

Selectmen's Meeting
Tuesday, April 8, 2014
Selectmen's Meeting Room
Minutes

The meeting was called to order at 7:01 p.m. and the following members were present: Shawn Harris, Chairman, Anthony Vegnani, Vice-Chairman, Martin O'Toole, John Danehey, and Richard Murray.

Also present was Patricia Vinchesi, Town Administrator.

ACCEPTANCE OF AGENDA

The Board voted to accept the agenda as presented.

The Board introduced Lorraine Devin who has succeeded Kim Donovan in the Board of Selectmen's office.

WALK INS

There were no walk-ins at this meeting.

REPORT OF THE TOWN ADMINISTRATOR

Ms. Vinchesi updated the Board on recent items:

Water flushing will occur throughout Town tonight and over the next several weeks. Information is on the Town's website. Flushing is performed annually in April.

The Scituate Harbor Community Building is now available for rental. The rental policy and application is on the website. Information on renting the Scituate Maritime Center is also available on the website.

Ms. Vinchesi informed members that with winter hopefully over, storm cleanup begins. Storm debris will be cleared from public ways in accordance with the Town's policy implemented in 2012. The Town does not go onto private property to clear debris. The DPW takes care of sand on town-owned property only. Transfer Station and beach stickers are now available and residents are encouraged to go online to obtain them.

Ms. Vinchesi informed members that later in the meeting it would be asked to approve the contract for the Owner's Project Manager (OPM) for the library project. The contract is for \$225,000 for services through the end of construction.

UPDATE FROM SENATOR BOB HEDLUND

Senator Hedlund updated the Board on current legislative matters and distributed a handout on the state budget and items he is pursuing on behalf of the communities he represents. These items include local aid and FEMA flood map protections.

UPDATE/PRESENTATION: Public Safety Complex

W. Michael Stewart, Chief of Police, Richard Judge, Fire Chief, Ed DiSalvio, Chair of Public Building Commission, Don Walter, Architect- Dore- Whittier, Shane Nolan-Daedalus Project Manager

Chief Stewart updated Board members on the work surrounding a new Public Safety Complex thus far. He reviewed the current building challenges in the police department relative to functional and security issues. These include but are not limited the Dispatch Area which lacks appropriate security and is inadequate for the future merger. E911 equipment cannot be used in the current space and is currently housed in the hallway outside the Dispatch Area. The backs of Dispatchers are turned toward the window and all conversations can be heard by guests in the lobby. Second most pressing issue is the jail cells. Corrective action plans are necessary to be compliant; no ventilation and air conditioning are in these areas. Sight and sound separation is required for prisoners. Juveniles have to be separated from adult prisoners but this cannot happen in the existing space. It is difficult to have privacy for people to speak with officers since there is no meeting place and people have to walk by everyone to go to a conference room. The evidence system consists of a mailbox or locked up in a detective's office. The new facility provides for Sally ports for ambulances to pull in and get prisoners to transport. Office space would be available upstairs and audio/video would be available in the interview rooms. There would be space for the dispatch area and a records area. A 50-60 seat training room that will double as an emergency operation center (EOC) is also in the new plan. The Town does not currently have an emergency operation center. Relocating the facility is just as important as building the new facility as it will increase response time significantly to North Scituate and the West End.

Chief Judge echoed Chief Stewart's comments. There are a number of concerns that gear be in a central enclosed room. The current fire station has floor drains that are blocked and there are cramped living/bunk quarters. Combining police and fire dispatch in a new building would be a huge benefit.

Don Walter of Dore-Whittier Architects discussed the detailed site analysis. Dore Whittier was charged with looking at three locations: 600 Chief Justice Cushing Hwy (current location), the Ellis property on Route 3A, and the Hatherly Field (Purple Dinosaur Park) located at 620 Country Way. The recommended site– is the Ellis property. Mr. Walter reviewed a proposed layout for the new facility. Board members were pleased that the building was based on

community needs. Most residents would be surprised to learn the serious conditions the existing fire and police are working under. The Public Buildings Commission has been touring facilities in other towns and agrees that Scituate's facilities are inadequate. The buildings have served a useful life for 56 years. The Board thanked everyone for the work they have put into the project thus far and looks forward to future updates.

