

**MEETING OF THE SELECT BOARD
TUESDAY NOVEMBER 7, 2023 6:30 p.m.
SELECT BOARD HEARING ROOM – TOWN HALL**

In attendance Andrew Goodrich, Vice Chair, Susan Harrison, Clerk, Karen Canfield
Not in attendance: Maura Curran, Chair and Karen Connolly

Also, in attendance Jim Boudreau, Town Administrator

MEETING CALLED TO ORDER/ACCEPTANCE OF AGENDA

A motion was made by Ms. Canfield at 6:30 p.m. to accept the agenda for November 7, 2023 second by Ms. Harrison Unanimous Vote (3-0)

Mr. Goodrich read the following statement:

The Scituate Select Board is committed to providing an environment of respect during meetings. We ask all members to interact in a polite manner even when there is disagreement.

We value the participation of our community and want all participants, including marginalized and minoritized communities, to feel welcomed and respected.

We ask our committee members, and all who participate, to commit to these standards to support and respect our community.

WALK INS-

Freya Schlegel, 9 Westgate Lane, was here to discuss the memorial tree that was planted on the town common. It was dug up and meant a lot to a lot of people and it is heartbreaking that this happened without the family being consulted. The tree was transplanted at Driftway Park. Ms. Schlegel fertilized the tree and put caution tape around it. She has spoken with the families involved. She looks forward to the dedication of the new tree.

REPORT OF THE TOWN ADMINISTRATOR

1. A reminder that the Water Department Office located at the rotary on Route 3A remains closed while the building is being repaired. Residents with questions or issues surrounding water department issues can now call the water department as we have established temporary office space for the employees in the Town Hall and have re-routed their phones so that they can be answered in the temporary space. Work on the restoration of the space is scheduled to start this week and take 5-7 weeks.
2. Lighthouse renovations: Demolition/Existing Conditions –First exciting news, the new lantern room has arrived! What you will see will be the form for the new lantern room clad in weather proofing. Some of the copper cladding has been added. The contractor will install as much of the copper as possible while the lantern room is on the ground, the remaining copper and the windows will be installed after the lantern room is hoisted back on to the lighthouse structure itself. The first two concrete pours at the light house are complete. The walls and the top of the inside concrete structure are complete. The third pour is the pouring of the platform and cat walk that the lighthouse lantern room sits on. That has been completed. ***Due to weather issues over the last several days delaying the installation of the copper, the raising of the lantern room is now scheduled for next week.*** Once back on top, the copper cladding will be finished, window and trim installed and the light itself put back. Scheduled for completion by the end of November with the exception of final painting. Due to the nature of the paint being used, painting maybe put off until the spring.

Schedule – The schedule has been impacted by the discovery of the unforeseen conditions of the internal/core masonry. We are attempting to move forward as efficiently as possible with the additional demolition and investigations and as soon as the team has a better handle on the solution the overall schedule will be updated.

