

## MINUTES OF MEETING

### BOARD OF SELECTMEN

DECEMBER 16, 2008

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

Richard H. Agnew, Town Administrator

Press: Scituate Mariner, Patriot Ledger

1. The meeting was called to order at 7:00 PM.
2. ACCEPTANCE OF AGENDA/ WALK-IN PERIOD

**Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ACCEPT the AMENDED Agenda for December 16, 2008. SECONDED by Mr. Vegnani. Unanimous vote. (3-0) Mr. Norton was not present for the vote.**

Mr. Harris stated that Agenda item #4 "Meet Applicants" would be postponed

WALK-INS - Mr. Kirk Wolford, 20 Heritage Trail, stated that he had attended previous Selectmen's meetings regarding the Rod & Gun Club as it relates to the neighborhood at Heritage Trail. He stated that the Rod & Gun Club did hold public safety courses in December - a training class on December 4<sup>th</sup> and a practical class on December 6<sup>th</sup>. The practical class was held on the 100 yard range, which "violated trust from what they (Rod & Gun Club) said at past meetings". Mr. Harris again stated that he is a member of the Rod & Gun Club and believes no one from the Club is present in tonight's audience. He does not believe this discussion should go forward this evening. Mr. Wolford stated that in his estimation, "they (Rod & Gun Club) have violated what they said in public regarding fire arms. I ask that this be discussed this evening". Mr. Danehey asked Mr. Wolford if he had contacted the Club? Mr. Wolford answered "yes, they told me that it was a public safety course. How was this held if the range was shut down to rifle firearms"? Mr. Harris understands that modifications were made to the range and that the National Rifle Association (NRA) review would be done very soon. Mr. Vegnani thanked Mr. Wolford for bringing this to the Board's attention. It appears that the two groups, Heritage Trail neighbors and the Rod & Gun Club, are not talking with each other in terms of choosing a consultant. That subject was left "a gray area". Mr. Vegnani continued by stating that the Rod & Gun Club did say that they would postpone the November 2008 public safety courses. They did not say anything about December. He feels the best way to move forward would be to get the two groups together to agree on a consultant. "Let's find a time to meet." Mr. Wolford believes the Club did not "reach out" to the Heritage Trail neighborhood or the Selectmen. Mr. Danehey cautioned that the two groups must work together. "If they cannot, then our (Selectmen) function is at an end. Mr. Wolford noted that the Club originally shut things down and were cooperating, "now they are not. We don't feel safe right now.

Page Two

Board of Selectmen - Minutes of Meeting - 12/16/08

This is a major issue". Mr. Vegnani will contact representatives of the two groups in the next couple of days. Mr. Wolford asked for time on the next Selectmen's Agenda.

3. VOTE/ TEMPORARY EXTENSION OF HOURS/ Phin's Restaurant/ 95 Front Street

Mr. Vegnani asked for a change in the wording of the motion to reflect that the extension begins at 11:00 PM on December 31<sup>st</sup>.

**Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to GRANT Phin's Restaurant, 95 Front Street, a temporary extension in liquor license hours from the current 11:00 PM on December 31, 2008 to 1 AM on Thursday, January 1, 2009. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (3-0) Mr. Norton was not present for the vote.**

9a. VOTE/ New Betterment Assessment & Re-Assessment Certification

Ms. Jane Lepardo, Treasurer/Collector, explained that some properties in the new sewer expansion areas were under assessed. A total of nine (9) properties need to be re-assessed. In addition, two (2) properties require brand, new assessments. The Selectmen need to vote and certify these properties. "This is a housekeeping item that needs to be corrected." Mr. Vegnani asked if this was basically an auditing procedure? Mr. Agnew answered "yes, hopefully we have now caught everything". The two, new assessments will need to be recorded at the Registry of Deeds. Ms. Lepardo stated that in each case, the residents were notified by the Department of Public Works and were asked to call the Town Hall if they had any questions. No calls from residents were received.

