

Board of Selectmen, May 8, 2012

MINUTES OF MEETING

BOARD OF SELECTMEN

MAY 8, 2012

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

Patricia A. Vinchesi, Town Administrator

Press: Boston Globe, Scituate Mariner, WATD (recording the meeting)

1. The meeting was called to order at 7:00 PM.

2.ACCEPTANCE OF AGENDA/ WALK-IN PERIOD

Mr. Norton made a MOTION that the Board of Selectmen VOTE to ACCEPT the AMENDED Agenda for May 8, 2012. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

Walk-ins – Joseph A. Gibbons, 223 Gannett Road, expressed concern over the “direction of government in this Town” in terms of the “Selectmen’s lack of leadership and implementation of the Open Meeting Law”. Mr. Danehey reminded Mr. Gibbons that this topic is not a listed Agenda item this evening and therefore cannot be discussed by the Board of Selectmen. Mr. Gibbons further stated that he had not received copies of employee contracts he had requested under a public records request. Ms. Vinchesi stated that this statement is “untrue” and that Mr. Gibbons had been provided with all the requested documents.

Bette Johnson, 40 Allen Place, stated that she was present this evening along with many Scituate seniors who would like the Selectmen to designate that the Harbor Community Building be available for use by the seniors from 8 AM to 5 PM Monday through Friday. This would allow the many programs for seniors to take place there during the week and the building would still be available for meetings and other events for the Scituate community. Mr. Vegnani stated that the Building has been available to many Town departments for the past 6-8 months. He listed specific guidelines that must be met for building usage and how to reserve the room. He also noted that long term use of the building is currently under review by the Selectmen. Ann Marie Galvin, First Parish Road, believes the building should be used as a teen center in light of the high level of teen substance abuse in Scituate. Audrey Reidy, Strawberry Lane, also spoke about the urgency of the senior population being able to use the building Monday through Friday. Jane Trevis, 20 Central Park, would like the building to be available every Wednesday for yoga classes. Mike Loring, 50 Cole Parkway, asked that the Selectmen provide an “adequate facility for seniors”. Mr. Danehey explained that the building was purchased

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with MBTA mitigation funds and its use must adhere to certain restrictions set at the time of the purchase. The Selectmen understand the inadequacies of the Brook Street location, but the Harbor Community Building will not be the seniors’ “permanent home” – but it can be used in an accessory capacity. The “grand plan” for Gates School was discussed briefly. Dale Balog, First Parish Road, asked if calling the building a community center adheres to restrictions? No answer was recorded. Lou Chin, 42 Tilden Road, asked specifically how more senior programs may be scheduled at the Harbor Community Building. Ms. Vinchesi stated that it may be scheduled through Florence Choate, Director of Elder Services at the Council on Aging. Mr. Chin asked for clarification on \$1.9 million that was voted by Town Meeting for a new senior center years. Mr. Vegnani explained that the money was authorized by Town Meeting for a specific site, but it was never funded because the site was later found to be unsatisfactory.

3.DISCUSSION/ VOTE/ Change in DBA/ Backyard Burger Bar/ J. Wilson

Mr. Danehey excused himself from discussing or voting on this agenda item.

Joan Wilson, owner, explained that another restaurant had the name "Backyard Burger Bar" so she must change her "doing business as" name.

Mr. Harris made a MOTION that the Board of Selectmen VOTE to GRANT a change in "doing business as" (d/b/a) from Backyard Burger Bar to JW's Burger Bar per the applicant's request. SECONDED by Mr.

Norton. No discussion. Unanimous vote. (3-0)

Harris, Norton and Vegnani voting. Mr. Danehey did not vote.

4. DISCUSSION/ VOTE/ AWARD OF CONTRACTS/ Department of Public Works

Mr. Norton made a MOTION that the Board of Selectmen VOTE to AWARD the contract for the purchase of a CAT 430E Backhoe to Milton CAT, Milford, MA. Contract 12-LB-12 for the bid price of \$82,711.00.

SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

Mr. Bangert explained the benefits of the Inflow and Infiltration (I & I) program in terms of protecting the water pipes from the infiltration of sea water, sand and silt, which ultimately expands sewer treatment plant capacity. This job was advertised in the Central Register and two bids were received.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to AWARD the contract for Inflow and Infiltration repair, Contract 12-IL-30 to National Water Main Cleaning of Canton, MA for the sum of \$525,250.01. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

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Mr. Cafferty explained that this contract will allow for having supplies of frequently used couplings, clamps, etc. for water pipe repairs. This will be a more organized and regulatory compliant manner in which to have these supplies "on hand".

