

**MEETING OF THE SELECT BOARD
TUESDAY, September 21, 2021 6:00 p.m.
SELECT BOARD HEARING ROOM – TOWN HALL**

In attendance Karen Connolly, Chair, Karen Canfield, Vice Chair, Andrew Goodrich, Clerk, Maura Curran and Anthony Vegnani

Also in attendance: Jim Boudreau, Town Administrator

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

A motion was made by Ms. Curran at 6:02 p.m. to accept the agenda for September 21, 2021 second by Ms. Canfield Unanimous Vote (5-0)

WALK INS – None at this meeting

REPORT OF THE TOWN ADMINISTRATOR –

1. Water Main Construction on OOB, from Maple Street to the Rotary is finishing up. The contractor is now working on installing services to homes. We will be connecting the new main OOB to Rte. 123 today and also connecting the walnut tree hill booster station. Residents in that area have been notified that their water service will be interrupted today while we make those connections. Woodworth lane, Bridle lane, Walnut Hill Drive, Green briar way and garrison drive will all be impacted. Tomorrow the connection will made to the main on Maple. OOB remains will be closed to thru traffic. Local traffic will be allowed. The contractor has moved to Brook Street and commenced replacement of the main on Brook Street.
2. Total average demand for the past week was 1.267 mgpd, down from 1.317 mgpd the previous week. Manganese levels in the reservoir continue to drop, but are still high enough to cause discolored water. We will continue to monitor usage and, when we feel it necessary, move to the next phase of our water ban, which is a prohibition on outside water use.

The reservoir was -3” yesterday and at +6” at tack Factory. The level in the reservoir was lowered on purpose to give us capacity for future rain events. Rainfall over the last 5 days was at .98” inches. A reminder to residents that our annual water restrictions are in effect May 1st. These is a state-imposed water ban that goes into effect for the entire water basin regardless of supply. Please conserve water, it is our most precious resource.

The equipment to conduct the pilot studies for the new treatment plant to determine the most effective treatment methods for the new plant has arrived and been installed at the water treatment plant property. The pilot program will continue this week.

3. Last week we had an incomplete Covid count due to a problem in state reporting. The total for last Monday was 13 cases, while the total for this past week was 17, up slightly from the previous week. We with a positivity rating over the last 14 days at 2.41, down slightly from the 2.52% of last week. This number is up and down; however, we remain lower than Plymouth County which down to 3.46%, down from 3.71%. State wide the positivity rate yesterday for the past 7 days was 2.26%, which is down from the 2.52% of last week. So good news is that all of the numbers have declined slightly over the weekend. Let’s hope that trend continues.

New guidance is expected shortly from the CDC and federal government on the booster shots for Pfizer and Moderna vaccine recipients. We will pass that along when it becomes finalized.

Please if you have not been vaccinated, consult with your physician and get vaccinated if that is right for you. As we are seeing, vaccinated individuals who get COVID are far less likely to be ill, end up in the hospital or have a fatal case of COVID. Pfizer has received approval for use by the FDA, removing its emergency designation.

4. Work is continuing on paving on First Parish Road and surrounding the common. The road has been milled, and the contractor has put down the base coat and has begun rehabbing the existing sidewalk on First Parish from Country Way to the new Senior Center. Installation of the base coat for the sidewalks is complete. In addition, a new crosswalk has been installed at the top of the hill connecting the senior center to Central Park Drive. This will provide direct pedestrian access from Central Park and the library to the Senior Center, recreation and the food pantry. WAITING ON VERIZON FOR SOME MANHOLE WORK TO FINISH THE PAVING
5. Renovations on the Steverman rink at Scituate High School are on-going. Demolition of the existing rink is completed and the existing base has been removed. The contractor has installed the dasher boards and the fencing around perimeter of the rink. The next big item is the installation of the surface on the rink. Delivery and installation of the final surface is unclear as both COVID and the ice storms last winter in Texas are affecting the delivery of the material to complete the surface. This work of installing a new rink is being funded by the CPC and is scheduled to be completed in September.
6. Well 17A green sand filter is progressing. We are moving into the testing phase for the equipment, Scheduled completion is Fall of 2021. Re-activation of this well brings approximately 225,000 – 250,000 gallons a day back into the system.
7. Renovations/expansion to the Widow's Walk clubhouse continue. The \$2.5 million project is expected to be completed in the fall. The walls and roof are up on the new building foot print, so you can see what the size of the new building will be. Work is continuing on the interior. The contractor installed the base coat for the parking lot last week, with the final coat scheduled for the completion of the project in the fall. At the same time, the project to bring waste water from well 18B to the course is under way. The settlement tank and piping from well 18 have been installed. The green sand filter at nearby well 18B needs to be backwashed and cleaned on a regular basis. The water from this operation will be piped to the reservoir at the golf course for irrigation. Approximately 10,000+ gallons per day will be available for the course when well 18B is in operation.
8. Humarock Fire station the living quarters are completely framed in and most of the windows have been installed. The walls are being erected for the apparatus bays this week. The roof trusses are being installed and the roof installation should commence this week.
9. The Council on Aging new lunch program for Seniors is going strong. Really great to see our seniors come together with friends to enjoy each other's company and a great meal. It is exactly what we envisioned when we started work on the new center. Lunches will be served Mondays-Thursdays at noon and are a bargain at \$5 per person. If you know a senior living alone, invite them to lunch there they will get a great meal and some great company. I am not going to read the menu every update, but tomorrow is lasagna with spinach. Reservations are asked to be made 2 days in advance for lunch by

calling the COA at 781-545-8722. Press 0 for the front desk. For the entire menu, go to the COA web page on the town web site.