**Mr. Danehey made a MOTION that the Board of Selectmen VOTE to APPROVE the re-assessments and assessments to the Board of Assessors per the documents submitted by the Treasurer/Collector and Town Counsel. SECONDED by Mr. Vegnani. No discussion. Unanimous vote. (3-0) Mr. Norton was not present for the vote.**

6. 7:05 PM/ DISCUSSION/ VOTE/ SET RESIDENTIAL FACTOR/ Board of Assessors

Mr. Brian Sullivan, Mr. Tim O'Brien, Mr. Fred Avila, members of the Board of Assessors, and Mr. Steve Jarzembowski, Director of Assessing, were present at tonight's meeting. Mr. Sullivan stated that the Board of Assessors voted to set all the property in Scituate at "one". This means that there is a single tax rate for the commercial and residential tax base. Mr. Danehey asked if open space is taxed? Mr. Jarzembowski stated that Scituate does not tax open space and that most other communities do not, as well.

**Mr. Danehey made a MOTION that the Board of Selectmen VOTE to classify all the property in the Town of Scituate at "one". SECONDED by Mr. Vegnani. No discussion. Unanimous vote. (3-0)**

7. VOTE/ TAX BILLING ADDENDUM/ Board of Assessors

Mr. Sullivan stated that the Board of Assessors would like the Selectmen's permission to include an informational "flyer" with the tax bills that will be mailed out in late December. This "flyer" will explain to the taxpayers how their real estate assessment is arrived at and how the rate is derived. Mr. Vegnani confirmed that property is reassessed every three years. Mr. Sullivan noted that the 2009 tax bill is based on a 2007 real estate assessment. Mr. Vegnani summarized by stating that just because the value goes down, it does not mean that the tax bill necessarily goes down. Mr. Jarzembowski stated that the re-evaluation attempts to correct inequities. Mr. Vegnani noted that the tax levy goes up 2.5% each year.

**Mr. Danehey made a MOTION that the Board of Selectmen VOTE to APPROVE that non-political, municipal, information materials may be included with the property tax bills, according to MGL Chapter 60, Section 3A. SECONDED by Mr. Vegnani. No discussion. Unanimous vote. (3-0)**

Mr. Norton entered the meeting at 7:26 PM.

8. DISCUSSION/ Cable Television Installation at the High School

Mr. Vegnani stated that the Cable Television Committee recently reviewed the cable television contract as well as upcoming deadlines in terms of Comcast broadcasting deadlines. The original broadcast "stop date" was January 1, 2009, but the Committee was able to get Comcast to extend that date to March 2009. The Committee has submitted a list of equipment necessary for the Town to do its own local broadcast. Mr. Danehey stated that he would be interested in seeing more local programs on cable television station Channel 10. Mr. Vegnani stated that the Town needs to get the broadcasting equipment in place. This will cost a little less than \$20,000 and will come from Comcast money. He noted four (4) origination points: Town Hall, High School, Library and Harbormaster's office. "Origination" means that we can broadcast from those locations to Channel 10 or Channel 22. Mr. Norm Paley, Ely Avenue, stated that he currently records the Council on Aging meetings and brings the disc to the Comcast studio in Norwell. Will that process change? Mr. Vin Kalishes answered "yes, you will bring the disc to the High School". He further stated that Comcast will continue to support the Town until the Town's new system is set up. Mr. Harris asked about using the Coast Guard station? Mr. Agnew stated that Comcast said "no" to that suggestion. Mr. Vegnani stated that they had to convince Comcast to add the Library. Mr. Agnew believes Comcast chose the Harbormaster's office as an origination point because of the potential to broadcast storms. Mr. Danehey asked about GAR Hall on Country Way? Mr. Paley stated that unfortunately the acoustics are "terrible" at GAR Hall.

**Mr. Vegnani made a MOTION that the Board of Selectmen AUTHORIZE an expenditure of \$19,977.60 from the Cable Television Fund to begin the process of building a studio. SECONDED by Mr. Norton. No discussion. Unanimous vote. (4-0)**

#### 9. DISCUSSION/ VOTE/ FY2010 BUDGETS

Mr. Norton stated that he is still not comfortable voting any of the Town side budgets. Mr. Agnew noted that the Advisory Committee has reviewed and voted the budgets before the Selectmen this evening. Mr. Vegnani noted that the Advisory Committee has submitted summaries for each budget they have voted. Mr. Agnew stated that all Town side budgets include labor contracts through June 2009. Negotiations for future years have not yet begun. Due to the current economic times, contracts were intentionally agreed upon only until June 2009. He believes the Schools have settled their contracts through 2011 - a three year contract.

