

Board of Selectmen, March 5, 2013
TOWN OF SCITUATE MASSACHUSETTS

MINUTES OF MEETING

BOARD OF SELECTMEN

MARCH 5, 2013

Present: Joseph P. Norton, Chairman; John F. Danehey, Shawn Harris,
Richard W. Murray, Anthony V. Vegnani

Patricia A. Vinchesi, Town Administrator

Press: Scituate Mariner, Patriot Ledger

1. The meeting was called to order at 7:04 PM.

2. ACCEPTANCE OF AGENDA/ WALK-IN PERIOD

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Agenda for March 5, 2013.
SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

Mr. Vegnani was not present for the vote.

Walk-Ins – Joseph Kelly, Chairman of the Veterans Advisory Council, stated that the Council would like to replace the flagpole at Cudworth Cemetery. Ms. Vinchesi will work with the Council and Mr. Bangert, Director/Department of Public Works, on this project.

Mr. Kelly announced that there are membership openings on the Council.

3. RECOGNITION / Jennifer Vitelli, Recreation Director/ Special Citation/ Mass. Recreation & Park Association

Mr. Norton read the letter from the Massachusetts Recreation and Park Association recognizing Ms. Vitelli's considerable contribution to the residents of Scituate. An award breakfast will be held on March 13, 2013 in Hyannis, MA.

4. DISCUSSION/ VOTE/ (1) One Day Wine & Malt Beverages License & Outdoor Entertainment License/ Inly School/ 46 Watch Hill Drive (2) Appalachia Service Project/ St. Mary's Parish Center/ One Kent Street

Whitney Stuhler, Inly School, stated that the license and permit requests are for the School's 40th anniversary event for the parents and will be held on the School's "campus". Neighbors of the School were notified of the event three weeks ago and a licensed bartending service has been hired. Mr. Norton and Mr. Danehey thanked the Inly School for their recent wonderful production of "The Music Man".

Mr. Vegnani entered the meeting at 7:00 PM.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to GRANT a One Day Wine & Malt Beverages License to the Bartending Service of New England, LLC for an Anniversary Gala at the Inly School, 45 Watch Hill Drive, Scituate on Saturday, May 11, 2013 from 6 PM to 11 PM. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to GRANT an Outdoor Entertainment Permit for the Aldous Collins' Band to play at the Inly School, 45 Watch Hill Drive, Scituate on Saturday, May 11, 2013 from 7 PM to 11 PM for the School's anniversary Gala event. Abutter notification is requirement of this permit. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT a One Day Wine & Malt

Beverages License to the Appalachia Service Project for a fundraiser to be held at St. Mary's Parish Center, One Kent Street, Scituate on Saturday, March 23, 2013 from 6 PM to 10:30 PM. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

5:10 PM/ POLE PETITION PLAN #13616219/ Dreamwold Rd./ Coby's Run/ Verizon & National Grid

This new pole will be the main power source for three homes in this subdivision.

Mr. Vegnani thanked National Grid for the great work the company did for the Town of Scituate during the recent storm.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to GRANT Pole Petition Plan #13616219 to install Pole #40c3 J/O Pole and anchor P12-1 on Dreamwold Road approximately 38 feet (+/-) north of current P12 location and in accordance with conditions set by the Department of Public Works. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

6.DISCUSSION/ VOTE/ Special Permit/ Scituate Farmer's Market/ New Location/ St. Mary's Parking Lot

Bridget Mirarchi and Mark Flaherty, Scituate Farmer's Market, stated their interest in moving the Farmer's Market from its current North Scituate location to St. Mary's parking lot in the Harbor. They will not compete with Harbor vendors and have not received any negative feedback from the Harbor Merchants Association. The hope is that patrons will shop the Farmer's Market and then go on to do even more shopping in the Harbor. Potential parking impacts were discussed.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT a Special Event Permit to the Scituate Farmer's Market to hold a Farmer's Market in the parking lot of the St. Mary of the Nativity Church, One Kent Street, Scituate on Wednesdays beginning June 19, 2013 to August 28, 2013 from 2 PM to 7 PM and in accordance with all conditions set by the Town departments. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