3. The Highway department has finished resurfacing parts of Front Street. The new pavement looks great. We had scheduled the painting of the lines for last week, but obviously weather interfered with those plans. Line striping is now scheduled for early tonight at 10:00 pm weather depending. Vehicles parked on Front Street will be removed prior to the striping. Thank you to the residents and businesses for your patience while we made the necessary repairs to our infrastructure. Thanks also to Mike Breen and the Highway Department along with the Scituate Police for keeping the work moving and the traffic flowing.
4. We continue working on the installation of the water line and services on CJCH. The contractor is crossing the bridge This will continue into the beginning of December. When the work is completed the contractor will make repairs and button up the trenches before a complete repair is made in the spring. This allows us to correct any settling that may occur over the winter months.
5. Veterans please mark your calendars and make reservations for the annual Veterans Day Celebration to be held on Veterans Day, November 11 starting at 11:00 am at the COA. This is a great event hosted by the Scituate Post 144 and the Scituate Food Pantry. Flag ceremony at 11:00 followed by lunch at Noon hosted by the post. At 1:00 the Food Pantry will have deserts and gifts for veterans in attendance with music and fun! This is a fantastic event being catered by Keith O'Callaghan of the Voyage restaurant in Humarock. Reservations are required and can be made by calling 617-842-0092 or by email at commander@scituatepost144.org. Thank you to all veterans who served our country. It is because of your sacrifice that we live in the land of the free and the home of the brave.
6. Keeping with Veterans Day theme, Town Offices will be closed on Friday, November 10 for the Veterans Day Holiday. The Transfer Station will be closed this Saturday, November 11, for Veterans Day.
7. The Police Boat that was approved at the 2022 Special Meeting is in and at the outside garage at the station being outfitted and marked. This was paid for by a combination of a federal homeland security grant and town funds. The Town funds were then replenished through the sale of the former police boat to the city of Quincy. Once final out fitting is completed, the boat will go into the water and into service.
8. The Town has added a link to the Town web site for information on the proposed Cushing and Hatherly MSBA project. Residents seeking information about the proposal for a new elementary school here in Scituate can go to scituatema.gov and you will see the red banner with the link. Click and it will take you the link for the school page with information about the project.
9. We have a request from the Scituate Food Pantry for donations. The Scituate Food Pantry is deeply indebted and extremely grateful for the generosity of its donors. The Pantry's numbers have been increasing each and every week. They are seeking items for Thanksgiving meals that will be provided by the pantry.
 - a. Instant Potatoes
 - b. Canned Yams
 - c. Fruit Cocktail
 - d. Pudding and jello boxes/cups
 - e. Brownie mix

Items can be dropped off at the Pantry during operating hours or in the bins behind the Old Gates School. The Scituate Library, Village Market and Shaw's also collect items for the Pantry.

Ms. Harrison asked if we had an update on the water rebate program for home appliances. Ms. Holt said we are 49% expended currently with the rebate program. Mr. Goodrich asked about the cobblestones in front of Maria's sub shop. Mr. Cafferty said they will not be replaced.

SCHEDULED ITEMS:

UPDATE MBTA Communities Compliance, Karen Joseph, Town Planner & Patricia Lambert, Chair, Planning Board

Ms. Joseph said the NRN, GWB and GVC subdistricts in Greenbush will go from 12 units/acre by right to 15 units/acre by right. Density in North Scituate Outer Village stays the same at 15 units/acre. We are applying for 2 mixed use districts in the next month – NDTV in Greenbush and North Scituate Village Center. We can get a 25% offset for our required zoning number and thus meet the 1239 required units. The pedestrian frontage zone in North Scituate Outer Village had to be eliminated and there would be a zone change to have the Ford property all in one zone in North Scituate Village. There will be some changes in the zoning at the next town meeting. There will be some housekeeping changes done also. Minimal changes are required. The Planning Board and working committee will be finalizing the language this month. A lot of documents need to be submitted. A zoning workshop will be held December 7 and zoning public hearings will be Jan 11 and if needed a continued hearing for January 25. Final wording for the warrant will be ready in January. The Advisory Board will be updated later this month. Ms. Canfield asked if the mixed-use zoning goes down to 3A. Ms. Joseph said no it is only in the center. The outer village goes down Gannet Street and on Country Way toward Cohasset. Mr. Goodrich said we have already done a lot of the work. Ms. Joseph said power point presentations will be available at the meetings ahead of town meeting. People will see it is not a big change. We have accommodated for this in the zoning we currently have in place. The Select Board thanked the Planning Department and Planning Board for the excellent work they have done.

Extension of Hawker Peddler Licenses to December 31st

Katherine Neil was granted renewal of her Hawker & Peddler License during the April 25, 2023 meeting. Kevin Norton obtained his original Hawker & Peddler License from the Select Board during the June 13, 2023 meeting. Both businesses have been successfully running their respective food trucks this summer and fall and are now seeking to extend their licenses through December 31, 2023 (keeping the original locations and hours of operation). The Hawker & Peddler Policy states the extension past October is at the discretion of the Select Board. The Board congratulated Kevin and Katie on their success.

