setting a "cap" on future abatement requests – "in no case shall an abatement be greater than \$....". Ms. Vinchesi suggested polling other communities regarding their water/sewer abatement procedures.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ABATE #WS-13-1 by \$3,619.43 for sewer and \$11,821.89 for water. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

6. UPDATE/ Market & Economic Development Study/ L. Harbottle – postponed to 1/7/14
Mr. Vegnani asked to see “Phase 1” of this study. Ms. Vinchesi stated that she would be meeting with the Town Planner and a member of the Economic Development Committee tomorrow and assured that future communications between the Committee and the Selectmen would improve.
7. AWARD CONTRACT/ Schematic Design/ Public Safety Complex / T. Administrator – postponed to 1/7/14
8. DISCUSSION/ VOTE/ LAND DONATION GUIDELINES/ T. Administrator

Mr. Murray asked that an additional “criteria item” be added – “intent of the donor”.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ADOPT the “Board of Selectmen and Departmental Guidelines for Consideration of Donations of Town Land” as presented and modified. SECONDED by Mr. O’Toole. No discussion. Unanimous vote. (4-0)

Ms. Vinchesi stated that the Board may need to re-visit a recent vote on a donation of land for general purposes on Shadwell Road. Land accepted for general purpose must be accepted by Town Meeting. The Selectmen may accept land, on the Town’s behalf, for conservation purposes only.

9. ADOPT/ Scituate Harbor Community Building / Use Policy

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ADOPT the “Usage Policy – Scituate Harbor Community Building” as presented. SECONDED by Mr. O’Toole. No discussion. Unanimous vote. (4-0)

10. VOTE/ANNUAL LICENSE RENEWALS

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to RENEW the following Common Victualler’s Licenses for 2014: Reynold’s Package Store, Wilbur’s, Kayla’s (Sams on the Harobr), Egypt Country Store, Riva’s Pizza, Ronnie Shone’s General Store, Sand Hills General Store and Coffee Corner. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to RENEW the following Hawker Peddler's Licenses for 2014: JP's Hot Dog Express and Del's Lemonade. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to RENEW the following Class II Licenses for 2014: Seacrest Auto and Alan's Auto. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

11. VOTE/ CLOSE ANNUAL TOWN MEETING WARRANT (Monday, April 14, 2014)

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to CLOSE the April 14, 2014 Annual Town Meeting warrant at 7:37 PM. SECONDED by Mr. O'Toole. No discussion. Unanimous vote. (4-0)

Two(2) petition articles were received – foreshore protection and senior center feasibility study.

Representative Jim Cantwell entered the meeting at 7:38 PM.

12. REPORT & "The Week Ahead"/ Town Administrator

Town Planner, Laura Harbottle, has received an award for work she and two(2) other communities did on sea level rise. Ms. Vinchesi attended a Marshfield Board of Selectmen's meeting last night regarding the FEMA maps. Congressman Keating, Marshfield and Scituate Coastal Coalitions and Representative Jim Cantwell were also in attendance. Congressman Keating announced that bi-partisan supported legislation currently before Congress could mean a four(4) year delay in instituting the new FEMA maps. An "affordability piece" has not yet been addressed by FEMA. It was noted that FEMA used a West Coast "science" model when determining flood plains on the East Coast, which appears to have created a conversion issue and potentially incorrect still water elevations (a datum issue). This will affect the Town maps if the FEMA assumptions started with incorrect heights. The Town's appeal submitted by the Woods Hole group was accepted by FEMA on its baseline methodology(not in terms of any changes). The appeal submitted by Ransom consultant's appeal (based on wave set up) was not accepted by FEMA. We can "appeal" FEMA's rejection of our appeal. It was noted that Scituate and Marshfield have "partnered" well on the appeals. Representative Cantwell complimented the Selectmen on rapidly moving forward on all aspects of the appeal process and beyond. He reviewed the time line from the receipt of the new FEMA maps to FEMA's expectation that these maps will be accepted by cities and towns at their spring town meetings. He discussed the freezing of flood insurance under the Biggert-Waters Act for forty(40) years if it is a residents' primary home. He

reminded that under no circumstances should homeowners let their flood insurance lapse. Mr. Vegnani thanked Representative Cantwell for representing the Town of Scituate 100 percent. Scituate is lucky to have you as its Representative.” He also thanked the Town Administrator, Department Heads, Dave Ball, Doris Crary and the Coastal Coalition for all their help. “Who would have thought that we could have changed something at the Federal level.”