7. DISCUSSION/ VOTE/ FY14 BUDGETS & ARTICLES

Budget

School Department

Superintendent John McCarthy, School Finance Director Paul Donlan, School Committee Chairperson Brenda McCarthy and School Committee Member Bill Johnston were present at tonight's meeting. Superintendent McCarthy distributed an "Executive Summary" of the School Department's FY14 budget and hi-lighted the following items:

4.2% increase over this year's budget, yearly grants in the amount of \$1.3 million, contractual increases of less than 3% = \$867,396, savings from retirements = \$225,000, new math curriculum, pre-paying special education tuitions will mean a savings of \$133,000, ESCO (energy savings project) was also discussed. Superintendent McCarthy spoke about the goals on which the FY14 budget was based. The benefits of good teacher to student ratios, especially at the elementary school level, were discussed. A small amount of redistricting may take place at that level to improve these ratios. Re-definition of leadership structure in terms of "teacher leaders" and various changes in staffing were reviewed. There is a request under the Capital Plan for security upgrades at the schools. The second phase of the school technology plan is moving forward. \$60,000 is budgeted to replace Gates Intermediate School fire doors. Enrollment projections are "going down overall". Mr. Vegnani asked if there was a possibility of reducing or eliminating "fees". Superintendent McCarthy stated that fees are a constant topic of conversation at School Committee meetings and that there is no plan to eliminate or reduce them at this time – "we rely on those fees to succeed right now". Clarification on the facilities position at the Schools was given. Lease versus purchase of school buses was discussed. Mr. Danehey thanked Mr. Johnston for his years of service on the School Committee.

Mr. Norton stated that a member of his family works for the School Department and that he would not be voting on this budget.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to SUPPORT the School Department budget for \$31,419,342. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0) Mr. Norton did not vote.

Mr. Danehey announced that Eagle Scout candidate Taylor Wolffer was in the audience tonight to fulfill a requirement of the Eagle Scout position. Mr. Norton announced that as he nears the end of his tenure as a member of the Board of Selectmen, one of the things he has most enjoyed has been attending Eagle Scout ceremonies.

Special Town Meeting Articles

Article 3 – School Security

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 3 – School Security for \$245,000 subject to any additional changes by Town Counsel and/or the Town Administrator. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Article 5 – Transfer of Town Property for Public Safety Program

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 5 – Transfer of Town Property for Public Safety Program subject to any additional changes by Town Counsel and/or the Town Administrator. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Town Meeting Articles

Article 3 – Capital Improvement Plan

Capital Improvement Plan Committee members Frank Nash and Dave Capelle were present. Items reviewed were those in which there was a difference between the Town Administrator's recommendation and the Committee's recommendation.

Harbormaster Building Repairs – Town Administrator - \$0// Committee - \$35,000 - The Town Administrator explained that there is money in the Waterways Enterprise Fund retained earnings for this project so it does not need to come out of the Capital Improvement Plan.

Sewer Division – Rebuild UV - Town Administrator - \$45,000 // Committee - \$0 - No need for this item – the project has already been completed.

Shelter for Jet Vac Truck – Town Administrator - \$0 // Committee - \$25,000 – Ms. Vinchesi stated that Mr. Bangert wants this shelter to be located at the Highway barn.

Replacement Doors – Gates School - Town Administrator - \$50,000 // Committee - \$60,000

GIS Conversion - Town Administrator - \$50,750 // Committee - \$58,750 – Software to convert to a new system.

It was noted that there are no new DPW vehicles in the FY14 Capital Plan. Ms. Vinchesi stated that the Town will try to do vehicle replacements every other year. Capital requests totaled over \$70 million for FY14 and only \$2,144,750 will be funded. Discussion continued on debt. Ms. Vinchesi reminded that only \$500,000 of this Capital Improvement Plan is borrowed. The majority of funding is coming from Free Cash.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 3 – Capital

Improvement Plan for \$2,144.750. SECONDED by Mr. Murray. No discussion. Unanimous vote. (5-0)

Article 12 – Community Preservation

Chairperson Lisa Fenton outlined two changes in legislation pertaining to the Community Preservation Act(CPA) – funding may now be used for (1) creation of land for recreational use and rehabilitation of land for recreational use and (2) funding methods by which the State matches community funds. Ms. Fenton noted that the Committee plans to be more proactive regarding affordable housing.

