

MINUTES OF MEETING

BOARD OF SELECTMEN

FEBRUARY 12, 2008

Present: Shawn Harris, Chairman; John F. Danehey, Richard W. Murray
Joseph P. Norton, Paul T. Reidy

Richard H. Agnew, Town Administrator

Press: Scituate Mariner

1. The meeting was called to order at 6:30 PM.

2. ACCEPTANCE OF AGENDA

Mr. Reidy made a MOTION that the Board of Selectmen VOTE to ACCEPT the Agenda for February 12, 2008. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

3. DISCUSSION/ VOTE/ COMPLIANCE CHECKS/ Licensed Establishments

Lieutenant Detective Michael Stewart, Scituate Police Department, was present at tonight's meeting. Mr. Harris stated that the Scituate Police Department conducted "age compliance checks" at seventeen liquor licensed establishments on December 28, 2007. Ten establishments did not pass the test. Mr. Danehey read a letter dated February 5, 2008 from the Board of Selectmen that was sent to establishments that did not pass the compliance checks. The letter notified these establishments of the following: (1) that a liquor license violation hearing would take place on February 12, 2008 at 6:30 PM at the Scituate Town Hall for businesses found to be in noncompliance and (2) that a Training for Intervention Procedures (TIPS) program would be held on February 23, 2008 at 10AM at the Scituate Public Library. These businesses were strongly urged to have their employees attend. Detective Stewart outlined how the compliance checks were conducted. He also spoke about the Scituate Police Department's role in arranging the TIPS program on February 23, 2008.

Mr. Harris stated that the liquor license hearing would be according to the following process: (1) every establishment would be treated the same way, (2) everyone has a unique reason for why liquor was sold and (3) if any establishment wants to plead their case, they will be taken out of the Selectmen's motion this evening and they will be asked to come back for an individual hearing at a future date. He noted that the Board had received letters and telephone calls of apology and "that shows that you care that you made a mistake." Compliance checks will happen in the future. "Plan on it happening again."

Mr. Taylor Tibbetts, Harborside Wine & Spirits (retail liquor store), has called a training

program that is like TIPS, but is geared more towards retail liquor sales. He would like his employees to take that type of program instead of TIPS. Lieutenant Detective Stewart agreed with Mr. Tibbetts' recommendation.

Mr. Norton made a MOTION that the Board of Selectmen FIND that a liquor license violation occurred on December 28, 2007 at the following establishments: Cosmo's Caffe, Tedeschi Food Shop, The Gannett Grill, P.J.'s Country House, Humarock Mad Fish, Mill Wharf Restaurant, Phin's, On the Water Restaurant, Harborside Wine & Spirits and The Village Market. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

Mr. Murray made a MOTION that the Board of Selectmen VOTE to ISSUE a written warning to these establishments and encourage employee participation in the TIPS Program. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

7. DISCUSSION/ VOTE/ TAXI LICENSE

Applicant Ronald Stillwagon, 8 Seamore Road, was present at tonight's meeting. Mr. Murray asked how many vehicles Mr. Stillwagon planned to operate? Mr. Stillwagon answered "one". Mr. Danehey asked if he would be operating in Scituate? Mr. Stillwagon answered "yes, grocery store and post office runs as well as into Boston." He does not plan to run after 11:00 PM on Fridays or Saturdays - "I don't want to deal with the crazies." Mr. Danehey noted that he might not want to limit his license to a specific hour. Mr. Stillwagon stated that he does not want any weapons or drugs in the car and if that is the case, he will call the Police.

Mr. Norton made a MOTION that the Board of Selectmen VOTE to GRANT a Taxi License to Ronald J. Stillwagon, d/b/a Satuit Livery Service, for ONE vehicle and upon Scituate Police Department's inspection of the vehicle. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

8. DISCUSSION/ VOTE/ SCITUATE VISITORS CENTER/ A. Burbine

Mr. Norton stated that he originally sat on the Board of Directors of the Scituate Visitors Center and he was uncertain as to whether he was still considered an active Director? He recused himself from this discussion.

