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REPORT OF THE ADVISORY COMMITTEE

TO THE VOTERS OF SCITUATE:

In accordance with the Town of Scituate Bylaws, the Advisory Committee submits its report to the voters. This report contains the complete warrant for the Annual Town Meeting, which will convene on March 29, 2008, and the Special Town Meeting that will be convened within the Annual Town Meeting on this date.

Open Town Meeting has been described as the purest form of democracy. All registered voters are entitled to attend, ask questions, express their opinions, and vote on all matters. **YOU ARE THE LEGISLATIVE BODY OF SCITUATE.** The Board of Selectmen and the School Committee and other Town boards propose expenditures, Bylaw changes, zoning changes, etc. We, the Advisory Committee, recommend on each; but **ONLY YOU DECIDE WHAT PASSES AND WHAT DOES NOT.**

The 2008 Special and Annual Town Meeting places before the voters a total of 41 (9 STM, 32 ATM) articles for your consideration. The Advisory Committee urges you to become an active meeting member. Voice your opinion and seek any clarification necessary to make an informed vote on these articles.

RESPECTFULLY SUBMITTED,

THE SCITUATE ADVISORY COMMITTEE

Anthony V. Vegnani, Chairman

Richard Cook, Vice Chairman

Karen Connolly

Constantine Constantinides

Robert DeLorenzo

Lisa Fenton

Paul Lemieux

Scott Roberts

Tony Villani

TOWN MEETING RULES AND DEFINITIONS

1. The conduct of Scituate's Town Meeting is bound by State law, the Town's Charter and By-laws, local tradition and the publication entitled, *Town Meeting Time*.
2. The Moderator presides over the Town Meeting, decides all questions of order and procedure, and announces the results of all votes. The results of all votes when announced by the Moderator shall be final except on a voice vote that may be questioned by seven (7) voters standing immediately after the announced results of a vote. In such a case, a teller-counted vote shall be taken without debate.
3. Non-voters will be seated in a special section unless permission is granted by the Town Meeting to be seated elsewhere. Non-voters may be allowed to address the Town Meeting with permission of the Moderator unless a majority of voters choose to deny such a privilege.
4. Articles in the Warrant give notice of the issues subject to discussion at a Town Meeting and establish the parameters of matters that can be debated and acted on. Amendments, motions and/or debate determined by the Moderator, with the advice of Town Counsel, to be "beyond the scope" of the articles may not be permitted.
5. In order for the Town Meeting to act on or discuss an article, a motion must be made. The Moderator will call for a motion on each article and, if no motion is made after the second call, the Moderator will "pass over" the article and move on to the next Article. In order to bring back a "passed over" article for a motion and discussion, there must be an approved "motion for reconsideration".
6. Articles may be postponed by a majority vote or advanced by a 2/3 vote.
7. To address the Town Meeting, a speaker must be recognized by the Moderator and once recognized, a speaker should first give his or her name and address for the record. No speaker will be recognized while another person is speaking except to raise "a point of order," which is used to question a ruling of the Moderator or the conduct of Town Meeting. Points of order are not to address the subject matter being discussed.
8. All matters shall be decided by a majority vote unless a 2/3 or greater vote is required. If more than a majority vote is required, the Moderator shall announce the required percentage for passage before calling the vote.

9. The Moderator may set time limits on all presentations and may terminate debate on a motion when deemed appropriate. Debate on a motion may also be terminated by a voter “moving the question” which, if accepted by the Moderator as not being premature, shall be voted on without discussion or debate. A motion to “move the question” requires a 2/3 vote for passage.
10. Only two (2) amendments to a motion may be on the floor at any particular time. Amendments over six (6) words must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available to those attending at the entrance of the hall before the start of that particular session.
11. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. However, amendments relating to amounts to be appropriated shall be voted on in a descending order until an amount gains approval.
12. A motion may be reconsidered once for a compelling reason by a 2/3 vote. No further reconsideration will be permitted. There may be no reconsideration of a vote at a subsequent session of the Town Meeting.
13. A resolution is a non-debatable, non-binding motion on any matter calling for a consensus of the Town Meeting. A resolution must be related to the content of an article. If a resolution is over ten (10) words, it must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the entrance of the hall for those attending.
14. When justice or order requires, the Moderator may make exceptions to these rules, in his or her discretion, as is deemed appropriate under the circumstances.

MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

ASSESSED VALUATION: A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

BETTERMENT: A betterment assessment is a charge for the cost of public improvements, which benefit a limited area, against real estate situated in that area.

BOND: A loan, typically over a year in maturity.

BOND AUTHORIZATION: The amount of money the Town Meeting approves for borrowing for a specific purpose.

BOND ISSUE: Generally, the sale of a certain number of bonds at one time by a governmental unit.

CAPITAL BUDGET: A plan of proposed capital outlays and the means of financing them for the current fiscal year.

CAPITAL OUTLAY: Expenditure for the purchase of property or equipment and for the construction or renovation of a facility and infrastructure.

CHERRY SHEET: A form showing all state and county charges and reimbursements to the town as certified by the Massachusetts Department of Revenue.

DEBT SERVICE: Payment of interest and repayment of principal to holders of the town's debt instruments.

ENTERPRISE FUND: Financing of services where all or most of the costs are paid for by users.

ENTERPRISE RETAINED EARNINGS: If during a fiscal year an Enterprise Fund produces a surplus, such surplus shall be kept in a separate account called "retained earnings." The Department of Revenue then certifies that surplus as an available fund that can be used for:

1. Operating costs to offset the need to increase user charges,
2. to fund capital improvements
3. to fund Enterprise Fund revenue deficits.

FISCAL YEAR: A 12-month period, commencing on July 1, to which the annual budget applies. (Abbreviated as "FY")

FREE CASH: The excess of assets over liabilities, minus uncollected taxes of prior years, also referred to as “available cash.” The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a Town Meeting.

GENERAL FUND: The major town-owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

GRANT: A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

LEVY LIMIT: The amount of dollars a Town can raise by taxation under Proposition 2½.

LINE ITEM BUDGET: A format of budgeting, which organizes costs by type of expenditure - such as expenses, equipment and salaries.

OVERLAY: The overlay is the amount raised by the Assessors to be used for potential abatement of property taxes. The Overlay Surplus is the portion of each year’s overlay account no longer required to cover property tax abatements.

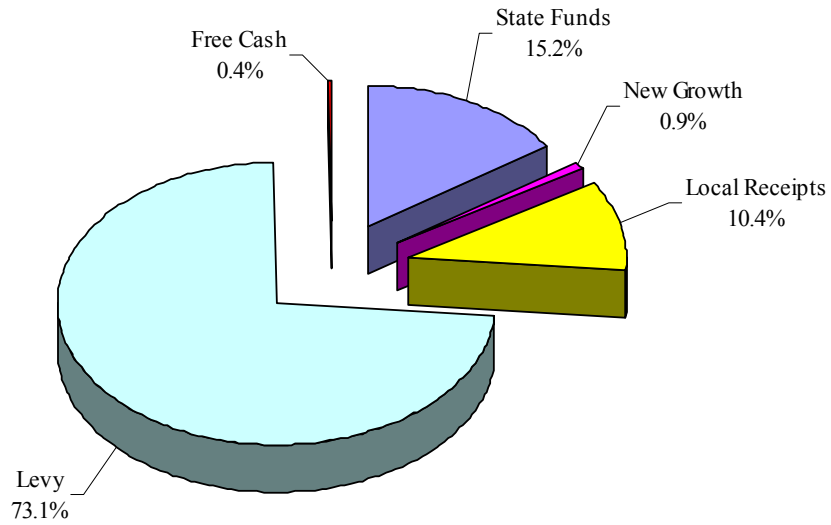
PROPERTY TAX LEVY: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars” of assessed valuation.

RESERVE FUND: Money set aside by Town Meeting to be allocated by the Advisory Committee for extraordinary and unforeseen expenditures.