CPA Items 1 – 16 were briefly reviewed and in depth discussions took place on the following items:

Item 6 – Historic Resources – Preservation of Union Chapel - \$4,000 for storm windows to protect the antique glass original to the Chapel. Mr. Danehey noted that this is not a public building and if this is supported, other churches may come forward for similar funding. Pastor Cunio stated that this is a non-denominational church and the Historic Commission supports it as a “historical building”. The Community Preservation Act Committee (CPAC) voted unanimously to support this item.

Item 12 – Preservation of Open Space – Scenic Road Signs - \$12,000 – Mr. Norton believes this item should be paid for by the DPW, not the CPA. This would involve multiple signs down the entire length of a scenic road.

Item 13 – Land for Recreational Use – Harborwalk Phase II - \$360,000 - Phase I of the Harborwalk, Cole Parkway, is complete and this second phase is part of the “grand loop” endorsed by many groups in Town. This Phase extends from the Town Pier down Jericho Road. Discussion over the width of Jericho Road at its intersection with Beaver

Dam Road. The DPW has surveyed this location and verified that there is enough room for the Harborwalk. Phase III will connect the Cole Parkway Phase to the Marine Park on First Cliff. It is hoped that the Seaport Advisory group will fund the final phase with grant monies.

Item 14 – Land for Recreational Use – Central Park Fields - \$139,000 – The Recreation Commission put forth six areas that “needed attention” and this is one of the three projects chosen. This money will be used to repair the softball fields.

Item 15 – Land for Recreational Use – SHS Athletic Complex - \$350,000 – this “dovetails” with the Reidy Foundation and Scituate Little League donations for lighting the entire complex thus improving usage and safety.

Item 16 – Land for Recreational Use – Basketball Court Improvements - \$153,000 – these monies will be used to upgrade old, community basketball courts in Humarock, at Cushing School and at Wampatuck School.

Item 17 – Historic Resources – Seawall Site Preservation - \$200,000 - \$400,000 has already been spent to improve the seawall around the Lighthouse and this money will be used to raise the height of that seawall another two feet. Kevin Cafferty, DPW Engineering Division, stated that this will protect that area from 90% of the storms.

Mr. Norton noted that CPA money is supposed to be used to buy open space – there are no open space articles in this warrant. Ms. Minier, CPA member, stated that some open space proposals are “in the works”, but were not ready to go forward at this time.

Article 13 – Community Preservation Act Reconciliations

This article addresses funds that are “authorized but unexpended” totaling \$49,579.00.

Article 18 – Zoning By-Law Amendment – Required Lot Width Flexible Open Space Development

Bill Limbacher, Planning Board Chairman, and Bob Vogel, member, were present to explain that this By-Law amendment allows the Planning Board to determine if lot width is sufficient in terms of the lot being able to adequately support the house.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 18 -Zoning By-Law Amendment – Required Lot Width Flexible Open Space Development subject to any additional changes by Town Counsel and/or the Town Administrator. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Article 19 – Temporary Moratorium Medical Marijuana Treatment Centers

State standards on medical marijuana are not due until May 1, 2013. The Town would like to establish a moratorium until May 1, 2014 to provide a proper by-law. Many surrounding towns are instituting moratoriums, as well.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 19 – Temporary Moratorium Medical Marijuana Treatment Centers subject to any additional changes by Town Counsel and/or the Town Administrator. SECONDED by Mr. Danehey. Discussion – Mr. Sandham asked if the moratorium would need to be removed in the future. Yes. No further discussion. Unanimous vote. (5-0)

Mr. Vegnani asked the Patriot Ledger reporter, Patrick Ronan, if he was video taping tonight's Selectmen's meeting. Mr. Ronan answered "yes". Mr. Vegnani reminded him that according to the Open Meeting Law a person videotaping a public meeting must disclose that fact at the outset of the meeting. Mr. Ronan was videotaping with his "smart phone".