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to AWARD the unit price contract for Water Pipes and Fittings, Contract 12-WA-11 to John Hoadley and Sons from Rockland, MA. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

The benefits of the Town's membership in the South Shore Regional Services Consortium were explained. The Consortium finds the lowest qualified bidders for a wide variety of projects. Mr. Harris asked for the length of time the Town would be locked into these contracts. One year.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to AWARD the following contracts, at the prices quoted in their response to the Request for Bids issued by the South Shore Regional Services Consortium through June 2013, with the option to extend for an additional one or two years at the Town's sole discretion: Truax Corporation of Lakeville, MA – catch basin cleaning, Mass Pavement Reclamation of Hanover, MA – pavement reclamation, Hi-Way Safety Systems of Rockland, MA – pavement markings, Sealcoating, Inc. of Hingham, MA – crack filling treatment, All States Asphalt of Sunderland, MA – road surface sealing, Sealcoating, Inc. of Hingham, MA – road surface micro surfacing, Capone Bros. of Randolph, MA – sidewalk reconstruction, T. L. Edwards Inc. of Avon, MA – cold planing, Capital Waste Services of East Boston, MA – debris disposal, G. Lopes of Winthrop, MA – earth materials, DeLucca Fence of Methuen, MA – guardrails and Northeast Traffic Control of Plymouth, MA – street signs. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

5. DISCUSSION/ VOTE/ SEA WALL EASEMENT/ 117 Turner Road/ K. Cafferty

Kevin Cafferty, DPW Engineering Division, stated that 117 Turner Road was the site of the sea wall breach during the December 26, 2010 storm. A qualified engineering firm, after much research, has arrived at a solution to fix this wall. This wall has seen many repairs over the years. He explained that the Town needs a thirty (30) foot permanent easement at this location to affect repairs, in future years, to the "splash pad".

Three property owners are impacted by the easement: two have agreed to it and one has not. Mr. Cafferty asked that the Selectmen “take” this third piece of property. Mr. Harris asked if he were the property owner, could he build a deck over the easement piece? Yes, a removable cantilever deck. Mr. Farrington, property owner who does not want to give an easement, believes he is “losing a lot in terms of property rights”.

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Mr. Danehey believes 30 feet is a large easement when, in fact, the wall is not even being replaced. Mr. Bangert believes it unlikely that this repair will have to be accessed in the future, but the Town has been advised that a “splash pad” is needed to extend well beyond the break in the wall. A “limited easement”, Town Counsel’s approved text and a bid time line were discussed. Doris Creary, 8 Oceanside Drive, stated that when the wall near her home was repaired, a permanent easement was not needed. She spoke about her deck being her “backyard” and the ability to do sea wall work from the ocean side of the wall. Ms. Vinchesi recommended that Town Counsel review any changes in wording to this document. The Board decided to postpone this agenda item for two weeks.

6.DISCUSSION/ VOTE/ Hawker Peddler’s Licenses (2) – Sugar Shack & Daniel Twigg

Lisa Finnegan, applicant, stated that she has owned an ice cream truck in the past and that she grew up in Scituate. She feels this would be a good summer job for her college age daughter.

Mr. Norton made a MOTION that the Board of Selectmen VOTE to GRANT a Hawker Peddler’s License to Lisa Finnegan d/b/a Sugar Shack LLC, 65 Washington Street, Hanover for a mobile food service truck selling wrapped ice cream products in accordance with all regulations set forth in the Hawker Peddler’s Policy #53-12. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

Daniel Twigg, Collier Road, brought samples of pillows, bags and artwork that he would like to sell from a cart, covered with a small awning, in Cole Parkway. He would like to sell Thursday to Sunday 8 AM to 4 PM. He will sell his goods outside of the 300’ radius of other stores selling artwork. Mr. Vegnani noted that he will have to be cognizant of events that may be scheduled on Cole Parkway during the summer months.

Mr. Norton made a MOTION that the Board of Selectmen VOTE to GRANT a Hawker Peddler’s License to Daniel Twigg, 22 Collier Road, for a cart to be placed at Cole Parkway near the bandstand with the exact location to be determined by the Scituate Police Department’s Traffic Enforcement Officer and the Board of Selectmen and to sell photographs, prints and hand crafted canvas bags in accordance with all regulations set forth in the hawker peddler’s policy #53-12. SECONDED by Mr. Harris. Discussion – Selling time to be from 8AM to 4PM Thursday through Sunday. No further discussion. Unanimous vote. (4-0)

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7. PRESENTATION/ Library Grant and Fundraising Initiatives

Kathy Meeker, Library Director, Mary Ellen Gaziano, Board of Library Trustees, and Kathleen Baxter and Les Ball, Co-Chairs of the Scituate Library Foundation were present.

Ms. Gaziano stated that the Library is in the “queue” to receive a \$5 million State grant.

The Capital Campaign will endeavor to raise the obligatory \$5 million “match”, if the Town is chosen to receive this grant. The total Library project is \$12 million(the hope is that the Town will come up with the remaining \$ 2 million). The Library Foundation already had \$275,000 “in hand” when the grant was applied for. The group is exploring many fundraising ideas including Community Preservation Act monies. The Selectmen agreed

that this was a very worthwhile project, but they also spoke about the “realities” of such an ambitious fundraising effort in these economic times. In addition, the Selectmen noted the large number of important projects the Town is facing at this time. The Board asked this group to report back in six

months with an "update" on the project.

