

**Board of Selectmen, February 15, 2012**

MINUTES OF MEETING

BOARD OF SELECTMEN

FEBRUARY 15, 2012

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

Patricia A. Vinchesi, Town Administrator

The meeting was called to order at 7:03 PM.

ACCEPTANCE OF AGENDA/ WALK-IN PERIOD

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Agenda for February 15, 2012. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

There were no walk-ins this evening.

DISCUSSION/ Scituate Veterans Council By-Laws/ J. Kelley

Mr. Vegnani welcomed the Town's new Veteran's Service Officer, Mr. Donald Knapp.

Mr. Joseph Kelley, 16 Town Way, noted the Scituate Veterans Council By-Laws that were recently submitted to the Board and asked if the Selectmen had any questions. Mr. Murray spoke about a slight wording change. He and Mr. Danehey suggested fewer members than nine. Mr. Kelley disagreed and stated that many Veterans Councils have fifteen members. Mr. Harris asked for clarification on the Veterans Services Officer's liaison role. Attendance was discussed. Mr. Kelley stated that "excused" absences would be allowed.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ACCEPT the Scituate Veterans Advisory Council By-Laws as presented this evening. SECONDED by Mr. Harris.

No discussion. Unanimous vote. (4-0)

Mr. Vegnani asked interested parties to submit their applications to the Selectmen's office. Once the group is appointed, a Chairman will be elected. The Council will report to the Selectmen. The Selectmen thanked Mr. Kelley and others for moving forward on this initiative.

DISCUSSION/ VOTE/ Temporary Wine & Malt Beverages License/ Mass. Bay Guides

Mr. Greg Sears, representing Mass Bay Guides, stated that the group is renting the Harbor Community Building, 44 Jericho Road, for the group's annual fishing seminar. There will be a cookout at which they would like to be able to serve wine and beer from 11 AM to 5 PM. It is a private function and is "sold out".

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT a temporary Wine & Malt Beverages License to Mass. Bay Guides (Greg Sears) for a fishing seminar to be held at the Harbor Community Building on Saturday, March 3, 2012 from 11 AM to 5 PM. Wine and Malt Beverages may be served inside the building only. Liquor liability insurance certificate to be provided by The Silent Chef, caterer. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

DISCUSSION/ VOTE/ St. Patrick's Day Parade Special Permit (a) parade (b) temporary Wine & Malt Beverages License for "After Party"

Mr. Danehey exited the meeting at approximately 7:20 PM. Ms. Christine Walsh,

St. Patrick's Day Parade Committee, stated that the Committee expects the parade to be "a mirror of last year's parade". She stated that the Committee is being "mindful" about the parking and is making announcements via the newspapers and radio about remote parking lots and shuttle buses. Mr. Vegnani reminded that if parade patrons park on Kent street – they will be ticketed.

Mr. Harris made a MOTION that the Board of Selectmen VOTE TO SUPPORT the Scituate Chamber of Commerce St. Patrick's Day Parade Special Events Permit for Sunday, March 18, 2012 stepping off from the Gates School at 1:00 PM, proceeding down First Parish Road, taking a left onto Front Street, taking a right onto Jericho Road to the Boat Ramp parking lot and per all conditions set by the Town Administrator, Fire, Police, DPW, Building and Health Departments. SECONDED by Mr. Murray. No discussion. Harris, Murray and Vegnani voted (3-0). Mr. Danehey did not vote.

Ms. Walsh stated that Parade Committee would like to rent the Harbor Community Building, 44 Jericho Road, for an "After Party" at the conclusion of the Parade from approximately 3 PM to 7 PM. It would be a private function for Parade sponsors, Chamber of Commerce members, dignitaries, etc. She expects approximately 100 guests and a band will play music. Mr. Harris asked Ms. Walsh if she was aware that the Board asks area restaurants not to serve alcohol during the hours of the parade. What controls will be in place to insure the general public would not enter the building. Ms. Walsh stated that two people will "man" the door with a guest list. Ms. Vinchesi stated that a band would not be allowed in deference to the neighbors. The Selectmen chose not to issue a license for the following reasons (with input from the Town Administrator and the Police Chief): (1) it is the Selectmen's intention to make this Parade a non-alcohol event, (2) the Harbor Community Building is a public building, (3) the Harbor Community Building is the terminus of the parade route, (4) high volume of traffic in this area and (5) parking issues.

No vote was taken on this matter.

DISCUSSION/ VOTE/ SEWER ABATEMENT/ P. Mirabito/ First Cliff Properties – postponed

Mr. Danehey re-entered the meeting at 7:40 PM.

