

Selectmen Present: Karen Quigley, Chairman
Edwin G. Carr
Frederick Koed
Paul Carlson
Leland H. Jenkins

Others Present: William R. Griffin, Town Manager
Jennifer Oram, Selectmen’s Clerk

Chairman Karen Quigley called the meeting to order at 7:00PM.

Minutes – Selectman Frederick Koed moved the minutes of May 24, 2010 as amended. Selectman Paul Carlson seconded the motion and the vote was unanimous (5-0).

Proclamation – Wigmore Pierson – Town Manager, William Griffin, asked the Board to vote to approve and sign a proclamation for Mr. Pierson who is celebrating his 70th birthday. Chairman Quigley read the proclamation aloud. **Selectman Carlson moved to approve and sign the proclamation. Selectman Koed seconded the motion and the vote was unanimous (5-0).**

Cohasset Day Update – Mr. Peter Brown, Vice Chairman of the Economic Development Committee, gave the history of Cohasset Day. This year will mark the event’s third year. Mr. Brown first thanked Mr. Glenn Pratt for his many contributions to the event. Mr. Brown then reviewed the event and said that each year three charities receive a donation from the proceeds of the event. Every year the Cohasset Elder Affair and the Cohasset Food Pantry receive donations. They would like the public to suggest the third. Mr. Brown then asked the Board for their permission to allow the cars that drive in the Cohasset Classic Car Concours to be allowed to park on the North side of the Common at the end of the parade. After a brief discussion, **Selectman Edwin Carr moved to allow the cars to park on the North side of the Common. Selectman Paul Carlson seconded the motion and the vote was unanimous (5-0).**

Proposed Policies for Consideration by Selectmen – Mr. Griffin provided the Board with five policies to review and consider adopting: Investment Policy, Fraud Policy, Harassment Policy, Equal Employment Opportunity Policy and a Workplace Violence Policy. Mr. Griffin explained that both the auditors and MIIA have recommended the Town adopt these policies. After a brief review, the Board suggested perhaps the fraud and the investment policies be run by the Capital Budget Committee and the Advisory Committee for their input. The Board will then place the policies on a future agenda for approval.

Water Commissioners – Bear Hill Tank Access Road – Water Commissioners Chris Seebeck, Chairman and Glenn Pratt, Vice Chairman, addressed the Board. Mr. Seebeck explained that the Commission has secured agreements with AT&T to place cell antennas on the top of Bear Hill Tank. Upon review of the installation, the Commission discovered that the present access road is insufficient (not wide enough) for the carriers to access the tank for the construction of the antennas and their structures on the ground. The Commission is requesting to access the tank via Reservoir Road. There is a piece of Town owned land and they are requesting a temporary (with the hopes it become a permanent easement) to access the tank. Selectman Carr asked what the additional revenue would be to the Town from the providers. Mr. Pratt stated it would be \$40,000. Selectman Carr asked what the cost of constructing the road would be. Mr. Pratt stated they could construct it for \$4,500. They feel it would provide quicker to access the tank. Selectman Jenkins asked if the access road could be temporary. Mr. Seebeck stated