Two minute break.

8. DISCUSSION/ VOTE/ FY12 DEPARTMENTAL TRANSFERS

Ms. Vinchesi stated that municipalities may transfer amounts of funds into accounts in which there is a deficit. This is usually done just before the end of the fiscal year in June, but there are two accounts that need to be addressed now.

Mr. Norton made a MOTION that the Board of Selectmen VOTE to APPROVE the transfer of \$28,808.00 from Conservation Commission Personal Services into Conservation Commission Purchase of Services, and from Support Staff Training the sum of \$20,382.00 into Purchase of Services. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

Ms. Vinchesi explained that these funds are needed to satisfy the payment of a Fire Department arbitration award that spans a four year period.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to APPROVE the transfer of \$96,970.00 from Police Department Personal Services into Fire Department Personal Services and/or any other related fire line items to affect payment of the arbitration award and further that the Board of Selectmen approve the transfer of \$14,594 from Snow and Ice and \$9,000 from Unemployment into Fire Department Personal Services and/or any other related Fire Department line items to affect payment of the arbitration award. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

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9. Gates School Feasibility Study/ Next Steps/ T. Administrator

Ms. Vinchesi stated that \$60,000 from Community Preservation Act(CPA) funds were appropriated in 2011 to "conduct a structural assessment of the Gates Middle School. Durkee Brown, architects, completed the initial assessment in February 2012. The building is structurally sound. Durkee Brown would like to assess the rest of the building in terms of what it can be used for going forward. The "next steps" are as follows: (1) to use the balance of the CPA funds to see how various Town and School administrative offices can fit into the Gates building footprint, (2) use some of the \$375,00 design/services money voted at Town Meeting to conduct an assessment of Gates' non-historical portions of the building (CPA funds can only be used for the historical portions)and (3) assemble a committee of the "stakeholders" in this venture, ie., members of the Selectmen, School Committee, Advisory Committee, Capital Planning Committee, Council on Aging, Library Trustees, Recreation Commission, Pier 44 Feasibility Study Committee, Public Building Commission, Planning Board, Economic Development Commission, Building Inspector, Fire Chief, Police Chief, Gates School Informational Committee, C.O.R.S.E., Chamber of Commerce and Scituate Merchants Association. The Board concurred that this Committee should be appointed in June 2012.

10. ACCEPT RESIGNATIONS – Veterans Advisory Council, Cable TV

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ACCEPT the resignation of Richard F. Faust from the Scituate Veteran's Council. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

Mr. Harris made a MOTION that the Board of Selectmen VOTE to ACCEPT the resignation of Monte Newman from the Cable Television Committee and further

that the Board thank Mr. Newman for serving as Chairman and for volunteering his time and expertise to the Committee. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)

11. REPORT/ Town Administrator

Ms. Vinchesi stated that the new Veterans District that has been established with the Town of Hingham is experiencing some “growing pains”, but things are starting to “even out”. Keith Jermyn, Director of Veteran’s Services, reports to both the Hingham and Scituate Town Administrators. Scituate’s new Veteran’s Service Agent, Don Knapp, and Christine Chessia are ably assisting our Scituate Veterans. Veterans’ claims have doubled since last year.

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Mr. Vegnani read the “customer service mission statement” for the Town of Scituate. The entire staff participated in this exercise. “To provide services and information to the public while promoting excellent customer service, respect and courtesy to the community of Scituate.” Discussion on Open Meeting Law violation complaint filed by Nancy White of the Scituate Mariner. This complaint is now with the Attorney General’s office and they will render a decision.

11a. Vote/ Union Contract

Mr. Norton made a MOTION that the Board of Selectmen VOTE to RE-RATIFY and APPROVE the Police contract settlement for Fiscal Years 2010, 2011, 2012 and 2013 as originally voted on November 15, 2011. SECONDED by Mr. Harris. No discussion. Unanimous vote. (4-0)

12. OTHER BUSINESS

Mr. Danehey commended everyone who participated in Ship Shape Day and encouraged everyone to vote in the Town election on May 19th. The Scituate Beach Association is sponsoring a 10K road race on Sunday. The School Committee sponsored a road race in the memory of Sean Patterson this past weekend. Mr. Norton attended a special dinner for St. Luke’s Church anniversary recently.

13. CORRESPONDENCE – None

14. MINUTES – None

15. ADJOURNMENT

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ADJOURN the meeting at 9:34 PM. SECONDED by Mr. Norton. No discussion. Unanimous vote. (4-0)

BOARD OF SELECTMEN

Joseph P. Norton, Chairman Richard W. Murray

John F. Danehey Anthony V. Vegnani

Shawn Harris

Respectfully submitted,
Kimberley A. Donovan, Executive Assistant