Ms. Ann Burbine, 10 Pennycress Road, announced that the Scituate Visitors Center (WPA Building) would be holding a Spring Event on May 3, 2008 on the green behind the Town's parking lot in North Scituate. They will host a Chowderfest, raffle, crafts, etc. and the group would like the Selectmen's permission to use the Town parking lot on May 3, 2008.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT permission

to Scituate Visitors Center, Inc. For the use of a portion of the Town parking lot for their May 3, 2008 "Spring Event". This parking lot is located in front of the WPA Building in North Scituate. SECONDED by Mr. Danehey. No discussion. Murray, Danehey, Harris and Reidy voted in favor of the motion. Mr. Norton did not vote. The vote carries. (4-0)

4. 7:00 PM/ COMMENDATION/ Seventh & Eighth Grade Gates Intermediate School Students

Mr. Harris welcomed the Seventh and Eighth Grade students of the Gates Intermediate School to the tonight's meeting. Mr. Reidy congratulated the students on being named the "New England Regional Winners of the National Engineers Week Future City Competition" and noted their excellent presentation at a recent School Committee meeting. He wished them the best of luck on their upcoming trip to Washington DC. Mr. Reidy read a letter of commendation to the following students: Richard Arnold, Amanda Barba, Harry Berton, Zach Brazao, Brad Donovan, Megan Greeley, Katie Kamp, Charlotte Karol, Chippy Kennedy, Joey Lawyer, Mason Minder, John Ohrenberger, Justin Power, Rebecca Short, Spencer Shlitzman and Joe Sienkiewicz. Copies of the letter were distributed to each student. He also introduced and congratulated teacher Adam Culbert, noted the participation of businessman Brian Jones, Rivermoor Engineering and Eugene Babin, Supervisor of the Water Division, Department of Public Works. This was a successful, joint effort by the students, the Town and private business. "This is a tribute to the Schools and Town." Mr. Culbert stated that the students are "superstars" and after a special luncheon on Friday, they are off to Washington DC. Mr. Richard Blake, Principal of Gates Intermediate School, stated that the Gates School "community" is very proud of these young men and women. He thanked Mr. Culbert, Mr. Jones and Mr. Babin for collaborating on this great project. He also thanked Selectman Reidy for attending the School Committee meeting at which the students' presentation was made. "His participation was instrumental in government reaching out to the schools and I thank all the Selectmen, especially Paul Reidy." Mr. Jones stated that the students' project was a "great experience" for both himself and his office. They enjoyed working with the Gates School and he feels the students are "lucky to have a teacher like Mr. Culbert."

5. WALK-IN PERIOD - None

6. DISCUSSION/ VOTE/ ST. PATRICK'S DAY PARADE

Ms. Liz Charlton, Chamber of Commerce/St. Patrick's Day Parade Committee, was present at tonight's meeting. Ms. Charlton stated that the Chamber of Commerce is requesting permission to hold a St. Patrick's Day Parade on March 16, 2008 that would start at 1:00 PM from the Gates School on First Parish Road and finish at the Jericho Road boat ramp. The route will be the same as previous years. Mr. Danehey recused himself from this Agenda item.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT permission to the Chamber of Commerce for a St. Patrick's Day Parade to be held on Sunday, March

16, 2008 starting at 1:00 PM at the Gates Intermediate School, proceeding down First Parish Road, taking a left on to Front Street and eventually a right on to Jericho Road. The Parade will end at approximately 3:00 PM and this event must be in compliance with all regulations set by the Fire and Police Departments. SECONDED by Mr. Reidy.

