

MINUTES – SELECT BOARD MEETING
TUESDAY, JUNE 21, 2022 AT 6:30 P.M.
MARSHFIELD TOWN HALL – SELECT BOARD HEARING ROOM
AND VIA ZOOM

Present: Stephen R. Darcy, Chairman; James J. Kilcoyne Vice-Chairman; Lynn E. Fidler, Clerk and Michael A. Maresco, Town Administrator

Mr. Darcy opened the meeting and announced that the meeting was being recorded by MCTV and that they may take items up in a different order than they appear on the agenda.

Town Administrator's Report – Mr. Maresco gave an oral report on the following:
June 6 – June 20th

- attended weekly meeting to review issues regarding Police Project and DPW Project Including moving-in preparations for police, underground utilities DPW, septic system, DPW and punch list for police
- held FY22 Budget review with Anne Bastille and Lisa Clark to review trends, expenditures and salary lines
- attended Dog Park Building Committee to review final plans and location on parcel
- attended breakfast meeting with Chairman Darcy to review issues of Conservation Commission
- held drive-through clinic at Town Hall for vaccine and PCR testing
- police moved into the new Police Headquarters on June 13, 2022
- held meeting with Bill Grafton and Liz Anoja regarding grant for digitizing records
- met with Danielle Kerrigan and Attorney Caitlyn Morey on Conservation Commission matters
- met with Sue Caron on land issue
- met with Andrew Stewart on building issues
- met with Daniele Kerrigan and Anne Bastille on personnel issues
- met with Contractor and Fred Russel regarding shower drainage issues at the Police Department
- held meeting on Levitate Festival with police and others
- met with Bill Grafton and Fred Russell on clean-up of Pratt Farm site
- met with Craig Hannafin, Chair of Conservation Commission and Bill Grafton, Conservation Administrator to discuss some challenging cases and solutions
- attended weekly Owner, Architect and Contractor meeting (OAC) to discuss Police Project
- attended meeting with Bill Grafton and residents at 46 Preston Terrace
- met with Bill Early regarding study by the commonwealth to remove the dam
- attended second part of Management Training from Department Heads by Clifford and Kenny Law firm
- met with Fred Russell on maintenance projects for the Town Hall, schools, GAR, beaches and library
- met with Fred Russell on the Town Hall Project schedule
- attended zoom meeting with HVAC controls regarding Police Project with team
- attended Budget Meeting with Anne and Lisa to review fiscal payrolls, expenses and revenue numbers
- attended meeting with Anne and Lisa to prepare for S&P call on Tuesday, June 21st
- met with Lynne Fidler on some outstanding issues

- met with Bob Galvin to review some legal issues regarding opioid settlement funds
- attended the Gay Pride event at the Rexicana
- attended the Boys & Girls Club Annual Meeting at the Club
- attended the Molly Fitzgerald Memorial Fund Corporates sponsor's dinner and the walk on Father's Day with 200 walkers in the rain

Town Hall Covid- Clinic Update – Mr. Maresco announced that as of this date, we have administered 1,251 shots and 120 PCR tests and that the Saturday event on June 11, 2022, 46 vaccines were administered and 5 PCR tests. Mr. Maresco also noted that we are averaging 15-20 vaccine patients on days we are open and 5-10 walk-ins daily.

Discussion and Vote on Annual Peddler's License – Thomas Malloy- Mr. Darcy mentioned the Peddler's application from Mr. Malloy who will have a food cart at South Shore Buds on July 23, 2022. Mr. Darcy moved, seconded by Mr. Kilcoyne to approve the Annual Peddler's License for Thomas Malloy of Centerville, Ma for the Barking Claw Cape Cod, a food truck at South Shore Buds on July 23, 2022 for the hours of 9 a.m. to 5 p.m. The vote was unanimous.