10. Cedar Point-The contractor has returned to Cedar Point this week to install some needed drainage on the street and to begin raising the structures in the road in preparation for final paving. The entire road has now been pulverized and is preparing for final paving.
11. Coast Guard- the deadline for submitting comments to the Federal Register protesting the potential closure of the Scituate Coast Guard station is tomorrow, 9/22. I gave the Board a copy of the letter that all the coastal managers from Plymouth to Hull will be signing and submitting. Many will also be submitting comments on their own. In addition, Congressman Lynch has filed an amendment to the FY2022 National Defense Authorization Act (NDAA) that would prohibit the closure of the Scituate Station if the Coast Guard could not prove that the closure would not increase response times. Since we know it will, the amendment would effectively kill the closure proposal.

Mr. Boudreau distributed a letter to the Select Board he drafted that was signed by the Town Administrators of all the local communities to the Coast Guard as a joint letter. Ms. Curran asked if this is a second letter to the Coast Guard. Mr. Boudreau said yes, it is the second letter. Mr. Goodrich suggested the public send a simple letter to the local politicians to not close the Scituate Coast Guard station.

SCHEDULED ITEMS:

Financial Excellence Award, Jim Boudreau, Town Administrator

Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **Town of Scituate** for its comprehensive annual financial report for the fiscal year ended June 30, 2020. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. Mr. Boudreau thanked Nancy Holt, Pam Avitabile and Joe Divito. The Board gave the financial team a round of applause. Ms. Curran thanked everyone since in the years past the Town received so much criticism in this area. The Select Board appreciates the hard work all of the members of our financial team.

Acceptance of Donation \$11,405 to Council on Aging, Linda Hayes, Director – moved to October 5th meeting

Special Town Meeting Article 6 Community Preservation, Dan Fennelly, Chair

Mr. Dan Fennelly will present to the Advisory Committee Thursday night and they have a special meeting next Monday to vote on some items. Mr. Fennelly provided an overview of how much the town has received from the state.

- Teak Sherman Community Garden \$52,649
This is an existing garden on Route 3A Sustainable Scituate is the applicant. They would like to provide handicap access, raised accessible beds and fencing around the garden. They would like to replace a yard hydrant and rebuild a bridge.

- **Historic Preservation of Gaelic-English Journal \$2,100**
Scituate Historic Society wants to preserve the journal and provide a box for the document and digitize the journal. It is an important artifact and of interest to scholars. CPC did confirm it was of value. CPC voted to support this request.
- **Bailey Ellis House Restoration - Basement Drainage \$8,000**
Scituate Arts Association has been working on restoring the Bailey Ellis House. There is a lot of water damage and the moisture is going into the house and causing damage. They are looking to complete the drainage system so it will not affect the house, install rain barrels for outdoor watering needs. CPC voted unanimously to support the project.
- **Town Archives Document Preservation \$10,000**
The town archives would like to digitize records. Longevity is an issue and over time they would like to digitize the records for the Town of Scituate so they are not destroyed over time.
- **Appleton Field Community Garden Project \$61,496**
This is to provide funding for the start up cost to install permanent fencing and ADA compliant paths along with raised garden beds. Citizens can grow their own produce, donate food to the food pantry and create a hands-on learning space. This is a new community garden. CPC voted unanimously to support the project.
- **Scituate Little League Field \$TBD**
Little League initiated a project for a field. There is only one field available for everyone to play on that is 90 feet long. It is very difficult to schedule with so much demand. In November 2019 the Select Board voted to locate this field behind the old Gates school. \$400,000 was donated by Toll Brothers and could be used for this field. The intent is to use the Toll Brothers donation and whatever balance could be funded by CPC. Mr. Fennelly feels this is important and we need to get it done. There are still some details that need to be worked out. There is a proposal for the field and we have the location. Can we get this to the point it is suitable for CPC to approve and proceed to town meeting for a vote.

Mr. Vegnani said there are only two viable locations, Old Gates Field and Central Field. Recreation has determined that Old Gates Field is the best solution. The plan is in the early stages. There is no one leading the charge and it got thrown in Little League's lap. We may want to consider doing some joint field improvement with the Toll Brothers donation. Flannery field and Cushing are both fields with drainage problems.

Ms. Curran asked if the cost is \$600,000. Mr. Fennelly said the entire amount is \$600,000 for CPC to fund. Putting the field in an existing field space will impact current programs. Mr. Goodrich said this will still be a multi-use field. Mr. Fennelly agreed that yes, it would be a multi-use field. Ms. Connolly asked if the field coordinator will schedule the new fields. Mr. Fennelly said yes.

Ms. Canfield suggested the Board vote on how to distribute the \$400,000 Toll Brothers money. Mr. Boudreau said he will pull the minutes from 2019 to see how the Board voted on the acceptance of the Toll Brothers donation.