Discussion - This is a family parade and in the past the Selectmen have asked liquor licensed establishments voluntarily not to sell alcohol during Parade hours (12 - 3 PM). The Board concurred that it would send letters to those establishments requesting the same this year. **No further discussion. Murray, Reidy, Harris and Norton voted in favor of the motion. Mr. Danehey did not vote. The vote carries. (4-0)**

9. DISCUSSION/ VOTE/ FY2009 BUDGET & ANNUAL and SPECIAL TOWN MEETING ARTICLES

310 South Shore Regional School

Mr. Jack Manning, Town's representative for the South Shore Regional School, was present at tonight's meeting. Mr. Manning stated that forty-eight (48) students from Scituate currently attend the South Shore Regional School out of a total of 592 students primarily from the eight, core communities. Eight (8) "out of district" students also attend the Regional School. These students are from Duxbury, Marshfield, Plympton and Quincy. He noted that part of the reason the budget has increased is due to supplies such as wood, wire, etc. "Prices on those items have gone up considerably." Mr. Norton suggests that people should visit the Regional School to see the great work they do there. "The students and faculty are remarkable and they do incredible things with limited resources. The Scituate students are getting a great education." Mr. Manning noted that Regional School students are currently doing a project at the Harbormaster's office. Mr. Reidy asked if the Regional School's health insurance plan is similar to the Town's? Mr. Agnew and Mr. Manning answered "yes". Mr. Reidy noted that health insurance tends to be a "budget buster" on a yearly basis.

Mr. Norton made a MOTION that the Board of Selectmen SUPPORT 310 South Shore Regional School for \$641,335. SECONDED by Mr. Reidy. No discussion. Unanimous vote. (5-0)

Mr. Harris thanked Mr. Manning for all the work he does with the Regional School on the Town's behalf. He asked if the percentage of Regional School students going to college after graduation had increased? Mr. Manning answered "yes".

Annual Town Meeting Articles

Article 2 - Compensation of Elected Town Clerk

Mr. Norton made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 2 - Compensation of Elected Town Clerk. SECONDED by Mr. Murray. No discussion. Unanimous vote. (5-0)

Article 17 - Revolving Fund - School Bus Transportation

Mr. Agnew stated that this is a yearly Article and is used to pay for school bus transportation costs.

Mr. Murray made a MOTION that the Board of Selectmen SUPPORT Article 17 - School Bus Transportation. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (5-0)

Article 21 - Chapter 32B, Section 18 (Medicare)

Mr. Agnew stated that this is a “housekeeping” Article and is needed in order to formally accept the State statute. “If you are eligible for Medicare Part a, at no cost, then you must take Part b for yourself and your spouse at age 65.” This will save the Town money.

Mr. Norton made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 21 - Chapter 32B, Section 18 (Medicare). SECONDED by Mr. Reidy. No discussion. Unanimous vote. (5-0)

Article 22 - Lease/ WWTP Property

Mr. Murray expressed concern over the word “composting” in this Article. He does not want to limit the use of this property. Mr. Danehey agreed that it could be written to be more broad in scope. Mr. Agnew stated that he could take out “composting” and insert “private commercial business”. Mr. Norton noted that the only problem with this wording change is that Mr. Tim Lopes, Green Connection, has been attending Selectmen’s meetings for the past two years “pitching” this idea - “is it fair to him to change this to any business”? Mr. Agnew reminded that limits can be set within the specifications when the Town goes out to bid.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 22- Lease/ WWTP Property with the insertion of words “private, commercial yard waste business”. SECONDED by Mr. Norton. Discussion - Mr. Agnew stated that if the Article is written that way - “you have limited it”. Mr. Danehey again stated that it needs to be more broad, i.e. the words “commercial business” and that will really open it up to the public to bid. Mr. Reidy asked how the property is currently zoned? Mr. Agnew stated that he had checked with the Zoning Enforcement Officer, Mr. Neil Duggan, and he concurred that this is an appropriate use according to the current zoning. Mr. Reidy noted a recent telephone call he received from an abutter to the property who has concerns about the potential noise from a wind turbine at this site. Would that person also be concerned about the noise coming from a yard waste operation? Mr. Murray asked if Town Hall had received complaints when Fed Corp occupied the site? Mr. Agnew did not hear of any complaints, but that was a temporary operation. The lease money for this property must go into the general fund. Energy realized by the wind turbine will go directly into the Waste Water Treatment Plant. **No further**

discussion. Murray, Harris, Norton and Reidy voted in favor of the motion. Mr. Danehey voted “no”. The motion carries. (4-1)