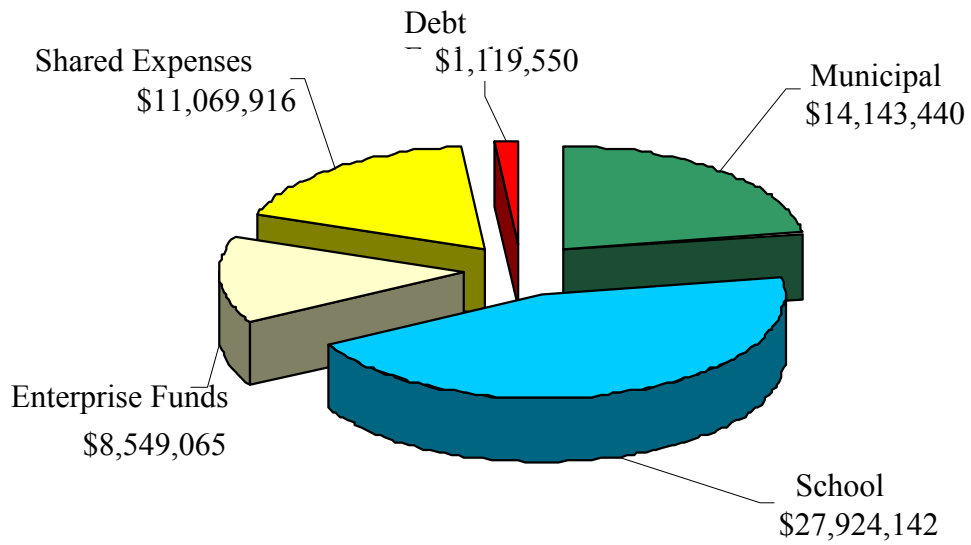
REVOLVING FUND (Ch. 44, Sec 53E ½): A Town may annually authorize the use of a revolving fund by separately accounting for the receipts received from a particular service or program and may expend from the revolving fund to provide such service or program without appropriation.

STABILIZATION FUND: A special account, which is invested until used and can only be utilized by Town Meeting appropriation.