Mr. Fennelly said it would be helpful to get the schools involved. The High School (HS) and Recreation (Rec) department were jointly involved in the athletic field project and that would be helpful. Superintendent Burkhead was in attendance and he said they can discuss this. The joint HS and Rec departments was a great teaming and a great decision with the field project. If this cannot be vetted in time this could be moved out to the Spring Town Meeting. Mr. Boudreau can put a timeline together with the design phase if that can be funded now. The bid could be in hand for the Spring town meeting.

Mr. Fennelly asked if the Toll Brothers money would be immediately available. Mr. Vegnani said yes it could be available. Daryn Campbell 57 Acorn Street, Scituate Little League President said the \$600,000 should be considered a not to exceed amount.

- Land Acquisition East Field, Border Street \$TBD
A revised application was received this afternoon for \$2M. The Gulf Association has applied to acquire 17.8 acres on Border Street. The acquisition is to protect and preserve this property. There were 70-80 letters of support for this project from residents. A conservation restriction would be placed on this property. They had a letter from the buyer that proposes to build six houses to put a parking area and access to the property for recreational purposes. CPC has not voted on this yet. They could conceivably go to \$2.3M. They plan to vote on Monday's meeting. We have enough money in CPC to do this in cash. It would be a strain. The undesignated fund is \$1.8M and they are anticipating funds for 2022. They do have the money to purchase the property. Ms. Connolly said this proposal does not create access to the property. It costs \$100K-\$400K to provide access to the property. Mr. Fennelly said there are discussions going on with the owner of the property between the Border Street and the Hubble properties and to connect would be in the \$10,000 range. There are additional costs.

There is a loan for the high school fields and CPC pays \$100,000 a year. The principal is \$1.9M for the loan debt that CPC is responsible to pay. Mr. Fennelly said it is put into the Annual Town Meeting budget and payments are made from that.

The conversation resumed CPC discussion on this topic at 8:45 p.m.

Mr. Fennelly is concerned about the price of the property. The property is a steep price and it not on the waterfront. Ms. Connolly asked Mr. Boudreau to invite the developer into the Select Board meeting to discuss his offer. Mr. Fennelly said the parking and making the site available with trails could be done at a later time. Ms. Canfield said this opportunity is available because the property is coming out of 61A and the board recognized the opportunity. We are not in the business of chasing property. The opportunity presented itself. Once you sell this property it is gone. There is demonstrated that this is an opportunity for our community from the many letter received. Do we think this is worth saving and if so is the funding appropriate all through CPC. Mr. Fennelly said there is a group willing to donate their goal of \$350K and there is a lot of support in the town and they are willing to put up funds. They have raised close to \$230K said Conor Doherty, 603 Country Way. Mr. Vegnani said this is a rare opportunity but it is one of the most expensive properties we would have purchased. He is not saying don't buy it. Mr. Goodrich is asking the main reason people want to purchase this land. Ms. Connolly would like the developer come forward to make his case. The Select Board still has to vote whether to exercise the option with right of first refusal. Ms.

Canfield said the town meeting date is before we have to exercise the option. Ms. Canfield said to Mr. Goodrich we have done a lot of open space purchases without a full plan. We could have gardens, educational and agricultural heritage opportunities. The application now is to put it in conservation restriction so we could have it forever. Mr. Fennelly said that the Mordecai Lincoln entire property was \$900K. The board will not vote this evening and will obtain the vote of CPC at their future meeting.

Special Town Meeting Article 5 Capital Improvement Plan & Article 4 Feasibility Study & Schematic for Hatherly Elementary School, Chris Carchia, Capital Committee Chair

Mr. Carchia said the Capital Committee met last evening. Article 4 was not discussed or voted on last evening. There is a meeting scheduled with the school next week.

The Capital Committee voted unanimously to approve all of the Capital Improvement Plan items.

ARTICLE 5. Capital Improvement Plan

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$3,782,250.00** or any greater or lesser sums as may be necessary, for the purpose of funding the following capital project costs; or take any other action relative thereto:

1. Widows Walk Maintenance Equipment \$240,000
2. Widows Walk Pump Station/Irrigation \$175,000
Mr. Boudreau said this is part of the whole pump system. They have been renting a pump to do this in the past. They would like a permanent solution. The rental system was between \$5-8K.
3. Loader (Sewer) \$135,000
The sewer department is looking for a new loader.
4. Old Landfill Site Assessment \$92,250
5. Transfer Station Backhoe \$140,000
This replaces a 2013 backhoe.
6. Water Mains \$3,000,000

Ms. Canfield asked why there are only three members on the board. One member passed away and one member quit. They are waiting for replacements and Mr. Carchia is reaching out to Mr. Toomey this week. Ms. Connolly has had two conversations with the moderator about these vacancies and has sent resumes to Mr. Toomey. Interest parties can be directed to the Town Clerk or Lorraine Devin in the Select Board office. Mr. Goodrich is the liaison to the Capital Planning Committee.

Liquor License Violation Mill Wharf, Bob Warner, Stephan Hill & Michele Wood

In attendance were Police Chief Mark Thompson, representing Sgt. Gerry O'Brien, Scituate Police Department, Liquor Enforcement Officer.

A series of compliance checks were done throughout the community by the Scituate Police Department. The compliance checks were posted in the Scituate Mariner. Sixteen establishments were in compliance that Scituate Police Department visited.