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Discussion and Vote on Maximum Useful Life of Departmental Equipment – Ms. Fidler read the following:

I, the Clerk of the Selectboard of the Town of Marshfield, Massachusetts, certify that at a meeting of the board held on June 21, 2022, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with a portion of the proceeds of the \$1,990,000 borrowing authorized by the vote of the Town passed April 25, 2022 (Article 4) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Electric Pickup Truck	\$ 60,000	5 years
Electric Pickup Truck	\$ 60,000	5 years
Phone System Upgrade – Systemwide	\$ 80,000	10 years
Multi-Function Activity School Bus-Systemwide	\$ 70,000	5 years
Annual Cruiser Purchase	\$ 185,000	5 years

Purchase Carpenter's Van

\$ 65,000

5 years

I further certify that the agenda for the meeting, a copy of which is attached hereto, was posted on the bulletin board of the Town at least 24 hours before the meeting in compliance with Section 7-2 of the Town Charter.

I further certify that the vote was taken at a meeting open to the public, that the vote was not taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: _____, 20____

Ms. Fidler moved, seconded by Mr. Darcy to approve the maximum useful life of the departmental equipment as presented and ready by the Clerk of the Select Board. The vote was unanimous.

Discussion and Vote on Request to Declare Items as Surplus – Ventress Library (books, furniture and electronics) - Mr. Darcy moved, seconded by Mr. Kilcoyne to approve the request of the Library Director, Cyndee Marcoux to withdraw from the collection 435 large print books that have not circulated since May 2018 (with 200 going to the Senior Center) and 72 books on CD's that have not circulated since May of 2018 and Mr. Darcy then read the following list of surplus

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furniture: -: 25 wooden chairs with upholstered seats that are severely stained, 5 small tables of various sizes, 2 large tables 36" x 60", 1 large 4-seat study carrel. The vote was unanimous.

Discussion and Vote on Request for Permission to Accept Donations – Recreation Department – Mr. Darcy read the email from the Recreation Department requesting permission to accept a \$100.00 check from Dave York to go towards pickle ball equipment. Mr. Darcy moved, seconded by Mr. Kilcoyne to accept a \$100.00 donation from David York on behalf of the Recreation Department, the proceeds to be used to purchase pickle ball equipment. The vote was unanimous. The Board thanked Mr. York.

Mr. Darcy read the email from Mr. Llewellyn regarding a \$400.00 donation for a bench in his mother's honor to be placed at Coast Guard Hill. Mr. Darcy moved, seconded by Mr. Kilcoyne to accept a \$400.00 donation from Peter Llewellyn on behalf of the Recreation Department for a bench that will be placed on Coast Guard Hill in his mother's honor. The vote was unanimous. The Board thanked Mr. Llewellyn.

Discussion and Vote on Request for Permission to Accept Donation – Veterans Services – Mr. Darcy read the letter from the Veteran's office requesting permission to accept a donation in the amount of \$1,000.00 from David Hazell. Mr. Darcy moved, seconded by Mr. Kilcoyne to accept a donation on behalf of the Veteran's Services office in the amount of \$1,000.00 from David Hazell to assist our veterans and their families in time of need. The vote was unanimous. The Board thanked Mr. Hazell.

Discussion and Vote on Request to Waive Permitting Fees for Eagle Scout Project – Mr. Maresco explained that Alyssa Bud is part of the BSA troop which is comprised of all young women and that she will raise money and will build a 100 square foot pergola and fire pit at the Boys and Girls Club. Mr. Darcy moved, seconded by Mr. Kilcoyne to approve the request from the ZBA to waive the necessary permitting fee for this Eagle Scout project by Alyssa Budd of Troop 424. The project will include a 100 square foot pergola and fire pit at the Boys and Girls Club. The vote was unanimous.

Discussion and Vote on Application for Temporary Entertainment License – Levitate Music Festival – Mr. Darcy moved, seconded by Mr. Kilcoyne to approve a Temporary/One Day Entertainment License for three days, July 8 -10, 2022 for Dan Hassett, Levitate Music Festival, d/b/a/ Levitate Music and Arts Festival at the Marshfield Fairgrounds for outdoor activities with the hours of operation from 12 Noon to 10 PM for (30) live bands, art vendors, food trucks and kids activities. There will be a tent and there will be food, pending approval from the Marshfield Police Department, Board of Health and Marshfield Fire Department. The vote was unanimous.