**DISCUSS/VOTE: PUBLIC HEARING: Seasonal Liquor License Hearing:
Sand Hills General Store**

Mr. Mike Violandi and Ms. Ashley Lathrop, owners of Sand Hills General Store, reviewed with the Board their application for a seasonal beer and wine license. The requested time frame for selling was 12 pm – 9 pm, May 15th to November 15th. The Board discussed the ramifications in general of issuing seasonal licenses. Selectmen Murray is concerned about bringing alcohol into residential neighborhoods. Selectmen Vegnani stated this is a difficult decision because it may set a precedent that is not in the best interest of the Town of Scituate. There are no shortages of places to purchase alcohol in the town. The Chief of Police is not in favor of issuing seasonal licenses. The Board can understand why the owners want it and would be responsible but he cannot support at this time. Selectman Harris agreed to support the venture because of the owner's experience in the business and that there is parking available and large enough square footage to separate beer and wine in a particular area. The owners were asked what they will do to prevent selling beer and wine during non-hours. Mr. Violandi explained that they have separate coolers that can be locked and separated from the rest of the store and they will completely shut off the area. Selectmen Harris explained that penalties for non-compliance are stiff including license revocation if rules are not followed. Selectmen Danehey explained this is a license and not an entitlement. The license holders must have separation and strict guidelines to follow for compliance along with obligations to ensure minors are not sold alcohol. Selectmen Vegnani mentioned the seasonal period for Scituate is Memorial Day to Labor Day. Selectman O'Toole stated he does support granting the license. He feels confident but has zero tolerance and recommends that the owners ensure every patron is asked for an ID. Ms. Maura Curran, First Parish Road, said alcohol sales are a great area of concern for parents and families. She stated that there is a mixed message at the store selling ice cream along with alcohol and what is the target market. Mr. Violandi responded that there is an outside window area for ice cream during the summer. Beer and wine would be inside the most monitored portion of the store and safety would be the highest priority. Ms. Robin Wiles is an abutter who wants the store to be successful but is concerned about the noise in the parking lot. She is also concerned with alcohol and that it is a family area. Ms. Wiles feels there are enough liquor stores in the area and for the season.

A motion was made to grant Sand Hills General Store a seasonal liquor license. The Board voted 3-2 to grant Sand Hills General Store a seasonal liquor license from May 15 to September 15 with seasonal operating hours seven days a week from 12 pm to 9 pm. Selectmen Harris, Danehey and O'Toole voted in favor. Selectmen Vegnani and Murray opposed. Motion passed.

A motion was made to set the seasonal liquor license fee in the amount of \$750. The Board voted unanimously to set the seasonal liquor license fee in the amount of \$750.

Conflict of Interest Determination – Waterways Commission Members

Selectmen Murray recused himself from discussing this agenda item since he has a mooring and is a member of the Scituate Yacht Club. Mr. Murray exited the room.

Mark Patterson, Harbormaster, informed the Board members that transient boating activity generates a lot of money in the harbor in the summer months. In the past, moorings were provided for free and people paid for launch services. Over the next few months the Waterways Commission will be reviewing and recommending policies to the Board of Selectmen. Mr. Patterson explained that members of the Waterways Commission are volunteers who help the Town determine the best for Scituate. Disclosure forms were submitted by Waterways Commission members to the Board of Selectmen. If the Board of Selectmen determines there is a conflict of interest they will not be allowed to discuss or vote on transient boating activity.

Mr. Peter Toppan is a member of the Waterways Commission and explained why he filed a Disclosure 19 with the Board.

Chairman Harris stated that the Board appreciates Waterways members coming forward with full disclosure. Five members of the Waterways Commission submitted disclosure forms to the Board of Selectmen. Associates have no standing in this regard.

MOTION: Mr. Vegnani moved that as the appointing official, as required by Massachusetts General Laws Chapter 268A, Section 19, the Board has reviewed the particular matter and the financial interest identified by RICHARD ECKHOUSE, and the Board has determined that the financial interest IS NOT so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.

VOTE: Unanimous (Selectmen Murray recused)

MOTION: Mr. Danehey moved that as the appointing official, as required by Massachusetts General Laws Chapter 268A, Section 19, the Board has reviewed the particular matter and the financial interest identified by PETER TOPPAN, and the Board has determined that the financial interest IS NOT so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.

VOTE: Unanimous (Selectmen Murray recused)

MOTION: Mr. O'Toole moved that as the appointing official, as required by Massachusetts General Laws Chapter 268A, Section 19, the Board has reviewed the particular matter and the financial interest identified by KEITH WALLO, and the Board has determined that the financial interest IS so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.

VOTE: Unanimous (Selectmen Murray recused)

MOTION: Mr. Vegnani moved that as the appointing official, as required by Massachusetts General Laws Chapter 268A, Section 19, the Board has reviewed the particular matter and the financial interest identified by BRADFORD WHITE, and the Board has determined that the

financial interest IS NOT so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.

VOTE: Unanimous (Selectmen Murray recused)

MOTION: Mr. Danehey moved that as the appointing official, as required by Massachusetts General Laws Chapter 268A, Section 19, the Board has reviewed the particular matter and the financial interest identified by FRANCIS MCMILLAN, and the Board has determined that the financial interest IS so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.

VOTE: Unanimous (Selectmen Murray recused)

REVIEW OF PLANNING BOARD TOWN MEETING ARTICLES: Laura Harbottle, Town Planner, Bill Limbacher, Chair, Planning Board, John Clarkeson, Water Resources Committee.