Mill Wharf Restaurant. At approximately 12:00 PM, on August 20th, the underage male entered the Mill Wharf Restaurant, located at #23 Mill Wharf Plaza in Scituate. I observed the underage male enter the Restaurant. Approximately 10 minutes later, I observed the underage male exit the restaurant. The underage male entered the vehicle and informed me that he asked for and was given a bottle of Bud Light Beer. He explained that he walked up to the upstairs bar/restaurant area and approached the bar. The Bartender asked him what he would like and he asked for a bottle of Bud Light. The underage male was not asked for identification. Once the beer was placed in front of the underage male, per my instructions he walked out of the restaurant and left the beer on the bar. The underage male did not consume any of the beer. The underage male gave me a physical description of the Bartender.

With the above information, I entered the restaurant and spoke with Robert Warner, the Owner of the Mill Wharf Restaurant. I explained to Robert what had transpired and Robert and I identified the Bartender in question. Robert was extremely cooperative.

Bob Warner, Owner Mill Wharf said he was working and Sgt. O'Brien approached him and informed him that an underage person was served. The bartender was TIPS certified and it was poor judgement. She did not ask him for an ID. It was an error on the Mill Wharf's part. There are staff meetings, alcohol awareness meetings and TIPS training. Michelle Wood is trained as an instructor. The dates that employees were trained are tracked. A training session has not been held since COVID. Stephan Hill, Manager said it was an error and the bartender was certified half a dozen times. There are 175 employees and all have been trained.

Ms. Canfield asked how often these compliance checks take place. Chief Thompson said these compliance checks are currently done annually and they are looking to increase them. This is not a new process. Mr. Boudreau said The Mill Wharf has not had any prior violations. Mr. Vegnani said we have these policies and they are fair and strict. The Select Board takes it very seriously and what will the Mill Wharf do to make sure this doesn't happen again. Mr. Vegnani asked what steps the Mill Wharf will do to insure this does not happen again. Mr. Warner said all employees will be TIPS certified again and there will be a class beginning next week. They did not train during COVID so now they need to operate like the did before COVID. The certification only lasts for three years and the course has to be taken again. Mr. Vegnani asked if they have the ID software to scan ID's. Mr. Hill said it is not effective or fool proof and it is \$5,000. Mr. Warner said they will look into the ID scanner system. Michelle Wood is the manager at the Mill Wharf. There is documentation and information about checking ID's for customers. Everyone is trained and signs the policy. Mr. Vegnani said ultimately, it is the owner's responsibility. He did consider firing the employee but after 37 years he decided not to fire the employee. The employee was spoke to and was upset about it. Ms. Curran asked when the last time the training was conducted. There were a few employees trained last year and every employee goes through the training. The employee who violated was trained in 2017 and just expired. Mr. Goodrich asked Chief Thompson if he had any complaints about the Mill Wharf. Chief Thompson said he has not received

complaints regarding the Mill Wharf. Chief Thompson said the scan machines work very well. Chief Thompson said ID's need to be checked and visually see if it is the person. Mr. Goodrich is not minimizing what happened. He is trying to visualize the situation the restaurant was in. He asks what was it like the past year with COVID. Mr. Warner said it was like opening a new business. The Town has bent over backwards to help the restaurants to have outside seating. The harder thing now is the number of people who have the workforce in the restaurant business. It is a strange world. Mr. Warner said if you come to the Mill Wharf there is a two-martini limit. There are certain policies such as closing earlier and they don't want to serve late. They want a family run business.

The Select Board and the Mill Wharf agree there was a violation.

Move that the Select Board find that a liquor license violation occurred on Friday, August 20, 2021 at The Mill Wharf Restaurant. Motion by Ms. Canfield second by Ms. Curran Unanimous Vote (5-0)

Ms. Canfield believes the six-day suspension is too much in this case but does not think nothing should be done. Ms. Curran is taking into consideration the hardship due to COVID and would consider a three-day suspension. Ms. Curran is taken aback in their refusal to not consider an ID scanning system. She suggests this be added at the two bars upstairs and downstairs. Mr. Goodrich agrees that one violation once in 37 years with a bartender is remarkable and 6 days is a strict penalty. Mr. Vegnani thinks three days is too much and he was thinking one or two days. There are extenuating circumstances in the business community right now. Mr. Goodrich supports one or two days. Ms. Connolly would support one day.

~~**Move that the Select Board vote to suspend the All Alcohol Liquor License held by Mill Wharf, 23 Mill Wharf Plaza, Scituate MA for one day on Friday, October 15, 2021 as well as research the scanning system for identification and report back to the board. Motion by Mr. Vegnani second by Ms. Curran Unanimous Vote (5-0) See revised motion below.**~~

Liquor License Violation Village Market, Jim McInnis

In attendance were Police Chief Mark Thompson, representing Sgt. Gerry O'Brien, Scituate Police Department, Liquor Enforcement Officer. Jim McInnis, Owner and Ray Peterson, Store Manger

Chief Thompson reviewed what occurred as follows:

Village Market. Shortly after 11:00 AM, on August 20th, the underage male entered the Village Market, located at #71 Front Street in Scituate. I observed the underage male enter the store. Approximately 5 minutes later, I observed the underage male exit the store with a full shopping bag. The underage male entered the vehicle that we were using for the checks, and informed me that he was able to purchase a 6 Pack of Bud Light Beer. He explained that he approached the checkout area with the beer, the Clerk did not ask him for identification but did ask him for his date of birth, and the underage male gave her a false date of birth that would make him 21 years old. The underage male was then able to purchase the beer and exit the store. The underage male gave me a physical description of the Clerk.