Article 23 - Lease “Appleton” Property

Mr. Frank Snow, Conservation Commission, was present at tonight’s meeting. Mr. Snow stated that the Commission had leased the Appleton field to Mr. Vin Bucca for a three year time period. Mr. Bucca recently requested a seven-year extension of the lease for a total lease term of ten years. Issues were raised at that time that possibly the Commission did not have the authority to lease this property. Town Counsel has since advised that the field should be “licensed” by the Commission on an annual or three year basis only. If Mr. Bucca is interested in a long term lease, it would need to go to Town Meeting for a vote. It seems that Mr. Bucca is not interested in this latter proposal and would like to simply renew the license annually. The Commission is “fine” with the one year, license arrangement. There are other concerns with the “right of way” located on the property. Mr. Murray believes that if Mr. Bucca is no longer interested in leasing the property, then there is no need for this Article.

Mr. Harris asked if the Conservation Commission issues licenses for land? Mr. Agnew stated that he had a conversation with Town Counsel about this matter. The leasing of Town owned property with no buildings requires the vote of Town Meeting. A lease for Town owned property with a building requires a vote of Town Meeting if it is longer than a three year lease. Mr. Danehey is also uncertain about the issuance of a license. Mr. Snow stated the Commission consulted a “license list” issued by the Massachusetts Conservation Commission and “we believe we can”. Mr. Norton has read correspondence regarding problems with pigs on the property. Perhaps it should go to Town Meeting in an effort to have all the comments heard. Ms. Penny Scott-Pipes stated that the Commission would not be comfortable with this issue going to Town Meeting. “If the Commission has the right to license this property, then it does not need to go to Town Meeting.” Mr. Agnew stated that a license “allows one a use - there is no real ownership one way or the other”. Mr. Snow believes that if the property is licensed rather than leased, people will be allowed on the property. It was suggested that discussion on this Article be continued to February 26, 2008. Ms. Scott-Pipes is “sensitive to both sides of this issue and would like to see some harmony”. Mr. Snow noted that as the Commission acquires more property, this type of issue is going to come up more and more. Many of these properties are “landlocked”. All agreed that an opinion from Town Counsel was needed to answer the basic question - “does the Conservation Commission have the authority to license this property for one year”? Mr. Murray believes that Town Meeting should have a “shot” at this at some point. Originally, the Town paid money for this property. Continued to February 26, 2009.

Article 24 - Beach Protection Plan Mann Hill

Mr. Norton and Mr. Murray recently attended a meeting regarding beach erosion. The Town needs beach protection plans in place. Peggotty Beach was the first to have one and one is needed for Mann Hill Beach, but there is no money to design or implement such a plan. Mr.

Norton believes it is important for this Article to go to Town Meeting from an informational standpoint, even if there is no money to implement it at this time. It may be indefinitely postponed if that is the case, but at least it makes some sort of promise to the citizens. Mr. Murray stated that there may be some DEP or CZM monies available for this project. The beach plan is contingent upon obtaining grant monies. Discussion continued on the best wording of the Article. Mr. Murray asked about the cost of the Peggotty Beach management plan? Mr. Agnew answered "\$25,000".

Mr. Norton made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 24 - Beach Protection Plan Mann Hill to conduct a beach erosion study to be funded by federal, state, or other sources that may be identified. Grants that may become available would be subject to Board of Selectmen approval. SECONDED by Mr. Reidy. Discussion - Mr. Reidy voiced some concern about the wording of the motion. No further discussion. Unanimous vote. (5-0)

Article 31 - Sex Offender Residency By-Law

Mr. Reidy stated that this By-Law has been "fashioned" after Nashua, New Hampshire's By-Law. He thanked Town Counsel for his review of this Article. Mr. Agnew stated that the By-Law calls for Level 2 and 3 registered sex offenders not being able to reside within 2,000 feet of any school, day care center, park, elderly housing facility or place of worship. Mr. Danehey thanked Mr. Reidy for bringing this Article forward. "It is something the Town can benefit by."