#### **171 Conservation**

Mr. Vin Kalishes, Conservation Agent, was present at tonight's meeting. Mr. Kalishes stated that the only difference between the Department request and Mr. Agnew recommendation is \$1,000 under Line 5309 Technical Services. Mr. Vegnani asked if monies under this line are used to hire consultants? Mr. Agnew believes the difference in this line can be paid out of the Conservation Fund Article. Mr. Vegnani asked about the Conservation Fund. Mr. Kalishes stated that the \$5,000 is put in the Fund annually. Half of the money must be used to maintain the Driftway Park and the other half may be used for anything but office staff and supplies. Mr. Danehey asked for the balance on the Fund? Approximately \$25,000. Mr. Danehey asked if Conservation could request that applicants pay for consulting fees? Mr. Kalishes stated that Conservation may be able to "tap in" to the Conservation Fund to cover that type of expense. He put the \$1,000 in Line 5309 to cover any potential problems. Mr. Norton believes that increases should not be considered at all. Mr. Agnew noted that the only real increase to this budget is contractual under Personal Services. Ms. Gallagher stated that the actual balance in the Conservation Fund is \$9,600. Mr. Agnew noted that this balance is lower than it has been in years due to land appraisals and trail maintenance. Mr. Vegnani asked Ms. Gallagher for a detailed list of expenditures from the Fund.

This budget was not voted this evening.

#### **141 Assessors**

Mr. Steve Jarzembowski was present at tonight's meeting. Mr. Agnew noted that the only increase to this budget is \$5,500 under Personal Services. Mr. Norton suggested that if this \$5,500 increase is contractual, that the same amount should be cut from another place in this budget. Mr. Vegnani noted that the part-time salary line was up \$2,200 - was that contractual? Mr. Agnew stated that it was - "there are no additional hours or people". Mr. Vegnani asked about Line 5309 Technical Services? Mr. Jarzembowski stated that it is for the office's software

system and support services. No vote was taken this evening.

### **650 Beautification**

Ms. Donna Bangert, Co-Chairman, was present at tonight's meeting. Mr. Agnew stated that the Advisory Committee approved this budget. The budget has gone up \$450 since last year as a result of increase in postage and mailings. Mr. Vegnani asked how many lots Beautification is responsible for? Ms. Bangert answered that there are thirty-one "adopt-a-lots", various traffic islands and other locations around Town, such as flower pots and window boxes. The Commission hopes to expand local business participation in the Harbor and other commercial areas. MBTA traffic islands are not included in these numbers. Ms. Bangert stated that some lots, such as the island near Ronnie Shone's General Store and the Route 3A/ First Parish island are dangerous and cannot be safely serviced by volunteers. She further stated that there are a number of lots available for adoption by interested volunteers. Mr. Danehey noted that the Advisory Committee has recommended that the Commission request bids for their landscaping contract. Mr. Norton asked what is required by law? Ms. Mary Gallagher answered that a verbal quote at least is required. Discussion continued on utilization of local vendors. No vote was taken this evening.

### **122 Selectmen**

Mr. Agnew stated that there is a \$700 increase in this budget this year. The Administrative Assistant gave an update on legal billing from July 1, 2009 to November 30, 2009, which did not include October and November billing for Hesse, Toomey & Lehane ( Town Counsel). Mr. Harris asked about various departments use of legal services. Mr. Agnew stated that each Department must first obtain permission from the Town Administrator or the Chairman of the Board of Selectmen. Mr. Danehey stated that it appears we are "on track". Mr. Agnew agreed, but cautioned that unexpected things can come up. Discussion continued on legal firms' fee structures. Mr. Harris asked if Town Counsel might increase their hourly fee next year? Mr. Agnew was uncertain, but recommended that the Board say "no" to such an increase. Mr. Danehey recommends a "flat rate". Mr. Danehey asked about Line 5731 Dues & Subscriptions for \$4,025? Mr. Agnew stated that this is for the Massachusetts Municipal Association (MMA) membership. Mr. Danehey asked about the benefit of belonging to the MMA? The MMA lobbies for cities and towns. "They are our only advocates." Mr. Agnew would not recommend cutting that membership. Mr. Norton agreed and added that "ninety percent of the good things that come to Town are because of the MMA".