Article 20 – Zoning By-Law Amendment – Flexibility in Frontage Requirement, Mixed-Use Developments

The current by-law does not allow the Planning Board to determine frontage requirements in the Overlay District. This by-law amendment would allow the Planning Board to plan a "little more density" to benefit the public in terms of sidewalks, gardens, etc. Mr. Danehey asked if they would focus on business districts. Yes and strictly the Overlay Districts in Greenbush, North Scituate and Humarock. There are no pending applications before the Planning Board at this time that would be affected by this by-law amendment.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 20 – Zoning By-Law Amendment – Flexibility in Frontage Requirement, Mixed-Use Developments subject to any additional changes by Town Counsel and/or the Town Administrator. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

Article 21 – Zoning By-Law Amendment – Accessory Dwellings

This amendment would make the accessory dwelling "an integral part of the dwelling itself" and be limited to 900 square feet or less. Mr. Norton expressed concern about this amendment discouraging residents from adding an accessory dwelling. Discussion continued on an accessory dwelling being owner occupied, a year statement verifying

that it is owner occupied and a continuation of the permit. Ann Burbine, 10 Pennycress Road, was a member of the Planning Board when the original by-law was passed. She has strong concerns on how the amended by-law would be enforced. Michael Hayes, Brook Street, stated that he will be speaking against this

amendment on Town Meeting floor because it removes the “affordable unit” piece, enforcement issues and permit expiration upon change of ownership.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 21 – Zoning By-Law Amendment – Accessory Dwellings subject to any additional changes by Town Counsel and/or the Town Administrator. SECONDED by Mr. Vegnani. Discussion – Mr. Joyce stated that Marshfield has a similar by-law without the square footage “cap”. “900 square feet is small. Cohasset has a cap of 600 feet and it does not work.” He believes Scituate’s current by-law is very good and that the amendment could seriously compromise property values. No further discussion. Murray voted “yes”. Harris, Vegnani, Norton and Danehey voted “no”. The motion does not carry. (1-4)

In summary, the majority of the Selectmen were not comfortable with the square footage limitation and the affordable “piece”.

Article 23 – Acceptance of Massachusetts General Laws Chapter 59, Section 5N – Allowance of Veterans to Volunteer

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 23 – Acceptance of Massachusetts General Laws Chapter 59, Section 5N – Allowance of Veterans to Volunteer. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

Remaining articles listed on the Agenda will be heard at the March 12, 2013 Selectmen’s meeting.

8. DISCUSSION/ VOTE/ Drainlayer License Renewal/ Dandel Construction Inc.

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to RENEW the Drainlayer’s License for Dandel Construction, Inc. for 2013. SECONDED by Mr. Harris. No discussion. Unanimous vote. (5-0)

9. ACCEPT/ DONATION OF MEMORIAL BENCH/ Widow’s Walk Golf Course

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the

gift of a granite, memorial bench, on the Town’s behalf. The bench will be placed at the second hole of Widow’s Walk Golf Course at a location agreed upon by the Director of Golf. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

10.ACCEPT RESIGNATION/ Economic Development Committee

Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to ACCEPT the resignation of Jennifer Morrison from the Economic Development Committee and further that the Board thank Ms. Morrison for volunteering her time to the Committee and the Town of Scituate. SECONDED by Mr. Murray. No discussion. Unanimous vote. (5-0)

11.OTHER BUSINESS – Correspondence, Regular Session Minutes for February 5,2013

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Regular Session Minutes of February 5, 2013. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0) Mr. Norton did not vote.

12. EXECUTIVE SESSION – Litigation – R. O’Brien case

Chairman Joseph P. Norton declared that the Board of Selectmen would enter into Executive Session to discuss strategy with respect to litigation because an open meeting would have a detrimental effect on the litigating position of the public body. R. O'Brien case. The Board will not return to Regular Session this evening.

Roll call taken was at 10:54 PM with Norton, Vegnani, Harris, Murray and Danehey all answering "yes".

13.ADJOURNMENT – Regular Session was adjourned at 10:54 PM.

BOARD OF SELECTMEN

Joseph P. Norton

Richard W. Murray

John F. Danehey

Anthony V. Vegnani

Shawn Harris

Respectfully submitted,
Kimberley A. Donovan, Executive Assistant