- Miss Emily Food Truck, Kevin Norton
Move that the Select Board amend the Hawker & Peddler License for the Miss Emily Food Truck to extend the operation date through December 31, 2023 for the existing permitted locations and hours. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)
- The Dinghy, Katie Neil
Move that the Select Board amend the Hawker & Peddler License for The Dinghy Food Truck to extend the operations date through December 31, 2023 for the existing permitted locations and hours. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

Common Victualler License for Knead Kitchen, Victoria Donnelly

Ms. Donnelly said it will be a full-service scratch bakery in the harbor. Breakfast and lunch will be served. Seating will be for 17 patrons. The space will be available for events also. Ms. Donnelly had two bakeries in Boston in the past. She moved to the South Shore and she lives in Hingham. She has looked everywhere and felt this was the right fit its such a great space and location. Ms. Donnelly has already submitted information to the Board of Health. Parking will be at Cole Parkway. She is hopeful that it will be opened for the holidays but that is a tight timeline. Ms. Donnelly said there is a wonderful community here in Scituate.

Move that the Select Board vote to approve a new 2023 Common Victualler License to Knead Kitchen, LLC Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

FY24 Transfer Station Rates, Sean McCarthy, DPW Town Engineer

Ms. Holt, Finance Director/Town Accountant, Mr. Cafferty, DPW Director and Sean McCarthy attended the meeting to discuss the FY24 Transfer Station Rates. A presentation was prepared and reviewed with the Select Board. The purpose of this rate discussion is to increase the C & D/bulky waste rate from \$0.15/lb. (\$300/ton) to \$0.17/lb. (\$340/ton) to reflect the 7.7% increase in the disposal contract voted at the last Select Board meeting effective 12/1/23. Also, to increase the boat disposal rate by the same amount from \$340/ton or a minimum of \$340 as it was tied to the C & D rate previously. There is a projected deficit for FY25.

DPW is looking for the Select Board to provide direction on whether they are willing to amend their previous vote for household waste transportation taken in July 2023 for a three-year contract so the service can be put out to bid. The Board agreed to move forward with putting this out to bid.

- Construction and Demolition (C&D) Bulky Waste Rate
Move to increase the C & D/bulky waste rate from \$0.15/pound (\$300/ton) to \$0.17/pound (\$340/ton) effective December 1, 2023. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)
- Boat Disposal Fee
Move to increase the boat disposal fee from \$300/ton or a minimum of \$300 to \$340/ton or a minimum of \$340 effective December 1, 2023. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

INTERVIEWS Board and Committee Openings

- Alyson Shea, Board of Health
Ms. Shea is interested in serving on the Board of Health and has been a resident for 30 years and raised her children here. She is a nurse for 30+ years and can bring a lot to the Board of Health. Ms. Canfield asked if she has looked into the Board of Health. Ms. Shea said she has done a lot of research on it. Ms. Canfield said septic and food service is a big component as well. Ms. Shea said she is comfortable with that as well and will learn more about that. Mr. Goodrich thanked Ms. Shea for volunteering.
- Gregory Shea, By Law Review unable to attend this evening
- Jerry Janofsky, By Law Review
Mr. Janofsky has been a resident for more than 30 years. He is interested in the By Law committee and can help out with that. He has an electrical engineering background. He has consulted for many

years and worked for Clean Harbors for 13 years. He recently retired and has time to spend on this. Ms. Canfield said this is policy work and looking through the by laws for document review. He is interested in law and he felt this would be interesting to participate. Ms. Canfield said this is restarting after a charter review. Ms. Harrison said it is not exactly his background but it is good to have different perspectives. Mr. Goodrich feels Mr. Janofsky will have the attention to detail.