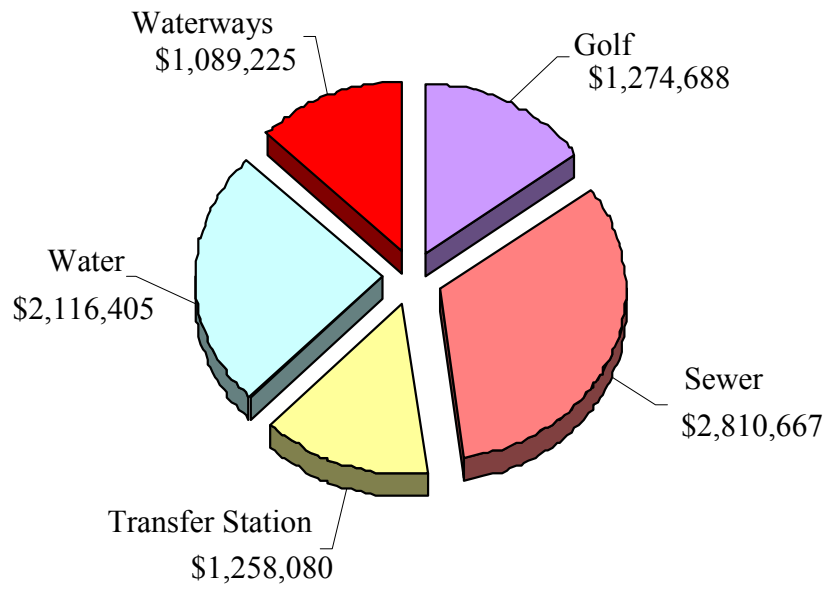
FY2009 Sources of Revenue



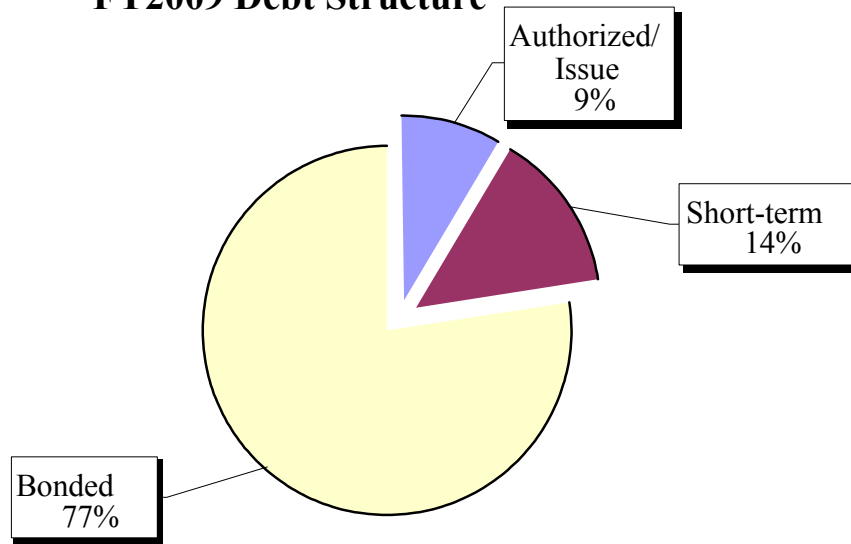
FY2009 Scituate Town



FY2009 Enterprise Funds Expense Budgets



FY2009 Debt Structure



**SPECIAL TOWN MEETING
March 29, 2008**

**Article 1
TRANSFERS**

To see if the Town will vote to transfer from available funds a sum of money to be added to accounts established under Article 5 and Article 10 of the 2007 Annual Town Meeting as follows:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
a. Water Enterprise Retained Earnings	Water Salaries and Wages	\$ 32,000
b. Water Enterprise Retained Earnings	Expenses	\$124,000
c. Free Cash	Fire Purchase of Services	\$ 55,000
d. Free Cash	Norfolk County Agricultural School	\$ 37,508
e. Waterways Retained Earnings (Article 4)	ATM	\$ 50,000

or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This article requests transfers from available funds including: a total of \$156,000 from the Water Enterprise Retained Earnings account to cover projected increases in salaries, wages, and non-personnel expenses of the Water Department in the current fiscal year. A transfer of \$55,000 from Free Cash to pay for repairs of the fire ladder truck. Another \$37,508 to cover the Town's share of the expenses of two Scituate students enrolled in the Norfolk Animal Husbandry program of the Norfolk County Agricultural School. Scituate is obligated to pay the educational and transportation costs of these students since the program is not being offered at the South Shore Vocational Technical School.

The Advisory Committee recommends approval for Items a, b, c and d but, at the time the book was produced, details were not available for Item e. This article requests a transfer of \$50,000 from the Waterways Enterprise Retained Earning to cover projected costs associated with waterways improvements of Article 4-17 of the ATM 2007.

Recommendation: The Advisory Committee recommends approval of items a, b, c and d of this article. (Details for Item e were not available.)

Advisory Committee Vote: Unanimous vote in support of this article

Article 2
SENIOR CENTER STUDY

To see if the Town will vote to transfer the unexpended balance of Article 4 Item I of the 2001 Annual Town Meeting for the purpose of conducting a feasibility study to rehabilitate the existing Senior Center located at 27 Brook Street; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: In 2001, the Town voted to authorize \$200,000 for design plans of a new Senior Center. All but \$19,243.56 of the total authorization has been expended for that purpose. Article 2 requests to transfer the unexpended balance to conduct a feasibility study to assess the option of rehabilitating the existing Senior Center at Brook Street as an alternative cost effective approach for a new Senior Center.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 3
FRONT STREET EASEMENT

To see if the Town will vote to accept from Jack Conway, at no cost, an easement located at 92 Front Street, between Front Street and Cole Parkway for public access; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: Article 3 requests a vote to accept from Jack Conway, at no cost to the Town, an easement for a public access to and from Front Street and Cole Parkway. This action will provide a convenient and safe pedestrian walkway to and from Front Street and Cole Parkway and conforms with the Site Plan Special Permit conditions voted by the Planning Board on July 26, 2007.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 4
DE-AUTHORIZATION

To see if the Town will vote to de-authorize certain authorized but un-issued notes as follows:

Wastewater Treatment Plant Upgrade 4F ATM 1997	\$169,000
Water Mains 4G ATM 2002	\$ 88,000

or take any other action relative thereto.

Sponsored by: Board of Selectmen.