DISCUSSION/ VOTE/ AWARD CONTRACT/ Food & Beverage Operation/ Widow's Walk Golf Course

Ms. Vinchesi stated that two bids were received and one was considered "non-responsive". The current operator, James Miller, submitted a qualified bid and it is recommended that the Board accept it.

Mr. Harris made a MOTION that the Board of Selectmen AWARD the bid for Widow's Walk Food and Beverage to James Miller, 27 Beach Plum Lane, at a contract price of \$45,000 year one, \$48,150 year two and \$49,500 year three, with the option in years four and five to renew at the sole discretion of the Town, and further, that all terms and requirements of the lease are met as outlined in the invitation for bid issued by the Town. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

DISCUSSION/ VOTE/ MAPC Grant Application Support Letter/ L. Harbottle

Ms. Laura Harbottle, Town Planner, explained that a letter of support is needed from the Board of Selectmen for a \$30,000 grant from MAPC for the Economic Development Committee (EDC) to conduct a "market study", which will concentrate on "mixed use". The Town will contribute \$10,000 towards this study. Ms. Vinchesi noted Ms. Harbottle's considerable work in applying for this grant. It appears that the Town has a "good chance" of receiving the grant. The "study" will take approximately seven to eight months to complete. Mr. Vegnani strongly suggested the EDC keep the Board of Selectmen and the Planning Board

“in the loop” on this project.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT the Economic Development Committee in applying for a grant from MAPC and to also write a letter of support. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

## DISCUSSION/ VOTE/ FY13 BUDGETS & ARTICLES

No votes will be taken on budgets this evening.

### 300 School Department

Dr. Jim Kelliher, Assistant Superintendent, and Mr. Bill Johnston, School Committee, were present. Mr. Vegnani explained the process by which the Schools were given a “number”(\$30,100,000) by the Town Administrator and the Financial Forecast Committee. The School submitted a “total estimated 2012-2103 base expense” budget of \$30,239,160. Mr. Johnston gave the reasons for the School’s higher number – beach sticker and Gates “legacy” monies were for only one year, two new IT positions and the federal jobs bills have expired. Mr. Murray noted that \$25,000,000 out of the \$30,000,000 is for personnel. Mr. Johnston noted that the current teacher’s contract ends in 2012. Mr. Vegnani noted that the recent override monies were slated to last for three years. The per pupil cost is \$9,379/year. Enrollment has been fairly flat. School population figures were discussed. Mr. Johnston stated that the Schools are down 29.8 positions since 2009. Mr. Vegnani noted that there are nine new positions in tonight’s budget. Mr. Johnston stated that there were five major retirements last year, which directly allowed for ten new positions. Mr. Vegnani asked if the Schools were considering re-districting this year. Mr. Jamie Strobino, School Committee, answered “no”. Discussion about the Board of Selectmen and School Committee going to Town Meeting on an agreed upon “number” for this budget.

### 145 Treasurer/Collector

Ms. Jane Lepardo, Treasurer/Collector, stated that “on-line” payments increased over the past year. Budget increases reflect an increase in hours for existing personnel, longevity payments and a postage increase.

### 158 Tax Foreclosure

Ms. Lepardo explained that the Town has a sizable inventory of tax title properties (approximately 200) and this budget covers the associated legal costs. Once a settlement is reached, the monies go back into the General Fund. Ms. Lepardo requested \$50,000 and Ms. Vinchesi reduced it to \$39,000.

### 910 Non-Contributory Pension

This was the Town’s original pension fund and currently there are three, surviving participants.

### 911 Plymouth County Retirement

This budget realized a small decrease in FY12. There will be an budget increase of \$341,164 for FY13 because Plymouth County Retirement voted to give an increase to retirees. A savings of approximately \$65,000 annually is realized because Scituate pays the entire bill in July rather than splitting the total between two payments. This budget does not include the teachers’ retirement account.

### 914 Health Insurance

This budget was level funded for FY13. Rates will not be increased for 2013. Health insurance meetings are ongoing.

## 916 Federal Taxes

This budget accounts for employees' FICA contributions. The budget estimate is slightly lower than last year.

## 720 Debt & Interest

Ms. Lepardo noted the complexities of this particular budget. The budget includes debt from the five(5) enterprise funds. Mr. Vegnani stated that an effort is made to keep this as the same level from year to year.