With the above information, I entered the store and spoke with Raymond Peterson, the Manager of the Village Market. I explained to Raymond what had transpired and Raymond and I identified the Clerk in question. Raymond was extremely cooperative.

Subsequent Sgt. O'Brien spoke to the ABCC and the operator should not have provided the false date of birth. Mr. McInnis said the individual came in to buy a six pack of beer, approached the cashier and asked if he had an ID and he said it is in my car. Then the clerk asked what his date of birth is and the young person told him a false date of birth. The circumstances selling liquor to a minor is catastrophic. The employee has been there for 15 years and is a stickler for the rules. They sat down and put the employee on warning and she was very upset. They said next time this happens she could be terminated. The store manager meets with all employees and emphasizes this to all employees. Once a month they will refresh the rules with all the cashiers and ask them to sign the agreement. Mr. McInnis read the store policy to the Select Board that will be reinforced monthly. If a customer looks under 40 years of age an ID is required. Mike McInnis said the Scituate Police Department does not have a separate set of compliance. Number 10 on the ABCC compliance checklist said no false age should be given and the Town follows those guidelines. Chief Thompson said the clerk did not ask for identification and the Village Market report conflicted and says they did ask for identification. Mr. Vegnani said we have spoken about this in the past. Mr. Peterson said it is portable now and they scan for cigarettes and beer. The first system went out of business and they purchased a second system. The person did not have an ID to scan. Mike McInnis of Village Market said the store scans for any ID's that look fishy or a young person. Mr. Vegnani asked if the practices changed or is Village Market still doing the same thing in the past. Mr. McInnis said this was human error and bad judgement and it does fall on him. He has to reemphasize more and more. They now will remind them monthly and have them sign the document monthly. They are doing everything in their power to make this a priority. They feel horrible it happened and so did the employee. Mr. Goodrich said it is difficult if there is a lie. He has seen the compliance at Village Market with his own eyes and he finds it hard to believe they did not ask for an ID. Ms. Curran is troubled by the misrepresentation and asked if it can be appealed with the ABCC. Mr. Boudreau said yes it can be appealed. Mr. Vegnani said he does not like that Mr. Goodrich implied our police force lied. Chief Thompson said they have used a college intern that has done this many times. Chief Thompson said they were only asked what his date of birth is. Mike McInnis would like to ask Town Counsel if she agrees this is a violation of guidelines and would this be overturned by the ABCC. Mr. Boudreau said our counsel cannot opine on what the ABCC will do. Ms. Curran asked if the document they have is the official report. Mr. Boudreau said yes, this is the official report. Mr. Vegnani said they hate doing this but what are we going to do so Village Market will not be here again and it doesn't happen. Mr. McInnis said there is a human error factor. Mr. McInnis can say they will do their best to make sure it never happens again but there is nothing they can do to prevent human error. They are doing everything in their power. They are communicating and they have the machines in place. Mr. McInnis said if this happens again in a year there should be severe penalties. Mike McInnis said they could add a step in the register and add another warning. They will report back to the Select Board with what they could do.

Move that the Select Board find that a liquor license violation occurred on Friday, August 20, 2021 at The Village Market. Motion by Ms. Canfield second by Mr. Vegnani four in favor Mr. Goodrich not in favor Motion passes (4-1)

Mr. Vegnani believes the ABCC will overturn this decision. The ABCC can overturn the decision of the Select Board. Mr. Goodrich said we should have a partnership and their idea to add the extra check point is a good one. Mike McInnis said he will look into adding the additional step in the checkout process. Ms. Connolly

asked the police department to step up compliance checks at the Village Market over the next few months. Ms. Canfield believes a stiffer penalty should be imposed up to two days.

Move that the Select Board vote to suspend the Wine & Malt Package Store License held by Village Market, 71 Front Street, Scituate, MA for one day on Wednesday, October 13, 2021 contingent upon putting additional steps in the check-out process and report back to the board. Motion by Mr. Vegnani second by Mr. Goodrich and Ms. Connolly, three in favor, Ms. Curran and Ms. Canfield not in favor Motion passes (3-2)

Ms. Canfield and Ms. Curran believe a stiffer penalty should be imposed up to two days and voted not in favor.

Mr. Vegnani would like to change the penalty for Mill Wharf to a Wednesday night as well. Our goal as Mr. Goodrich mentioned is to improve the system.