Comments: The projects above have been completed so the Town will not need to use the remaining funds that were authorized.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 5
MUNICIPAL CHARGES LIEN

To see if the Town will vote to authorize imposing a municipal charges lien in accordance with MGL Chapter 40 Section 58 for the non-payment of Waterways User Fees; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article will allow the Town to place a lien on marinas for non-payment of waterway user fees. Any outstanding balances can be added to the marina's real estate tax bill.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 6
MUNICIPAL AFFORDABLE HOUSING TRUST FUNDS

To see if the Town will vote to accept the provisions of G. L. c.44 §55C, establishing a trust to be known as the Town of Scituate Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing in the Town

for the benefit of low and moderate income households and the authority of said Board shall all be as set forth in G.L. c.44 § 55C, provided that (i) there shall be a Board of Trustees comprised of no less than five nor more than nine members, at least one of which shall be a Selectman; and (ii) The Board of Selectmen shall appoint the Board of Trustees for rotating terms not to exceed two years, with vacancies to be filled by the Board of Selectmen for the remainder of any un-expired term and any member of the Board of Trustees may be removed for cause after the appropriate opportunity for a hearing; and (iii) the Board of Trustees shall provide for an independent annual audit of the books and records of the Trust, and upon receipt of the audit by the Board of Trustees, a copy shall be provided to the Board of Selectmen; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: A recent amendment to the Municipal Affordable Housing Trust Fund Act, in response to issues that have arisen as towns begin to implement affordable housing plans, simplifies the appropriation of Community Preservation Funds for the acquisition, creation, preservation and support of community housing through the creation of a Trust Fund. Scituate's Community Preservation Committee (CPC) requests the Town establish the *Town of Scituate Affordable Housing Trust Fund* in order for the CPC to fund and help expedite the process of acquiring or creating affordable housing for the benefit of low to moderate income households in Scituate. This article requests to create the Trust fund. An article at the Annual Town Meeting will request to allocate money to this Trust fund.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 7 EXCAVATION PERMITS

To see if the Town will, pursuant to M.G.L. c.82A, section 2, vote to authorize and designate the Selectmen to designate the Officer to issue permits for the purpose of creating a "trench" as that term is defined by M.G.L. c.82A, section 4 and 520 CMR 14.00, or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: Approval of this Article will authorize the Board of Selectmen to designate an Officer to serve as the Town's permit-granting authority with the power to issue permits for the excavation of certain trenches on public or private ways. The new trench safety law, Chapter 82A of the Massachusetts General Laws, becomes effective on January 1, 2009. To ensure compliance with the Law and the regulations 520 CMR 14.00, the designation must be acted upon prior to that date. The Officer so designated

becomes the municipal permitting authority. The responsibility to enforce the trench law is shared with the Department of Public Safety and the Division of Occupational Safety. Only the Department of Public Safety can assess a monetary penalty for violations of the law. But the Town may establish an administrative fee to cover the cost of processing permits. Utility companies and corporations subject to the provisions of Chapter 165, 166 and 166A that have already paid a permit to excavate a public way are exempted from paying an additional fee. There is no state mandatory charge for acting on this Article. The term “trench” as defined under Chapter 82A is restricted to “an excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, no greater than 15 feet”.

Recommendation: The Advisory Committee recommends approval of this Article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 8
BILLS OF PRIOR YEARS

To see if the Town will vote to transfer \$410.26 from Free Cash for the payment of bills from a prior year as follows:

Zoll Medical Corp.	\$182.35
Fitts Mill	\$227.91

or take any action relative thereto.

Sponsored By: Board of Selectmen

Comments: This article allows the Town to pay bills for a prior fiscal year that were received after the end of the fiscal year. The bill from Zoll Medical Corp. pertains to expenses incurred in FY2007 by the Police Department, and the invoice from Fitts Mill represents supplies purchased during FY2006 by the Animal Control officer. This article requires a 90% vote by town meeting.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 9
RESCISSION

To see if the Town will vote to rescind Article 15 of the October 17, 2005 Special Town Meeting; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This article rescinds an allocation of \$63,750 for the Waterways department. The allocation was contingent upon receiving a grant which was not obtained. This rescinding article is needed to clean up the books per the Town Accountant.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

ANNUAL TOWN MEETING ARTICLES
March 29, 2008

Article 1
COMPENSATION OF CERTAIN ELECTED OFFICIALS

To see if the Town will vote to establish the salaries and compensation of all elected Town officials; or take any other action relative thereto.