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 31 - Sex Offender Residency By-Law. SECONDED by Mr. Reidy. No discussion. Danehey, Reidy, Harris and Murray voted in favor of the motion. Mr. Norton was not present for the vote. The vote carries. (4-0)

Special Town Meeting Articles

Article 1 - Transfers

Mr. Agnew stated that this is a standard Article when budgets run short of money. Mr. Agnew reviewed the transfer items "a" through "e". Item "c" Free Cash for repair of a fire truck should be changed from \$55,000 to \$5,000. Mr. Norton asked about item "d" - Norfolk County Agricultural School for \$37,5008 - why is this coming out of Free Cash. Mr. Agnew stated that Free Cash is two thirds the School's money, too.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 1 - Transfers. SECONDED by Mr. Norton. No discussion. Unanimous vote. (5-0)

Article 2 - Senior Center Study

It was noted that a Council on Aging meeting would be held tomorrow evening and that the

Selectmen's discussion and vote of this Article would be postponed to the February 26, 2008 meeting.

Article 3 - Front Street Easement

Mr. Agnew stated that this Article would allow the Town "to accept from Jack Conway, at no cost, an easement located at 92 Front Street, between Front Street and Cole Parkway for public access". This was a condition of the Special Permit issued by the Planning Board.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 3 - Front Street Easement. SECONDED by Mr. Reidy. No discussion. Unanimous vote. (5-0)

Article 4 - De-Authorization

Mr. Agnew explained that bond counsel and Moody's does not want the Town to keep "authorized, but un-issued notes on the books". This would hamper future borrowing.

Mr. Norton stated that he would like to keep the \$2.8 million North Scituate fire station article "on the books". Mr. Harris asked if that would hurt the Town's credit rating for future borrowing? Mr. Agnew answered that it would not hurt the Town's bond rating. Discussion continued regarding specifying de-authorization items in the actual motion.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 4 - De-Authorization for "Wastewater Treatment Plant Upgrade - 4F ATM 1997" for \$169,000 and "Water Mains - 4G ATM 2002" for \$88,000. SECONDED by Mr. Norton. No discussion. Unanimous vote. (5-0)

Article 5 - Municipal Charges Lien

Mr. Murray recused himself from discussing or voting on this Article because he pays a Waterways User Fee. Mr. Agnew explained that this Article will allow the Town to impose a municipal charges lien for the non-payment of Waterways User Fees. Ultimately, it will allow the Town to get payment.

Mr. Danehey made a MOTION that the Board of Selectmen VOTE to SUPPORT Article 5 - Municipal Charges Lien. SECONDED by Mr. Norton. No discussion. Harris, Danehey, Reidy and Norton voted in favor of the Motion. Mr. Murray did not vote. The vote carries. (4-0)

Mr. Murray, liaison to the Waterways Commission, noted that the recovery of User Fees has greatly improved. Mr. Norton added that this recovery of funds has been due to the constant "prodding" of the Board of Selectmen.

Article 6 - Municipal Affordable Housing Trust Funds

This Article will be postponed until the Selectmen's meeting on February 26, 2008.

10. VOTE/ VERIZON PETITION #01/08-02/ Conduit Locations/ Arrowwood Drive

Mr. Norton has real concerns that Town roadways are never properly paved after work of this kind is done. It was noted that this approval is "after the fact" - the conduit has already been laid. Mr. Danehey suggested that the pavement be checked since the work has already been done.

Mr. Murray made a MOTION that the Board of Selectmen VOTE to GRANT Petition #01/08-02 from Verizon New England, Inc. For conduit locations on Arrowwood Drive. SECONDED by Mr. Norton. Discussion - Mr. Danehey will vote "no" as a matter of principle. He does not know for certain that Verizon did this work properly. Mr. Agnew suggested amending the original motion to include the words "subject to approval of the Department of Public Works". Mr. Murray amended the original Motion to include the words "subject to approval of the Department of Public Works". SECONDED by Danehey. No further discussion. Unanimous vote. (5-0)

Mr. Murray asked who enforces this type of policy? Mr. Agnew answered "the Department of Public Works". Mr. Stephen Bjorklund, resident, stated that all "as built" plans must be verified by the Department of Public Works.