that they could use it for the installation and then let it grow over post construction. They would leave the original access in place off of Pleasant street for water department vehicles to do their routine maintenance on the tank. Mr. Seebeck stated that if the access via Reservoir Road is only going to be temporary, he would like to hear what the safety concerns are. He understands the traffic concerns on Reservoir Road, but stated that if they were to use it, they would know to turn very slowly in to the road. Safety Officer, Lieutenant Quigley stated that people will have to approach the area slowly, stop and then take the turn. After further discussion about the safety concerns of the proposed access, Selectman Koed asked how long the construction would take. Mr. Seebeck stated it would be eight weeks for each carrier. Fire Chief Robert Silvia then addressed the Board. Chief Silvia stated that the tank has been designated as a site for a second back- up transmitter for the regional communications as well other local public safety systems. Chairman Quigley stated that she has many concerns about the existing easement and what liability exists for the Town. She added that the Water Commission reduced the size of the existing easement to allow for a developer to build houses. Now one of those homes is so close to the existing access road, that the construction trucks cannot use it as they could cause damage to the newly built home. Chairman Quigley stated that if the RFP for the phone carriers went out in 2008, after which the existing 30 foot easement was reduced to 12 feet, she feels the Commission did not do their due diligence. Mr. Pratt stated that when AT&T signed, they did not realize what they would need in regard to access. Chairman Quigley stated that she feels this could be the developer's problem. There was then an extensive conversation about how much access would be needed for both construction and maintenance and how much traffic would be generated. Selectman Carr asked when they planned on doing the construction. Mr. Seebeck stated that they have the Building Permits and can start as soon as they get access. Selectman Carlson asked why the two carriers could not work together to reduce the construction time. The Commission stated that it would be difficult to get the two to work together. After a bit more discussion, Chairman Quigley stated that she sees a project that is desirable for the department, the Town and the community; however it is the impact that makes it problematic. She then opened the discussion up for public comment. Mr. Dick Stevens, the developer of the land that abuts the existing, but diminished easement spoke. He stated that he has built the homes with the setbacks of the easement and that as the easement had been registered with the deed he is no longer the owner of record of it. He stated that he had three attorneys review the language detailing the purpose of the easement and that he has done nothing wrong and that access to the tank is not his problem. Mr. Tim Toomey of 161 Pond Street suggested they look for access via the ball field or behind the Middle High School. Mr. Seebeck stated that they did look for access via the ball field but there would be a 17 foot grade difference. Mr. Toomey stated that they could cut the grade out and that he did not feel the Reservoir access was their best option. Mr. Seebeck stated that he wanted the best solution and that he was not convinced that accessing the tanks via the schools would be safer than via Reservoir Road. Mr. Seebeck stated it would be worth asking the School Committee. Mr. Keith Conforti of 88 Pleasant Street stated that he did not think the schools were a viable alternative. He suggested that a new access road along Pond Street be installed. Mr. Michael Ronzoni of 50 Pleasant Street stated that he was concerned about the cement water pipes buried 4 feet below the access road. He stated that he did not think it could be argued that access to the tank via Reservoir Road would be reasonably safe. He also expressed concern about the language in the new easement. He does not feel the Water Commissioners had the right to release part of the easement. Chairman Quigley stated that she questioned that as well, but Town Counsel confirmed it was not an abandonment. Mr. Bryan Dunkelberger of 116 Pleasant Street asked if, due to the reduced easement, emergency medical trucks would be able to get up to the tank. Chief Silvia stated that he did not know as he had not tried. Mr. Dunkelberger said that he thought it was irresponsible of the Water Commission to sign off on the reduction of the easement not knowing if safety vehicles could get up there. Elsa Miller of 60 Reservoir Road stated she was very concerned about the safety of children as many clearly use the path on

Reservoir Road. She added that she had not heard anything positive this evening and that this issue needs to be explored more. Mr. Thomas Ogradnik of 55 Reservoir Road stated that perhaps putting the antennas on the water tower is the cheapest option, but perhaps other areas like Lily Pond could be looked at. **After a brief discussion, Selectman Carr moved to accept the proposed easement on Reservoir Road as proposed by the Water Commission. Selectman Jenkins seconded the motion.** Selectman Carr stated that he felt there are other options out there that still need to be explored. Selectman Koed and Carr asked that the Commission go before the School Committee and pursue the suggestions made during this discussion. Selectman Carr stated he would attend the meeting with them. Selectman Carlson feels there has to be other access options to the tank and that they need to be looked in to. Chairman Quigley stated that she feels the existing easement should be used for water and the other would be for construction vehicles only. Selectman Carr feels a list brought back to the Board of well thought out options would be the best course of action. Chairman Quigley stated that given the amount of public interest, the Commission may want to hold a public forum. **Selectman Carr withdrew his motion and the Board will discuss this at a future meeting.**