The Select Board would like to change the day of week and date of their motion for the Mill Wharf to Wednesday, October 13, 2021. The board withdrew the previous motion and a new motion was voted as follows:

Move that the Select Board vote to suspend the All Alcohol Liquor License held by Mill Wharf Restaurant, 23 Mill Wharf Plaza, Scituate, MA for one day on Wednesday, October 13, 2021 as well as research the scanning system for identification at the bars and report back to the board.- Motion by Mr. Vegnani second by Ms. Curran Unanimous Vote (5-0)

INTERVIEW Board & Committee Applicants

Diversity, Equity & Inclusion (2)

- Elana Gulotta is a newer resident to Scituate since December, 2020 and is interested only in the Diversity, Equity and Inclusion Committee. She is a Director of an advertising company in Boston and there was no formal diversity training for employees. She worked on a DEI program that was implemented across the Globe. A lot of what she learned and the work she did could transcend to this committee. She grew up in Queens, NY and spent the 18 years of school going to public schools and that shaped her values and perspective in a diverse environment. She plans to be here forever and thinks about what her children's future will be in this town. She has been welcomed into the community and she would like everyone to feel welcome also. It is something she is passionate about. Mr. Curran would like to know what one major change was in a policy she made. Ms. Gulotta said the policies included leave for either parent for an abortion or miscarriage. Parental leave was one of her accomplishments. Hiring practices by the talent acquisition team and human resources/people experience team many changes were made. Unconscious bias training was completed by both of these teams. Flying kites is a non-profit based out of Kenya and their headquarters was based out of Boston. She helped with fundraising and events. Mr. Vegnani asked if there was any situation in town that she'd like to get involved in town. Ms. Gulotta said when she walks downtown she sees storefronts that are empty and she would like to see some minority owned businesses and restaurants and see if there is anything we can do to foster business to fill those spots. Ms. Canfield likes that she thinks outside of the silo. The board thanked Ms. Gulotta for coming in and for her patience.

- Conor Doherty applied to the DEI committee and also to the Cultural Council and the Beach Commission. Mr. Doherty is passionate about diversity, equity and inclusion and he understands he is a white male. He is also interested in the Beach Commission. In Minot if you need an assisted device you can't get there. He thinks about accessibility to enjoy the beaches. The mural at Minot Beach is two white lifeguards. Beaches are one of the best assets in Scituate and diverse themselves. Maybe the access to them and the inviting nature of them can be improved upon. Ms. Canfield thanked him for coming back in. He did attend the Beach Commission meeting last night. It is a good time to join. She thinks it would be a good fit. Ms. Canfield asked if Mr. Doherty has any contacts in the beach associations and he is not sure. He has been here three years; his wife is a teacher in town and their contacts have grown in a short amount of time. Mr. Vegnani said he has an interesting perspective for the beach commission. Mr. Goodrich said he is the liaison to the Commission on Disabilities and they will be talking about beaches at their next meeting. Mr. Goodrich said, the cross pollination is great. Ms. Curran thinks his energy will be needed. The Board thanked Mr. Doherty for coming in and thanked him for waiting.

At 9:28 p.m. the Chair called for a brief recess.

The meeting reconvened at 9:36 p.m.

DPW, Kevin Cafferty, DPW Director & Wil Branton, Sewer Superintendent

1. Sanitary Sewer Evaluation Survey (SSES) Presentation

Bob Rafferty is here from Environmental Partners

The investigation work had a focus on older sewers from Egypt Beach to First Parish Road that included smoke testing, flow gauging manhole inspections and CCTV review.

There were 13 definite sources with eight on private property that needs to be addressed. There are 58 possible sources.

Recommendations include

Town work Private inflow sources up to 30,000 gpd

Trenchless Rehabilitation up to 210,000 gpd \$3.7Million (\$17/gpd)

Excavation Projects top 3 include:

Priority 1 Egypt Beach Road, Tilden Road and Borden Road costs \$1,419,600

Priority 2 Hawley Road, Tilden Toad and Sea View Ave. costs \$1,316,300

Priority 3 Replace building services (20 total) costs \$450,000

Other recommendations included:

Update Sewer Rules & Regulations

Article IV Building Sewers and Connections

Article X Sewers in New Subdivisions

Update Sewer Rules & Regulations Inflow Penalty

Article IX Appendix A – Fee Schedules

Summary of Recommendations

- Work with private property owners to remove up to 30,000 gpd of inflow from private property.
- Bid a primarily trenchless rehabilitation project o target up to 210,000 gpd of infiltrations
- Prioritize excavation projects to target 100,000 gpd of infiltration
- Amend Sewer Rules and Regulations to address leaking pipe joints and private inflow sources.

Mr. Branton said the cost to repair on home is anywhere from \$2500 up to \$10,000. Mr. Goodrich said he would love to have more information on what other communities do to solve this problem.

2. Modification to Sewer Assessments and User Charges

The current policy requires a connection fee for accessory dwellings but not for other structures which require water and sewer services (e.g. pool houses, bathrooms in garages which support exercise rooms or offices). The policy as it stands creates confusion regarding when and if a structure meets the definition of an accessory dwelling at the time of connection and therefore requires a separate connection fee. We would like to clarify this issue so that it is uniform for all. This will require any accessory use, free-standing structure on a property to obtain a water or sewer permit and pay a water connection fee and a ½ sewer connection fee for connecting to town water or sewer, regardless of the existing or proposed use of the additional structure. This would allow the water and sewer divisions to have a better ability to review applications for extending or providing new water and sewer services.