11. VOTE/ DRAINLAYER LICENSE RENEWALS

Mr. Danehey stated that he would not vote on the first drainlayer license renewal for Mankewich Contracting.

Mr. Reidy made a MOTION that the Board of Selectmen VOTE to GRANT the renewal of the Drainlayer's License for Mankewich Contracting, Scituate, MA and further to authorize the Chairman, on behalf of the Board of Selectmen, to sign the application for the Drainlayer's License - 2008 Renewal. SECONDED by Mr. Murray. No discussion. Reidy, Murray, Harris and Norton voted in favor of the motion. Mr. Danehey did not vote. The vote carries. (4-0)

Mr. Reidy made a MOTION that the Board of Selectmen VOTE to GRANT the renewal of the Drainlayer's License for Site & Utility Services, Scituate, MA and further to authorize the Chairman, on behalf of the Board of Selectmen to sign the application for the Drainlayer's License - 2008 Renewal. SECONDED by Mr. Murray. No discussion. Unanimous vote. (5-0)

12. APPOINTMENT/ Recreation Commission

Mr. Murray made a MOTION that the Board of Selectmen APPOINT Christopher Roberts as an Associate Member of the Recreation Commission. SECONDED by Mr. Reidy. No discussion. Unanimous vote. (5-0)

13. OTHER BUSINESS

Mr. Norton thanked the fourth grade students of the Wampatuck School for the wonderful Valentines they made for the Board and Town Hall employees, especially Tommy Gillan.

Mr. Norton recently learned about a three year, \$1,500 tax credit for residents who have recently upgraded their septic system. Mr. Agnew had not heard about this, but will research it further.

Mr. Reidy asked for an update on the water billing problem. Mr. Agnew stated that some additional programming is required to fix the billing. He and other employees directly involved with the billing will be meeting at Town Hall next Tuesday at 10:00 AM.. All are welcome to attend. Mr. Agnew plans to report back on the results of this meeting at the next Selectmen's meeting. Mr. Reidy called the water billing an "ever growing concern, a reoccurring theme and a major problem". He suggested that an audit of the system may be necessary. "I don't have a lot of faith in the process." Mr. Murray agreed and stated that an audit may be mandatory regardless of the outcome of Tuesday's meeting.

Mr. Reidy attended a meeting last week with Mr. Agnew, Mr. Richard Blake, Mr. Bob Murray, Mr. Mark Mason, Ms. Maura Curran and the School Building Authority. The primary issue was the school reimbursement program. School Building Assistance would potentially reimburse the Town up to 45% for a \$1.4 million remodel of the Gates Intermediate School .However, they may hold back those funds until such time as a definite plan is in place for the Gates School. He feels this is good news, but the bigger question is "where are we going with the current Gates School"? We need to work collaboratively with the School. The School needs to forward the plan for Gates to the Selectmen who will then forward the plan to the School Building Authority.

Mr. Reidy explained how the School Building Authority came up with the percentage reimbursement number. They took (1) per capita income, (2) equalized assessed value compared with the State value, and (3) percentage of School population eligible for lunch. Mr. Agnew stated that it is "need based". He found the meeting to be very informative. He further noted that the Selectmen will have to sign an agreement that the building will remain "up" for a period of twenty years. Discussion continued on how to best coordinate the efforts of the Selectmen and the School Committee to move forward on this matter.

Mr. Reidy thanked Maggie Gillan for the Valentine Card.

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Mr. Danehey recently attended a Planning Board meeting at which affordable housing was discussed with consultant, Karen Sunnarborg. In addition, a discussion was held with Waterways Commission, Chairman Howie Kreutzberg, and Harbormaster Mark Patterson regarding a Scituate Marine Park building and public access.

Mr. Danehey thanked Connor Flynn and the fourth graders from Wampatuck School for the Valentines cards.

Mr. Murray thanked Colleen Mahoney for the Valentine card.