## Annual Town Meeting Articles

### Demolition Delay/ Historic Commission

Mr. Doug Smith, Chairman/Historic Commission, Mr. Arthur Beale, Vice Chairman/Historic Commission and Ms. Betty Meisner, member/ Historic Commission were present. Mr. Smith stated that that this article should really be called "demolition review" not "delay". The goal of the article is to protect significant historical structures in Town and over 120 cities and towns in Massachusetts have already adopted similar by-law language. Mr. Smith noted the 900+ historical properties in Scituate which have been inventoried thanks to MBTA mitigation money and Community Preservation Act funds. He noted that Scituate is very fortunate to have some its most important historical structures owned either by the Town or the Historical Society. This by-law would require that before a historical building(of 100+ years) was demolished, a public hearing would be held to review and hopefully educate the owner. He noted that the Building Inspector could override the by-law for purposes of health, safety, etc. This by-law would "slow" the process and determine a building's preservation value.

Mr. Danehey, Mr. Murray and Mr. Harris support this Article. Mr. Vegnani expressed concern that some citizens may think that this by-law is an infringement of their rights. He asked that when the Commission re-submits the revised article language that the document detail any changes made from the original. No vote was taken.

The Nuclear Safety Article was postponed to the February 28, 2012 meeting.

### DISCUSSION/ VOTE/ DRAINLAYER LICENSE RENEWALS

Mr. Harris made a MOTION that the Board of Selectmen VOTE to RENEW the following Drainlayer Licenses for 2012: Dandel Construction, Jones Contracting, Richmond Sand and Gravel and Jason Gerry. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

### DISCUSSION/ VOTE/ CLASS II LICENSE RENEWAL/ Alan's Auto Body/ N. Scituate

Mr. Harris made a MOTION that the Board of Selectmen VOTE to RENEW the Class II License for Alan H. Hopkins d/b/a Alan's Auto Service for 2012. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

### DISCUSSION/ VOTE/ OPEN & CLOSE SPECIAL TOWN MEETING WARRANT

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to OPEN the Special Town Meeting warrant for April 9, 2012 and to CLOSE said warrant at the adjournment of this meeting. SECONDED by Mr. Murray. No discussion. Unanimous vote. (4-0)

### REPORT/ Town Administrator & Discussion/ Vote/ Driftway Project

Ms. Vinchesi stated that the Board of Selectmen directed her to write a Request for Proposal (RFP) for an Ocean Campus Center to be placed on land on the Driftway. This is a project which has been discussed

with many parties over the past four to five years. The RFP was approved by the Board of Selectmen and Town Counsel and was duly advertised. The review group was comprised of the DPW Director, Building Inspector, a member of the Public Building Commission and Economic Development Committee. One proposal was received from a group called MEEA. Town Counsel also reviewed this proposal. This proposal was considered “non-responsive”. The Board is not required to formally reject the proposal, but if the Board wants to re-issue a RFP for this project in the future, they could vote to close the present process and move forward in this way. Mr. Vegnani applauded the applicant, MEEA, for submitting an application and noted that it was unfortunate that it was incomplete. “This would have been a good

opportunity for the Town. He would like to see the project reconsidered in the future – possibly after the Annual Town Meeting. Mr. Danehey and Mr. Harris thanked Ms. Vinchesi for the time spent on developing the RFP. Mr. Murray would like the Board to re-visit this very important project. He thanked Mr. Jeffrey Rosen, Chairman of the Water Resource Committee, for all he does for the Town. He thanked the talented members of the MEEA Board. Ms. Vinchesi stated that a project of this kind ultimately would have been decided by Town Meeting.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to REJECT the Request for Proposal (RFP) submitted by MEEA which will formally close this RFP issuance. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

Ms. Vinchesi reviewed the steps needed to move forward with the Gates School feasibility study.

#### OTHER BUSINESS

Discussion on the progress of the wind turbine construction on the Driftway. Mr. Vegnani gave updates on the girls’ and boys’ basketball teams and the boys’ hockey team.

#### CORRESPONDENCE

Mr. Murray read a letter from Mr. David Ball, President, Scituate Historical Society, thanking the Scituate Police Department for their recent assistance when a light pole was struck in the Lighthouse parking lot.

The Special Town Meeting warrant was closed at 9:36 PM.

#### COLLECTIVE BARGAINING (Union) – Executive Session

The Board of Selectmen entered Executive Session via roll call at 9:36 PM for purposes of discussion/vote of union collective bargaining and did not return to regular session this evening.

ADJOURNMENT – Regular Session was adjourned at 9:36 PM.

#### BOARD OF SELECTMEN

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Anthony V. Vegnani, Chairman

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John F. Danehey

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Shawn Harris

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Richard W. Murray

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Joseph P. Norton

Respectfully submitted,

Kimberley A. Donovan  
Executive Assistant