Discussion and Vote on Applications for Common Victualler Licenses – Levitate Music Festival - Mr. Darcy read the following list of people who have submitted applications and paid for Common Victualler Licenses for the Levitate Music Festival (all have received or are in the process of obtaining food handler permits from the Board of Health): Al Forno Ferruzza Pizza, Asian Sensation, Binge BBQ, Broccoli Bar, Cheese Louise, Chef's Table, Dips Dips, Garbanzo Mediterranean Fresh, Ginger Love Café, Gonzales Food Truck, Hummingbird Food & Juice Truck, Just Egg, Keane's Wood Fired, Matilda, Mise/Lumpia Bros., Miso Hungry Ramen, Mr. Tuna, REXICANA Surf Cantina, Sausage Guy, Singhs Roti, Slacktide Coffee, The Beet Box, The Filling Station LLC, The Lemon Press, Tica's Tacos LLC, Umami Bites Food. Mr. Darcy moved, seconded by Mr. Kilcoyne to approve the Common Victualler Licenses for the Levitate Music Festival that will take place on July 8 – 10, 2022 with hours of operation from 12:30 PM – 9:30 PM for the 26 businesses just read into the record, pending approval from the Board of Health, the Building Department with property taxes and utility fees to be paid if they are a Marshfield business. All the businesses are in the process of obtaining their food handler permits from the Board of Health. The vote was unanimous.

Discussion and Vote on Application for Temporary Wine & Malt License – Agricultural and Horticultural Society (Levitate) – Mr. Darcy moved, seconded by Mr. Kilcoyne to approve a One-Day Liquor License for Carlton Chandler, Marshfield Agricultural and
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Horticultural Society for July 8-10, 2022 with hours of operation from 12 Noon til 10:00 PM (all three days) at the Marshfield Fairgrounds located at 140 Main Street for the Levitate Music Festival. Liquor liability insurance is on file. The vote was unanimous.

Discussion and Vote on Appointment of Sealer of Weights and Measures – Bob Egan – Mr. Maresco explained that for the past few years the Commonwealth has been doing the inspections for the Town to make sure that people are paying the correct amounts for gas and products that are weighed. Mr. Maresco also noted that Mr. Egan has been the Sealer of Weights and Measures for surrounding towns in our area. Mr. Darcy moved, seconded by Mr. Kilcoyne to approve Bob Egan as the Town of Marshfield’s Sealer of Weights and Measures for an annual stipend of \$5,000 pending a background check by the Marshfield Police Department. The vote was unanimous.

Discussion and Vote on New Appointments to Conservation Commission – David Good, Kenneth Dodge and John O’Donnell – Mr. Kilcoyne asked for a point of privilege and said that people have asked why Arthur Lage was not put on the agenda for Conservation appointment renewal by the Chairman after volunteering for over half a decade because the Board wanted to go in a different direction. Mr. Kilcoyne then went on to read the following: On Page 2, section four, titled *Authority and Role of the Select Board* in paragraph 3 of the ratified Marshfield Select Board Policy and Procedure manual it states and I quote “No actions representing the Board shall be taken by a Board member or members of the Board without prior consent of the majority of the Board”. Thus, it is the policy that members shall refrain from representing their individual views without a majority vote and the Board has taken no such vote.

Mr. Kilcoyne then went on to read the following: On Page 3, Section 6 titled “Duties, Responsibilities and Obligations of the Select Board of the ratified Marshfield Select Board Policy and Procedure manual, it states, and I quote “in all appointments, avoid patronage by judging all candidates on merit, experience and qualifications only”. Mr. Kilcoyne continued reading: Gaining competency of Federal, the Commonwealth of Massachusetts, including Marshfield’s Chapter 294 and 505 Wetlands Protection Regulations, and Conservation 67 page guidance Policy and Procedure Manual is a significant multi-year undertaking. Dr. Arthur Lage is a respected member of the Marshfield Conservation Commission serving, gaining knowledge and competency with over half a decade, and thousands of hearings, hundreds of which he was the actual hearing officer.