Treat's Pond Discussion – Chairman Quigley stated that the Board has to respond to the Army Corp of Engineers (ACE) as to whether the Town wishes to move forward with Saltwater Restoration Project at Treats Pond. She reviewed an email from John Kennelly of the ACE addressing questions she had posed about projected costs for the project and the Town's financial obligations to the project should it move forward. Mr. Kennelly estimated that the total cost of the project would have increased by 10-15% since the original cost estimate is three or four years old. The total cost estimate now would be 2.2 million dollars with the Town being responsible for 35%, or approximately \$735,000. In the email he also noted that there is no cap on the project and if construction did go over, the Town would be responsible for 35% of the overage as well. Chairman Quigley stated the Board now needs to decide if it will commit to this project knowing it is a saltwater restoration project. She then opened it up to the audience. Mr. Amory Houghton of 91 Atlantic Avenue said that he hoped the vote could go before the Town. He also suggested that additional studies be done of the impact of fresh water on the harbor and another look be taken at Sandy Cove. He feels that the Town's monetary portion of the project could be raised in the community. Mr. Marty Nee of 109 Atlantic Avenue stated that he agreed with Mr. Houghton in that in other towns, funds were raised by grants and other entities giving funds. He hopes that this could go to Town meeting for a vote. Mr. Chris Evans of 36 Sohier Street feels the Town should not support such a project as it does not address the flooding issue in the Atlantic Avenue area. He feels if the Town should take on such a project, it would take on the maintenance of it as well. He stated they flood on Sohier Street and they are sympathetic to the issues, but that this is not the way to go as it benefits the few at a large expense to all. Mr. Paul Pattison of 104 Elm Street stated that this vote is to consider a few homes in the flood plain and that it would put the entire Town in debt to appease a few residents. Mr. Ralph Dormitzer of 111 Atlantic Avenue read aloud a prepared statement (on file in the Selectmen's office). In it he asked the Board to vote to put the issue on the upcoming Special Town Meeting warrant and to vote for a study of the harbor. Mr. Peter Brown of 38 Atlantic Avenue asked that the Board give the Town the option to vote on the project. Mr. Russ Bonetti of 20 Parker Avenue stated that this is a drainage issue not a saltwater restoration issue. Mr. Peter Whittemore of 47 Elm Court spoke against the project. Chairman Quigley closed the discussion to the public and opened the discussion to the Board. Selectman Carr asked what the Board thought about bringing the vote to Town Meeting. Chairman Quigley stated that she thinks they are being asked to vote to tonight so they can get back to the ACE. She added that every time this issue is discussed studies are proposed but funds to pay for them are never identified. She added that there have been thorough studies done by CZM and DEP and both show that the Harbor is impaired. An easy vote would be to send it to Town Meeting, but she feels it is time to show some leadership. Selectman Carlson stated he was concerned that that they

have not had a real study showing what impact on the harbor. Selectman Carlson then moved the Board of Selectmen requests Town Manager William Griffin to determine and report back to this body whether grants or other funding are available for an independent engineering study of: (1) the potential drainage of storm water from Treat's Pond into the harbor under the proposed salt water marsh restoration project, and (2) the net impact on the health of the harbor from the combination of the storm water drainage and the salt water marsh restoration. The impact analysis should pay particular attention to the needs of the Cohasset shellfish industry. Selectman Carr seconded the motion. Selectman Koed pointed out that proposing additional studies was not on the agenda. Chairman Quigley stated that every time the Board takes a vote on this topic something is proposed and then it never happens. She asked that in this economic climate does the Board need to spend money? Selectman Koed stated that when he ran for his seat, he was opposed to putting any more fresh water in to the Harbor. He does not feel there needs to be a study; he knows that fresh water kills lobsters. He said that when it [the project] comes to a vote, he will vote against it. Chairman Quigley stated that she is not in favor of any additional studies or for putting any more fresh water in to the harbor. Selectman Jenkins stated that he felt it should go to Town Meeting. Selectman Carlson feels that it did not make sense to go to Town Meeting without a study on the harbor. Chairman Quigley stated that this issue needs a silver stake through its heart; a decision needs to be made. **The Board asked for a vote on Paul's motion. The vote is 3-2, Selectman Carr and Carlson in favor and the vote is defeated.**

Selectman Carr moved to support the Army Corp of Engineers rout to the harbor subject to Town Meeting approval. After a brief discussion, no vote was taken and the motion was dead.

Chairman Quigley moved that the Board vote to reject the Army Corp of Engineers Saltwater Restoration Project proposed for Treats Pond. Selectman Carr seconded the motion. The vote was 4-1, Selectman Koed, Jenkins, Carlson and Quigley in favor, Selectman Carr against.

Selectman Carr moved to instruct the Town Manager to convey the vote of the Board to the Army Corp of Engineers. Selectman Koed seconded the motion and the vote was unanimous (5-0).

Selectman Carlson moved to adjourn the meeting. Selectman Koed seconded the motion and the vote was unanimous (5-0). Meeting adjourned at 10:10PM.

Respectfully submitted,
Karen Quigley
Chairman