Mr. Vegnani is concerned this is penalizing people that want to put in an outdoor shower. There were multiple meetings with town counsel, building department, planning, water and sewer. Mr. Branton said this brings clarity of the policy to many of the issues we have in town. Mr. Cafferty said they are looking for a way to treat everyone equitably rather than the building department making the decision on what fees are charged. Ms. Canfield said she cannot support this at this time. The Board is in favor of a staggered pricing structure. The Board feels this needs to be flushed out further. Mr. Cafferty said they will see what other towns are doing and do some more work on this. The board is not prepared to vote on this tonight.

3. Update for Article XI Section 11.2 Pipe Wrap Requirement

The current policy requires sewer services to wrap connection joints for sewer installs below the high tide line. Inflow and Infiltration studies have found a significant amount of ground water is entering the sewer system as inflows at elevations much higher than the high tide line and are a notable source of inflows throughout the town. Upon review of the most recent sewer inflow study the engineering firm Environmental Partners has recommended that the pipe wrap policy be updated to require wrapping for all sewer installs throughout town as a way to prevent inflows into the sewer system.

Move that the Select Board update Article XI Section 11.2 to require all sewers installed within Scituate to shall have all joints in sewer mains, services, and infrastructure be double-wrapped with a self-adhesive external PVC (10 Mil minimum) or EDPM rubber wrap (30 Mil minimum) tape, with a minimum wrap width of 6-inches. Motion by Ms. Curran second by Mr. Goodrich Unanimous Vote (5-0)

4. Modification to Water Assessments and User Charges This will be tabled.

The current policy requires a connection fee for accessory dwellings but not for other structures which require water and sewer services (e.g. pool houses, bathrooms in garages which support exercise rooms or offices). The policy as it stands creates confusion regarding when and if a structure meets the definition of an accessory dwelling at the time of connection and therefore requires a separate connection fee. We would like to clarify this issue so that it is uniform for all. This will require any accessory use, free-standing structure on a property to obtain a water or sewer

permit and pay a water connection fee and a ½ sewer connection fee for connecting to town water or sewer, regardless of the existing or proposed use of the additional structure. This would allow the water and sewer divisions to have a better ability to review applications for extending or providing new water and sewer services. This will be continued to a future meeting.

5. Sewer Inflow Penalty

As identified in the Sewer System Evaluation Survey, inflows from private sources can impact system capacity of the sewer system. The existing penalty for private inflows is not in-line with other communities, nor does it offset the actual costs for the inflows into the Town's collection system.

Move that the Select Board amend Appendix A of the Sewer Rules and Regulations Sewer Fee Schedule to change the Sewer Inflow Penalty from \$50 per month to \$1000 per month. Motion by Mr. Goodrich second by Mr. Vegnani Unanimous Vote (5-0)

OLD BUSINESS:

1. Special Town Meeting Articles, Jim Boudreau, Town Administrator

Move that the Select Board vote to recommend Article 3 – Transfers to Reserves in the amount of \$478,341. Motion by Ms. Curran second by Mr. Goodrich Mr. Vegnani votes no Motion passes (4-1)

Mr. Goodrich is against this article because we have not maintained the property. Ms. Curran does not disagree but the school did submit an application to MSBA and it was accepted. This is the one step required to continue in this process. This is ignoring the 45% potential state funding. Mr. Goodrich wants us to do things we need to do not want to do. Mr. Goodrich said we have kids on the wait list to go to the vocational school. Ms. Canfield said if we don't do this we are not getting a new school. Mr. Goodrich thinks its less expensive to fix the schools we have now rather than build new. Ms. Curran agrees that timing is another consideration to discuss later. Mr. Vegnani would like to hear what the School Committee and School Administration thinks about this. Mr. Vegnani wonders what the opinion is of the town and school age parents. Mr. Goodrich is concerned about implementing the Master Plan and having money to do the things we have to do. Ms. Curran said people are going to choose water if they think this is an either/or. Thursday night this goes before Advisory. Mr. Vegnani would like a school representative attend and discuss this at the October 5th meeting. Mr. Boudreau will speak with Mr. Burkhead tomorrow.

Move that the Select Board vote to recommend Article 5 – Capital Plan totaling \$3,782,250.00 Motion by Ms. Curran second by Mr. Vegnani Unanimous Vote (5-0)

The Select Board will wait to vote on the Article 6 pending outcome of the CPC vote at their next meeting on October 5, 2021.

Ms. Canfield questions why three marijuana establishments.

Keith Saunders, Summer Street, Scituate resident wrote the citizen petitions and he chose three based on his calculation with the number of liquor stores we have. Ms. Canfield thinks it is an appropriate conversation to discuss with the community since it has been three years and the community has a right to weigh in on this. Ms. Canfield does not support this as written.

Move that the Select Board vote to not support Article 10 – Petition – Special Legislation for up to three marijuana dispensaries/marijuana establishments Motion by Mr. Vegnani second by Ms. Canfield Ms. Curran agrees not to support Ms. Connolly and Mr. Goodrich support the motion Motion to not support

Article 11 – Petition - Amend Zoning Bylaws relevant to marijuana dispensaries/marijuana establishments the petitioner is withdrawing this article.