Mr. Murray was pleased to know of the work being done on this at UMASS Dartmouth on the maps. He noted that datum issues are complicated and “happen all the time”. He asked how the Town could be expected to accept the maps at the spring Town Meeting. Representative Cantwell encouraged the Board to contact their Federal legislators on this matter. “It would be unfair to vote to accept these maps when the Town has lodged an appeal, but by not voting – you could jeopardize your community’s rating system”. Town Counsel may need to advise how to best move forward on this. Mr. O’Toole asked if it was likely the maps would be “pulled” prior to Town Meeting? Representative Cantwell responded that this is not just a political matter. If it turns out that factual mistakes have been made, they(FEMA) may give us a reprieve from having to vote on the maps this spring. “Maxine Waters is now co-authoring an Act that “undoes” her original Act”, Mr. O’Toole said.

13. OTHER BUSINESS – Correspondence, Regular Session Minutes for 12/3/13 & Executive Session Minutes (no release) for 1/8/13, 1/22/13 (postponed) and 3/5/13

Mr. Murray made a MOTION that he Board of Selectmen VOTE to ACCEPT the Regular Session minutes for December 3, 2013. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Executive Session minutes (no release) of January 8, 2013. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (3-0) Mr. O’Toole did not vote.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Executive Session minutes (no release) of March 5, 2013. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (3-0) Mr. O’Toole did not vote.

Mr. O’Toole read a letter from the Town of Hull’s Fire Chief thanking Scituate for providing mutual aide during a two alarm fire in November 2013.

Mr. Danehey thanked the Water Division for working under terrible conditions last night at the scene of a broken water pipe. He noted the following community events: Polar Plunge in Humarock – New Year’s Day – participants should bring a canned food item for

the Scituate Food Pantry and the Polar Plunge in Scituate Harbor – 11 AM New Year's Day at the Jericho boat ramp. He gave an overview of the events and landmarks of 2013 – storms, retirement of Selectman Joseph Norton after 30 years of service, new Selectman Marty O'Toole, FEMA maps, water pipe replacements, Strategic Plan, safety protection facility and the Town Library project. Mr. O'Toole thanked all the volunteers at the Transfer Station for processing bottles and cans in support of the Scituate Food Pantry. Calendar sales benefitting the Food Pantry were excellent, as well. Mr. Vegnani encouraged everyone to "shop locally"

. He thanked Community Christmas and all the individuals involved in the Santa Stroll. He reported on the beginning of the ice hockey and basketball seasons. He noted that after Friday night games the FACTS group will be sponsoring the "5th Quarter" at the High School with snacks and activities for the students.

14. EXECUTIVE SESSION – To discuss strategy with respect to collective bargaining because an Open Meeting may have a detrimental effect on the bargaining position of the Town – Police and Fire Unions. EXECUTIVE SESSION – to consider the purchase, exchange, lease or value of real property because an Open Meeting will have a detrimental effect on the negotiating position of the public body – Conservation Restrictions. (Second Executive Session was cancelled this evening.)

The Board of Selectmen entered into Executive Session at 8:17 PM via roll call with four(4) members answering "yes". The Board of Selectmen exited Executive Session at 8:44 PM via roll call with four(4) members answering "yes".

15. RETURN TO REGULAR SESSION

Mr. Vegnani called Regular Session back to order at 8:44 PM.

Mr. O'Toole made a MOTION that the Board of Selectmen VOTE to ACCEPT and EXECUTE the "Memorandum of Agreement – Town of Scituate and International Brotherhood of Police Officers, Local 461 (Scituate Police Department). SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

16. ADJOURNMENT & SIGNING OF DOCUMENT

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ADJOURN the meeting and sign documents at 8:45 PM. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

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BOARD OF SELECTMEN

Shawn Harris, Chairman

John F. Danehey

Richard W. Murray

Martin J. O'Toole

Anthony V. Vegnani

Respectfully submitted,

Kimberley A. Donovan
Executive Assistant

List of Documents for December 17, 2013 Board of Selectmen's Meeting

- Resume for Linda P. Hayes, new Council on Aging Director
- Topic: Wind Turbine "Flicker" Post-Construction Study with Exhibit A
- Water Division/ Consumer Abatement Request Analysis & Associated Documents
- Board of Selectmen & Department Guidelines for Consideration of Donations of Town Land
- Revised Usage Policy – Scituate Harbor Community Building - Memorandum dated 12/11/13 – T. Administrator
- "Usage Policy" Scituate Harbor Community Building
- Letter from Town of Hull Fire Chief thanking Scituate Fire Department – 11/18/13
- Regular Session Minutes for 12/3/13
- Memorandum of Agreement/ Town of Scituate & International Brotherhood of Police Officers, Local 461