Mr. Murray spoke about a residential property tax exemption that the Town of Cohasset is considering. Mr. Reidy noted that this exemption would assist property owners on a fixed income. He further explained that it involves a credit against assessed values. Mr. Agnew is not certain that this is even constitutional. "Every house must be assessed at fair value. The State's constitution may have to be changed to do this legally."

Mr. Murray stated that oversight of future construction at the Marine Park is beyond the capabilities of the Harbormaster's office. "It will really need to become much more of a Town effort when the work starts." Mr. Agnew understands that, but the engineer on the project will also be the construction supervisor. The Department of Public Works can do some things, but they cannot be on site full time.

Mr. Murray noted some recent legislation pertaining to sewer tie-ins in the Town of Mattapoisett. Mr. Agnew has read the legislation and it appears that a moratorium on new, sewer tie-ins can only be called if the city or town has appropriated funds for the design and construction of the next phase. All agreed that this needs to be further discussed.

Mr. Murray stated that a MEPA meeting would be held at Town Hall on Herring Brook Meadow next Tuesday. He would like to the Board to write another letter to MEPA similar to the letter that was written last fall.

Mr. Norton left the meeting during the discussion on Herring Brook Meadow.

Mr. Murray noted the ongoing requests to have the Herring Brook Meadow files moved out of the Conservation Commission's office. "The files still have not been moved. This needs to be resolved one way or the other, but I would prefer that they (files) be moved somewhere." Mr. Agnew stated that the files should not be moved. No other department wants the responsibility for another department's files. "They are the Conservation Commission's files and if this matter is brought to court and anything is missing - it is perjury." Mr. Agnew stated that if a request for file information is made and it is not made available - the person should contact the Town Administrator. A time period of two days in which to produce file information is not unreasonable. Mr. Murray stated that he is not concerned about the "delay in access, but that the Conservation Agent has recused himself from the Herring Brook Meadow process and there is

concern about 'easy access' in that sense". Mr. Agnew reminded that the Conservation Commission secretary works a little over thirty hours per week and does not work on Fridays. The files are available Monday through Thursday. Mr. Harris asked if there have been problems of late? Mr. Murray answered "not in terms of access, but an issue of paper being 'routed around'". Mr. Danehey noted that when records are taken to a second location, things can be lost. He thinks the access issue has been resolved and to keep the files where they are is "prudent".

Mr. Norton returned to the meeting at 8:58 PM.

Mr. Harris thanked John Flaherty of Wampatuck School for his valentine.

Mr. Harris noted that Harbormaster Patterson recently spoke at a Board of Health meeting about the No Discharge Zone.

14. CORRESPONDENCE - None

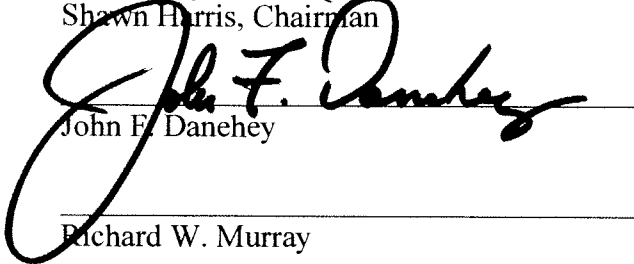
15. ADJOURNMENT

Mr. Norton made a MOTION that the Board of Selectmen VOTE to ADJOURN the meeting at 9:00 P.M.. SECONDED by Mr. Reidy. No discussion. Unanimous vote. (5-0)

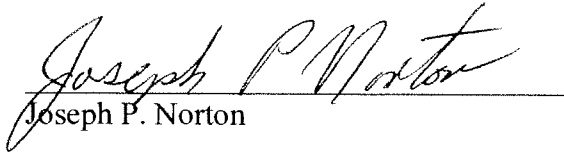
BOARD OF SELECTMEN



Shawn Harris, Chairman




John F. Danehey



Joseph P. Norton



Richard W. Murray



Paul T. Reidy

Respectfully submitted,



Kimberley A. Donovan
Administrative Assistant