NEW BUSINESS:

1. Drain Layer's New License
 - Duane Heerdt, Guaranteed Builders & Developers
Move to approve a Drain Layers License to Duane Heerdt, Guaranteed Builders & Developers. Motion by Ms. Curran second by Mr. Vegnani Unanimous Vote (5-0)
2. One Day Wine & Malt Licenses
 - Mullaney's for a private event on October 2, 2021 from 7:00 PM -11:00 PM
 - Mullaney's for a private event on October 23, 2021 from 7:00 PM -11:00 PM
 - Catering by Michael Aprea for a private event at the Scituate Maritime Center on October 2, 2021 from 6:00 PM -10:00 PM
 - The Black Apron, for a private event at the Scituate Maritime Center on September 25, 2021 from 5:00 PM -10:00 PM
 - **Move to approve a One Day Wine and Malt License to Joseph Norton for a private event on October 2, 2021 from 7:00 PM -11:00 PM at Mullaney's Fish Market, 8 Allen Place. Motion by Mr. Vegnani second by Ms. Curran Unanimous Vote (5-0)**
 - **Move to approve a One Day Wine and Malt License to Joseph Norton for a private event on October 23, 2021 from 7:00 PM -11:00 PM at Mullaney's Fish Market, 8 Allen Place. Motion by Mr. Vegnani second by Ms. Curran Unanimous Vote (5-0)**
 - **Move to approve a One Day Wine and Malt License to Catering by Michael Aprea for a private event on October 2, 2021 from 6:00 PM -10:00 PM at the Scituate Maritime Center, 119 Edward Foster Road Motion by Mr. Vegnani second by Ms. Curran Unanimous Vote (5-0)**
 - **Move to approve a One Day Wine and Malt License to The Black Apron, for a private event on September 25, 2021 from 6:00 PM -10:00 PM at the Scituate Maritime Center, 119 Edward Foster Road Motion by Mr. Vegnani second by Ms. Curran Unanimous Vote (5-0)**
3. Board & Committee Appointments & Renewals
 - Metropolitan Area Planning Council (MAPC)
 - Diversity Equity & Inclusion
 - **Move to appoint Jim Boudreau to the Metropolitan Area Planning Council for a term of three years or until a successor is named. Motion by Ms. Curran second by Mr. Vegnani Unanimous Vote (5-0)**
 - **Move to appoint Kyle Boyd as an alternate to the Metropolitan Area Planning Council for a term of three years or until a successor is named. Motion by Ms. Curran second by Mr. Vegnani Unanimous Vote (5-0)**
 - **Move to appoint Elena Gulotta to the Diversity, Equity & Inclusion Committee for a term of two**

years or until a successor is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Ms. Curran second by Mr. Vegnani Unanimous Vote (5-0)

- **Move to appoint Conor Doherty to the Scituate Beach Commission for a term of three years or until a successor is named and completion of the conflict of interest law online training program is completed within 30 days. Motion by Ms. Curran second by Ms. Canfield Unanimous Vote (5-0)**

OTHER BUSINESS:

1. Liaison Reports

None to report at this meeting.

2. Correspondence – will be moved to the next Select Board meeting

3. Approval of Meeting Minutes

Move to accept the meeting minutes for the Select Board meeting held on September 7, 2021 and the joint Select Board/School Committee meeting held on September 15, 2021. Motion by second by Unanimous Vote (5-0)

4. Adjournment and Signing of Documents

Motion to adjourn at 11:16 p.m. by Mr. Vegnani second by Mr. Goodrich Unanimous Vote (5-0)

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for September 21, 2021 Select Board Meeting

- Agenda
- Financial Excellence Award
- Acceptance of donation rescheduled to 10/5 meeting
- Special Town Meeting Article 6 Community Preservation
- Special Town Meeting Article 5 Capital Improvement Plan & Article 4 Feasibility Study & Schematic for Hatherly Elementary School,
- Liquor License Violation Mill Wharf
- Liquor License Violation Village Market
- Board & Committee applications & interviews
 - Diversity, Equity & Inclusion Committee (2)
- DPW
 - Sanitary Sewer Evaluation Survey (SSES) Presentation
 - Modification to Sewer Assessments and User Charges
 - Update for Article XI Section 11.2 Pipe Wrap Requirement
 - Modification to Water Assessments and User Charges
 - Sewer Inflow Penalty
- Special Town Meeting Warrant Articles
- Drainlayers New License – Duane Heerdt - Guaranteed Builders & Developers
- One Day Wine & Malt Licenses
 - Mullaney's for a private event on October 2, 2021 from 7:00 PM -11:00 PM
 - Mullaney's for a private event on October 23, 2021 from 7:00 PM -11:00 PM
 - Catering by Michael Aprea for a private event at the Scituate Maritime Center on October 2, 2021 from 6:00 PM -10:00
 - The Black Apron, for a private event at the Scituate Maritime Center on September 25, 2021 from 5:00 PM -10:00 PM
- Board & Committee Appointments
 - Metropolitan Area Planning Council (MAPC)
 - Diversity Equity & Inclusion
- Correspondence
 - Friends of Scituate Seniors Reception October 1, 2021
 - Cosmos Caffè Vacation
 - Scituate Reads Together about climate change
- Meeting Minutes for Select Board Meeting held on September 7, 2021 and September 15, 2021

Select Board Meeting Minutes for September 21, 2021

SELECT BOARD

Karen E. Connolly, Chair

not in attendance

Karen B. Canfield, Vice Chair

Andrew W. Goodrich, Clerk

Maura C. Curran

Anthony V. Vegnani