- **James Glinski, Mordecai Lincoln Property Committee**
Mr. Glinski is interested in the Mordecai Lincoln property for many years. He is a kayaker and goes on the Gulf River into the cove behind the property. He is glad that the Town purchased the property. As a member of the Historical Commission he is interested in what we do with the property. He is a proponent of keeping it as a historical property with an educational component. He would emphasize this property is a relative of Abraham Lincoln. It is a special and unique property. It is an amazing piece of property. The second house is really interesting. It has great potential. The barn is another issue and is a separate piece of property. The mill is another opportunity for education. The recreation piece has a lot of potential. This could be a gem in the Town at the level of Lawson Tower and the Lighthouse.
- **John Whittaker, Mordecai Lincoln Property Committee**
Mr. Whittaker has been a resident since 1980. He believes he is qualified to be an at large member. He has a lot of experience in history and has published. He served on the Natick Historic Committee and working committees. He has a career in public higher education. He has strong experience in applying for grants. He was a Director of Finance and Budgets in his past. Mr. Whittaker presented some options for revenue streams for the property partnering with Corporations and Higher Education institutes. He has experience with Capital Budgets. Mr. Whittaker said it a beautiful piece of property up until 5-6 years ago where his good friend Don Ladd lived. There is almost 300 years history there. This is a resource for the nation with 800 million descendants in the United States. Establishing a Friends of Mordecai Lincoln should be considered. The Mill Building could be used as a museum. He believes there should be a residential component so the building will be occupied. He has served on several Scituate committees and he suggests the Board listen to the recommendations of the committee. Ms. Harrison appreciates the discussion on funding.

Award Five Year Leases to PNC Equipment Finance for Nine New 2023 Golf Carts \$80,989.80, Nancy Holt, Finance Director/Town Accountant

The golf course routinely leases to own golf carts on a rolling basis. The lease before the Select Board tonight is for nine new 2023 golf carts with a cost of \$80,989.80 including financing over five years. The golf course will be trading in nine golf carts ranging from year of manufacture of 2004-2013. The new carts were procured through MA state contract FAC116. PNC (Pittsburgh National Corporation and Provident National Corporation). Ms. Holt said we haven't had any leases for a few years. We have been paying off the debt. We can pay it off in the future.

Move to award a lease to PNC Equipment Finance for nine new 2023 golf carts to be financed over five years at a total cost of \$80,989.80. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

Award of Five-Year Ground Lease with Three Five Year Renewals, Nancy Holt, Finance Director/Town Accountant

The Town has been approached repeatedly from AT & T (New Cingular Wireless PCS) and other entities relevant to the one of the ground leases behind the Town Hall adjacent to the cell tower over the past several years. This lease is separate from the cell tower lease and houses the equipment for the provider on the tower. The entities were seeking to amend the lease for payment and duration. The original ground lease was signed in May 1999 between Southwestern Bell Mobile System, Inc. dba Cellular One. The term of the original lease was for five years with four additional renewal terms of five years for 600 SF of land behind Town Hall.

As the lease was expiring and the lessee sought to continue to lease the property; a Request for Proposals was issued in August 2023 with an extended due date of October 24, 2023. The RFP was for a five-year lease of 600-1,100 SF of land behind Town Hall with three renewal terms of five years each. Only one response was received, as expected, which came from the current tenant. The option to increase the SF was provided in the RFP as the tenant expressed a desire to site a generator. The response to the RFP did not mirror that request so the recommended lease is for 600 SF.

The Town is currently receiving \$2,032.79/month or \$24,393.48 annually. The proposal received was for \$25,125.24 for the first year and increasing 3% every subsequent year for a total rent payment of \$675,124.61 over the 20-year period.

New Cingular Wireless PCS, LLC has agreed to the sample lease in principal but not in final form. It would be advisable to utilize the final format of the T-Mobile lease as a template for uniformity.

Ms. Holt said before we move forward with a final lease we will send to Town Counsel for final approval and then move forward with it.