Mr. Kilcoyne continued to read: Dr. Lage just concluded as the hearing officer, a multi-year effort of recertification of Marshfield Airport environmental impact. This included threatened and endangered species, wildlife and turtle fencing, compliance with Federal FAA mandated approach envelope, removal of environmentally unsafe underground fuel storage with alarmed, double wall moated above ground facility. All this was done in coordination with Shoreline Aviation while keeping this significant Marshfield economic resource open. He completed this significant project while simultaneously continuing to serve on other decisions of the Commission. Mr. Kilcoyne then read a letter from Bert O'Donnell Vice-Chairman of the Conservation Commission regarding the reappointment of Dr. Lage asking the Board to reconsider their decision. Dr. Lage's qualifications and experience for reappointment are unquestioned. Mr. Kilcoyne then stated that based on previous mentioned ratified Select Board Policy and Procedure Manual, Section 4 and Section 6, he was making a motion of consideration and motion to suspend for further consideration, thereby appealing the Chair's unilateral decision to the assembly for failure to consider reappointment, and specifically amend the motion and that Dr. Lage be placed on this evening's agenda for reappointment consideration with the other

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candidates. Mr. Kilcoyne indicated that he thought Dr. Lage deserved a discussion and said he would like a second. Mr. Darcy said hearing none, the motion did not carry.

Mr. Darcy moved, seconded by Ms. Fidler to appoint the following new members to the Conservation Commission: David Good, Kenneth Dodge and John O'Donnell. The vote was 2-0.

Mr. Kilcoyne requested another point of privilege but was denied by the Chair.

Discussion and Vote on New Appointment to Community Preservation Committee – Stephen Merrick and Michael Devlin – Mr. Darcy moved, seconded by Ms. Fidler to appoint the following new members to the Community Preservation Committee: Stephen Merrick and Michael Devlin. The vote was 2-1

Discussion and Vote on Annual Reappointments - Mr. Darcy moved, seconded by Mr. Kilcoyne to reappoint the following: Helen Bennett and Amy Kryzewski to the ADA Committee; Carlos Pena to the Advisory Board; Caleen Alexanderson and Kristen Webb to the Agricultural Commission; Jack Griffin to the Capital Budget Committee; Michele Campion to the Community Preservation Committee; Craig Hannafin to the Conservation Commission; Janice Fletcher and Bill Scott to the Council on Aging; Matthew Parent and

Bill Bottiggi to the Energy Committee; Jack Arouca, Kathy Sullivan and Cindy Castro to the Historical Commission; Chris Ciocca to the Open Space Committee; Denis Kelliher and Brian Robinson to the Recreation Commission; Ned Bangs to the Recreation Trails Committee; Greg Guimond and Michelle Noonan to the Trustees of Ventress Memorial Library and Michael Duane and Bill Kerrigan to the Waterways Committee. The vote was unanimous.

Vote to Accept Minutes – June 6, 2022- Mr. Darcy moved, seconded by Mr. Kilcoyne to approve the minutes of June 6, 2022. The vote was unanimous.

Executive Session - Mr. Darcy moved at 7:05 p.m., seconded by Mr. Kilcoyne to go into Executive Session in the Town Administrator's office, not to return to public session for the purpose of discussing land acquisition that if discussed in open session could have a detrimental effect on the negotiating position of the Town. Roll call vote: Mr. Kilcoyne – aye, Mr. Darcy – aye, Ms. Fidler – aye. The vote was unanimous.

Mr. Darcy moved, seconded by Mr. Kilcoyne to adjourn the public portion of the Select Board meeting. The vote was unanimous.

Respectfully submitted,

Beverly Wiedemann

Documents and exhibits presented at this meeting were the following: copy of Peddler's Application and copy of corresponding email from Thomas Malloy, copy of Vote of Select Board on Maximum Useful Life of Departmental Equipment, copy of emails from Library with corresponding equipment list and photos, copies of emails from the Recreation Department regarding donations, copy of letter from Veterans office requesting permission to accept donation, copy of email from ZBA requesting fees be waived for Eagle Scout Project by Alyssa Bud, copy of application for Levitate Music Festival, copy of email from Board of Health with copy of list of applicants as well as the common victualler applications for the Levitate Music Festival, copy of One-Day Liquor License application from Marshfield Agricultural and Horticultural Society for the Levitate Music Festival, copy of email from Michael Maresco regarding sealer of weights of measures appointment of Bob Egan with copy of list of inspections for 2021, copies of conservation commission applications from David Good, Kenneth Dodge, and John O'Donnell with copies of resumes, copy of written report from Mr. Kilcoyne, copy of letter from Bert O'Donnell and copies of committee applications for Community Preservation Committee from Stephen Merrick and Michael Devlin with copies of resumes and copy of list of individuals for reappointment.