Bill Limbacher, Chair of the Planning Board discussed two articles that are being amended 1) Overlay District and 2) Water Resources. John Clarkeson, Chairman of the Water Resource Commission discussed the water resources amendment for Article 21, Water Resources Protection District. This involves a parcel of land on Old Oaken Bucket Road being removed from Zone A that was determined just after the new zoning map was published in December of 2013. No further action was required by the Board of Selectmen.

CONTRACT AWARDS: Kevin Cafferty, Acting DPW Director

1. On a motion, the Board voted unanimously to award the contract for Foreshore Design and Permitting to CLE of Marion, MA for \$69,440.00.
2. Construction Oversight: Tibbetts Engineering: Ms. Vinchesi requested that the Board table this agenda item until its next meeting. Postponed to the next meeting.
3. On a motion, the Board voted unanimously to award the contract for Phase 1A water main work to K.R. Rezendes for a cost not to exceed \$2,804,464.50.
4. On a motion, the Board voted unanimously to award the contract for Phase 1B water main work to SB General Contracting for a cost not to exceed \$2,733,740.88.
5. On a motion, the Board voted unanimously to award the contract for installing a new water main on a portion of Glades Road to N. Cibotti for a cost not to exceed \$468,047.18.

PUBLIC HEARING ON PROPOSED FY 15 BUDGET with ADVISORY COMMITTEE

Chairman Harris explained that the Town Bylaws required a hearing between the Advisory Committee and Board of Selectmen to enable the public to ask any questions about the proposed FY 15 budget. He noted this was a formality as all the budgets had been reviewed at posted open

meetings of both boards for the past several months. Board members thanked the Advisory Committee for all their hard work.

NEW BUSINESS:

1. On a motion, the Board voted unanimously to approve a one-day beer/wine licenses for Appalachia Service Project Comedy Night on May, 17, 2014 from 6:00 p.m.-11:00 p.m. at St. Mary's Parish Center.

On a motion, the Board voted unanimously to approve a one-day beer/wine license for The Silent Chef for three events at the Maritime Center May 10, 2014 1:00 p.m.-4:00 p.m., May 17, 2014 4:30 p.m.-7:30 p.m. and June 13, 2014,13 6:30 p.m.-10:30 p.m.

2. On a motion, the Board voted unanimously to approve four blanket one day liquor licenses for the Scituate Harbor Community Building and eight blanket one day liquor licenses for the Scituate Maritime Center.
3. Discussion of Proposed Ballot Questions for May 31 Town Election
Board members discussed the various pros and cons on placing two questions on the ballot relative to the funding and repairs of seawalls in Town. Opinions were varied. Mrs. Maura Curran stated she would like a pulse from the Town and what would be a better representation. Karen Connolly, Roundtree Lane, suggested what may be better was an informal poll question. After further discussion the Board decided to table this agenda item until its meeting on Monday, April 14, 2014.
4. On a motion, the Board voted unanimously to appoint Jack Whitaker as Registrar, as recommended by the Democratic Town Committee.
5. Town Meeting Warrant Articles
The Board went through the town meeting articles and assigned which members would be responsible for each particular article.

On a motion, the Board voted to accept the minutes from its meeting of March 11, 2014.

On a motion, the Board voted unanimously to adjourn the meeting at 9:45 p.m. and sign documents.

Board of Selectmen Minutes Tuesday, April 8, 2014

BOARD OF SELECTMEN

John F. Danehey, Chairman

Shawn Harris, Vice Chairman

Richard W. Murray

Martin J. O'Toole

Anthony V. Vegnani

Respectfully Submitted,

Lorraine A. Devin
Executive Assistant

List of Documents for April 8, 2014 Board of Selectmen Meeting

- Agenda
- Legislative and Budget Update by Senator Robert L. Hedlund
- Public Safety Complex Update and Proposed New Scituate Public Safety Facility Presentation
- Seasonal Liquor License Application for Sand Hills General Store and correspondence
- Disclosure by Non-elected Municipal Employee of Financial Interest and Determination by Appointing Authority for Waterways Commission Members
- Public Hearing Zoning articles for 2014 Annual Town Meeting
- Contracts:
 - Seawall Grant-Award Contract Oceanside Drive Seawall Improvement
 - Construction Inspection Services Contract Tibbetts Engineering-Tabled
 - Water Contract Phase 1A: KR Rezendes
 - Water Contract Phase 1B: SB Construction
 - Water Contract Glades Road: N. Cibotti
- Applications for One Day Beer/Wine Licenses
- Blanket One Day Beer/Wine Licenses
- Ballot Questions for May 31 Town Election
- Letter from Democratic Town Committee for Registrar
- Town Meeting Warrant Articles
- Correspondence; Blossom Street Residents