- **New Cingular Wireless PCS, LLC for 600 SF of Land Behind Town Hall \$675,124.61
Move to award a ground lease to New Cingular Wireless PCS, LLC for a five-year period
with three five-year renewals for 600 SF located behind Town Hall for a total rent of
\$675,124.61 over the 20-year term effective January 1, 2024 contingent on Town Counsel's
approval of amended lease form. Motion by Ms. Canfield second by Ms. Harrison
Unanimous Vote (3-0)**

The Town has been approached repeatedly from T-Mobile and other entities relevant to the one of the ground leases behind the Town Hall adjacent to the cell tower over the past several years. This lease is separate from the cell tower lease and houses the equipment for the provider on the tower. The entities were seeking to amend the lease for payment and duration. The original ground lease was signed on March 20, 2000 between MB Operations, LLC which is now T-Mobile. The term of the original lease was for five years with four additional renewal terms of five years for 850 SF of land behind Town Hall.

As the lease was expiring and the lessee sought to continue to lease the property; a Request for Proposals was issued in August 2023 with an extended due date of October 24, 2023. The RFP was for a five-year lease of 850 SF of land behind Town Hall with three renewal terms of five years each. Only one response was received, as expected, which came from the current tenant.

The Town is currently receiving \$1,973.59/month or \$23,683.08 annually. The proposal received was for \$24,000 annually for the first five-year term which would increase by 3% in each subsequent renewal for a total rent payment of \$502,035.24 over the 20-year period.

T-Mobile Northeast has proposed amendments to the sample lease provided in the RFP which seem reasonable but will be confirmed with Town Counsel before execution.

- T-Mobile Northeast, LLC for 850 SF of Land Behind Town Hall \$502,035.24
Move to award a ground lease to T-Mobile Northeast LLC for a five-year period with three five-year renewals for 850 SF located behind Town Hall for a total rent of \$502,035.24 over the 20-year term effective January 1, 2024 contingent on Town Counsel's approval of amended lease form. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

Fiscal Year 2025 Departmental Budget Reviews

- FY25 Budget Presentation, Jim Boudreau

Mr. Boudreau prepared a presentation for the Select Board. Mr. Boudreau provided a FY23 Recap and update on FY24. Revenue assumptions were reviewed. 81% of local revenue is made up from residential taxes. Mr. Boudreau reviewed the FY25 Operating Budget Focal Points. FY25 Operating Budget Challenges were reviewed. FY 25 General Fund Operating budget was reviewed. Budgeted fixed costs were reviewed for FY24-25 and the impact of fixed cost increases along with factors causing fiscal pressures for FY25. Personnel requests in the amount of \$1.19 M were requested. Additional challenges were reviewed. Enterprise funds were reviewed: Widows Walk Enterprise, Waterways Enterprise, Water Enterprise, Transfer Station Enterprise, and Sewer Enterprise. The FY25 recommended and 5-year rolling capital plan were addressed in a separate presentation provided to the Select Board on October 10, 2023. Continuing obligations for FY25 and beyond were reviewed and continued integration of master plan in the budget process.

The average tax bill for surrounding communities is included in the budget book provided to the Select Board. Some towns have passed overrides and the last override in Scituate was in 2012, 11 years ago.

Mr. Boudreau reviewed the following budgets:

- Administration/Select Board 123

Mr. Boudreau reviewed the Town Administrator/Select Board budget. The non-union staff is now getting step raises to keep in line with our union staff.

- Advisory Committee 131

\$125 increase and \$115 is for the Recording Secretary.

- Reserve Fund 132

No changes in the reserve fund.

- General Liability & Property Insurance 192

10% increase recommended by financial forecast committee and we expect a better number in January.

- Street Lights 424

No changes.

- Workers Compensation 912

Reduced by \$20K. We are self-funded for workers compensation.

- Unemployment 913

No changes.

NEW BUSINESS:

1. One Day Liquor License

- a. Family Crest Catering @ GAR Hall on 11/25 6 0 9:30 p.m. for private event

Move to approve a One-Day Wine & Malt License to The Family Crest Catering for a private event at the GAR Hall, 353 Country Way, on November 25, 2023 from 6:00 PM to 9:30 PM. Motion by Mr. Goodrich second by Ms. Harrison Unanimous Vote (3-0)

2. 2024 Select Board Meeting Schedule

A draft copy of the 2024 Select Board meeting schedule was provided to the Board for review.