### **123 Administrator**

Mr. Vegnani asked why Line 5309 Technical Services was reduced by \$3,500? Mr. Agnew explained that this line is for landfill stickers and the Town spent less in 2007. Mr. Vegnani asked if Line 5309 Labor Counsel (\$21,000) will go up because contracts have not been settled for the upcoming year? Mr. Agnew is not certain. "It will depend on the unions. 2007

realized significant arbitration and grievance situations. Discussion continued on whether or not all legal bills should come out of the same budget. Mr. Norton reminded that before Mr. Agnew became Town Administrator nineteen years ago, the Labor Counsel bill was \$60,000. The Town is now paying less than half that amount - "it is a bargain". No vote was taken.

#### **149 Administration**

Mr. Agnew stated that this budget has two, major expenses - Line 5309 Technical Services for \$35,000 and Line 5341 Telephone for \$30,000. Line 5309 pays for the yearly audit. Under Personal Services, Line 5190 Seasonal Salaries for \$3,990 is for night secretaries and the seasonal sticker seller. Mr. Danehey asked if the seasonal sticker seller could be paid out of the Transfer Station Enterprise Fund? Ms. Gallagher stated that "shared costs" for the seasonal position come out of that Enterprise Fund. Mr. Agnew noted that the Advisory Committee recommended a \$300 reduction under Line 5731 Dues & Subscriptions because "Lawyers Weekly" can be accessed "on line". Mr. Vegnani asked about Line 5242 Repair & Maintenance for \$15,000? Mr. Agnew stated that this is for software and hardware in the Treasurer/Collector's office and is needed to maintain their system. He will get further information on this Line item. Mr. Vegnani asked about Line 5271 Rentals for \$7,500? Mr. Agnew stated that this is for the rental of the Town Hall copier and it includes a maintenance agreement. Line 5343 Printing for \$1,000 is for printing beach stickers. No vote was taken.

#### **549 Commission on Disabilities**

Mr. Agnew stated that the bottom line of \$5,075 has not changed in years and must be kept at this level in order to apply for grants. Most of the funding is used for the Council on Aging vans. No vote was taken.

#### **5. APPOINTMENTS**

**Mr. Norton made a MOTION that the Board of Selectmen APPOINT DeeDee Sprecher and Christine Peters to the Scituate Cultural Council. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)**

**Mr. Norton made a MOTION that the Board of Selectmen APPOINT Peter Toppan as a full member of the Waterways Commission. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)**

Mr. Harris asked the Administrative Assistant to write a letter to Mr. McMillen to see if he might be interested in an Associate position on the Waterways Commission.

#### **10. VOTE/ ANNUAL LICENSE RENEWALS**

**Mr. Danehey made a MOTION that the Board of Selectmen VOTE to RENEW the**

**following Common Victualler's Licenses for 2009: Scotty's Market and Ronnie Shone's General Store. SECONDED by Mr. Norton. No discussion. Unanimous vote. (4-0)**

**Mr. Danehey made a MOTION that the Board of Selectmen VOTE to RENEW the Hawker Peddler's License for Shirley Musto for the 2009 Licensing Year. SECONDED by Mr. Norton. No discussion. Unanimous vote. (4-0)**

**Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to RENEW the Class II License for McBrien's Diagnostic Repair for the 2009 Licensing Year. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)**

11. CLOSE ANNUAL TOWN MEETING WARRANT/ April 13, 2009

**Mr. Danehey made a MOTION that the Board of Selectmen VOTE to CLOSE the Annual Town Meeting Warrant (April 13, 2009) at 8:23 PM. SECONDED by Mr. Norton. No discussion. Unanimous vote. (4-0)**

Mr. Agnew noted that the Annual Town Meeting warrant is fairly short. This is partially due to a request by the Town Moderator to combine several articles. In addition, there are no zoning or general by-laws in the 2009 warrant.

12. REPORT/ Director of Public Works

Mr. Al Bangert, Director of Public Works, stated that the Sea Street Bridge would re-open on Friday, December 19, 2008. Mr. Harris understands this Bridge is ahead of schedule - by how much? Mr. Agnew estimates that it is four to five months ahead of schedule.

13. OTHER BUSINESS

Mr. Vegnani noted the recent Santa Stroll in Scituate Harbor. It was a wonderful event with Santa arriving by boat, traveling down Front Street and arriving at the Jenkins School. "It was a nice community event."

Mr. Danehey noted the recent dinner for "Citizen of the Year" Betty Crowley. "She is a most deserving recipient who has done so much for our community." He concurred that the Santa Stroll was great. He also thanked Chief Brian Stewart, Ms. Nicole Harris and Ms. Paula Barry for putting together a wonderful holiday party for Town employees.

Mr. Danehey asked if sand could be mined from certain areas of the golf course to be used for sanding the streets. He understands that sand is expensive. Mr. Bangert stated that "washed sand" must be used on the streets. Discussion continued on the Housing Authority property located off the Driftway.

Mr. Harris has been attending Council on Aging meetings as the Board's liaison member. He recently met with resident Norm Paley and Mr. Agnew regarding the \$1.9 million that was originally slated for a new senior center. Mr. Agnew sent off a CD with the recording of Town Meeting vote on it to bond counsel for their review. He never received a reply back. A written copy of the vote has now been forwarded to bond counsel and hopefully we will receive a reply.

Discussion continued on green energy initiatives.

Mr. Agnew announced that he would be retiring from his position as the Town Administrator in Scituate as of July 1, 2009. His last day will be June 30, 2009. He thanked the Board of Selectmen, the citizens of the Town of Scituate and especially the Town employees. A special appreciation was given to Sheila Manning, Kim Donovan and Joe Norton, who he has had the pleasure of working with during his entire tenure. He wished the Selectmen "all the best" in their search for a new Town Administrator.

Mr. Norton thanked Mr. Agnew for his years of service. He (Norton) is in contact with many other towns on a daily basis and noted that Scituate is held up as a high standard, in no small part to Mr. Agnew's work. "We have been fortunate to have you here for close to twenty years. The success of this Town is in no small part to the work you have done."

14. CORRESPONDENCE - None

15. MINUTES

**Mr. Danehey made a MOTION that the Board of Selectmen VOTE to ACCEPT the Minutes of December 18, 2007. SECONDED by Mr. Norton. No discussion. Danehey, Norton and Harris voted in favor of the motion. Mr. Vegnani did not vote. (3-0)**

**Mr. Vegnani made a MOTION that the Board of Selectmen VOTE to ACCEPT the Minutes of December 2, 2008. SECONDED by Mr. Danehey. No discussion. Unanimous vote. (4-0)**

The Selectmen wished everyone a happy and safe holidays.

16. LABOR NEGOTIATIONS

The Board of Selectmen entered into Executive Session at 8:36 PM via roll call and did not return to Regular Session this evening.

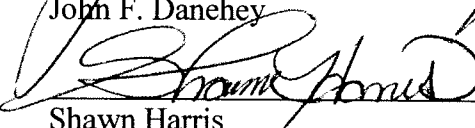
17. ADJOURNMENT


The meeting was adjourned at 8:36 PM.

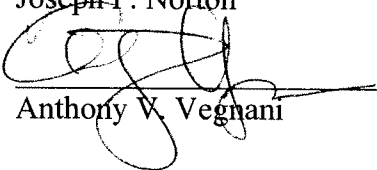
BOARD OF SELECTMEN

Richard W. Murray, Chairman

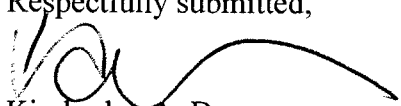
  
John F. Danehey

  
Shawn Harris

  
Joseph P. Norton

  
Anthony V. Vegnani

Respectfully submitted,

  
Kimberley A. Donovan  
Administrative Assistant