Move to approve 2024 Select Board Meeting Schedule. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

3. Board & Committee Appointments

- Board of Health
- By Law Review
- Mordecai Lincoln Property Committee will be appointed at a future date.

Move to appoint Alyson Shea to the Board of Health for a term of three years or until a successor is named. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

Move to appoint Jerry Janofsky, and Lincoln Heineman to the By Law Review Committee for a term of three years or until a successor is named. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

OTHER BUSINESS:

1. Liaison Reports

Ms. Harrison said Waterways voted on the dock boxes at the Maritime Center so it will be coming to the Select Board. This will be a change in their regulations.

Beach cleanup this past weekend and beach grass planting at Peggotty this past weekend said Ms. Harrison. Local businesses donated Maria's donated lunch and Mullaney's donated as well.

Ms. Harrison said Shell fishing is open to all licenses. We have reciprocal licenses in Marshfield and Scituate.

Ms. Harrison attended the North/South River Watershed Association event and awards were given to Dave Dauphinee and Brad White.

Ms. Canfield said November 19th is Santa Catarina Day hosted by the Sister City Cape Verde event.

2. Correspondence
 - Lighthouse Road Seawall and short section of Rebecca road Seawall from Dave Ball
 - Annual Veterans lunch is November 11th and reservations required for lunch.
3. Approval of Meeting Minutes

Move to accept the minutes for the Select Board meetings held on October 16, October 19, and October 24, 2023. Motion by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)
4. Adjournment and signing of documents

Motion to adjourn the meeting at 9:40 p.m. by Ms. Canfield second by Ms. Harrison Unanimous Vote (3-0)

Respectfully Submitted,

Lorraine Devin, Recorder

List of Documents for the November 7, 2023 Select Board Meeting

Agenda

Upcoming Meetings & Events

MBTA Communities Compliance

Extension of Hawker Peddler Licenses to December 31st

- Miss Emily Food Truck, Kevin Norton
- The Dinghy, Katie Neil

Common Victualler License for Knead Kitchen, Victoria Donnelly

FY24 Transfer Station Rates, Sean McCarthy, DPW Town Engineer

- Construction and Demolition (C&D) Bulky Waste Rate
- Boat Disposal Fee

INTERVIEWS Board and Committee Openings

- Alyson Shea, Board of Health
- Gregory Shea, By Law Review unable to attend tonight
- Jerry Janofsky, By Law Review
- James Glinski, Mordecai Lincoln Property Committee
- John Whittaker, Mordecai Lincoln Property Committee

Award Five Year Leases to PNC Equipment Finance for Nine New 2023 Golf Carts \$80,989.80

Award of Five-Year Ground Lease with Three Five Year Renewals New Cingular Wireless PCS, LLC for 600 SF of Land Behind Town Hall \$675,124.61 and T-Mobile Northeast, LLC for 850 SF of Land Behind Town Hall \$502,035.24

Fiscal Year 2025 Departmental Budget Reviews

- FY25 Budget Presentation, Jim Boudreau
 - Administration/Select Board 123
 - Advisory Committee 131
 - Reserve Fund 132
 - General Liability & Property Insurance 192
 - Street Lights 424
 - Workers Compensation 912
 - Unemployment 913

One Day Liquor License

Family Crest Catering @ GAR Hall on 11/25 6 0 9:30 p.m. for private event

2024 Select Board Meeting Schedule

Board & Committee Appointments

- Board of Health
- By Law Review
- Mordecai Lincoln Property Committee will appoint at a future date

Correspondence

- Dave Ball letter to Select Board

Approval of October 16, October 19, and October 24, 2023 Select Board Meeting Minutes

Select Board Meeting Minutes for November 7, 2023

SELECT BOARD

not in attendance

Maura C. Curran , Chair

Andrew W. Goodrich, Vice Chair

Susan J. Harrison, Clerk

Karen B. Canfield

not in attendance

Karen E. Connolly