SELECTMEN: Chairman & Legitimate Expenses	\$1,500
SELECTMEN: Members & Legitimate Expenses	\$2,000 (4 @ \$500)
ASSESSORS: Chairman & Legitimate Expenses	\$1,200
ASSESSORS: Members & Legitimate Expenses	\$ 800 (2 @ \$400)

Sponsored by: Board of Selectmen

Comments: In accordance with the Scituate Town Charter, the compensation of all elected Town Officials shall be set annually by a vote of the Town Meeting at the Annual Town Meeting. There has been no change made from the previous year's compensation rate.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 2
COMPENSATION OF ELECTED TOWN CLERK

To see if the Town will vote to establish the salary and compensation of the following elected Town official; or take any other action relative thereto.

TOWN CLERK:	\$55,700
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Sponsored By: Board of Selectmen

Comments: In accordance with the Scituate Town Charter, the compensation of all elected Town Officials shall be set annually by a vote of the Town Meeting at the Annual Town Meeting. The Town Clerk's salary is recommended to increase by 3 percent from \$54,078 to \$55,700. This is the same percentage increase as last year.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 3
FREE CASH

To see if the Town will vote to transfer \$200,000 from Free Cash to be used by the Assessors to reduce the tax rate; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: Free Cash represents the amount of funds available after the actual expenditures (and encumbrances) are deducted from actual revenue collected. These funds may be appropriated at Town Meeting and historically the Town has appropriated \$500,000 each year as a source of funding for the Annual Town Budget. However, this year those funds were not available, therefore only \$200,000 could be transferred. The Massachusetts Department of Revenue certifies the Town's Free Cash balance annually. The most recent certification was on June 30, 2007 in the amount of \$302,274 and potentially reduces by \$92,918.26 if Article 2 and 8 of the Special Town Meeting pass.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 4
CAPITAL IMPROVEMENT PLAN

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following sums of money, or any other sums as may be necessary to defray the costs of the Fiscal Year 2009 Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Home Rule Charter and outlined as follows; or take any other action relative thereto.

	Request	Funding
A. Highway Improvement	\$425,000	Temp borrow (State reimburses)
B. Library Renovations	\$117,000	Stabilization
C. Clean and Line First Parish Main	\$640,000	Borrow*
D. Clean and Line Beaver Dam Road Main	\$350,000	Borrow*
E. Replace 6" Main on First Parish Road	\$235,000	Reserves*
F. Replace Carbon Filter Media at Plant	\$105,000	Borrow*

* Funded through Water Enterprise Fund

Sponsored By: Board of Selectmen

Comments: Article 4 presents the Capital Planning Committee's Capital Improvement Plan recommendations for Fiscal Year 2009 consistent with the Financial Forecasting Committee's long-range capital investment program. The following are summaries of the projects scheduled for implementation in FY 2009.

- **Highway Improvement:** The continuation of the DPW Highway Division's ten (10) year roadway improvement program funded and reimbursed to the Town under the state's Chapter 90 reimbursement program.
- **Library Renovations:** The Library Facilities Improvement Study (funding was approved at the March 3, 2007 ATM) provides a detailed account of the repairs that are needed at the library. Repairs to the heating and cooling system have been identified as the highest priority. (There was no air conditioning in the children's library last summer, and a majority of the remaining units are on the verge of failing.) Completion of this project will modernize the present system, providing upgrades that will be able to serve the lower level space when it needs to be utilized. The total cost of the work is \$207,000. Funding for this project will be comprised of \$117,000 to be withdrawn from the Stabilization Fund, combined with \$90,000 of funds left from the article approved at the March 3, 2007 ATM for the study itself.
- **Clean and Line First Parish Main:** This project encompasses the cleaning and lining of the 12-inch pipeline in First Parish Road that runs from Country Way to Tilden Road. When completed, available fire flows to residences will be enhanced. This cost of this project (\$640,000) will be financed as part of an overall 5% increase to Town water rates.
- **Clean and Line Beaver Dam Road Main:** This project consists of the cleaning and lining of the 10-inch pipeline on Beaver Dam Road that runs from Tilden Road to Front Street. When finished, available fire flows to property owners will be improved. Costs for this project (\$350,000) will be covered as part of an overall 5% increase to Town water rates.
- **Replace 6-inch Main on First Parish Road:** This endeavor involves the replacement of the 6-inch water main in First Parish Road (between Grove Street and Pineview Drive) with a 12-inch water main. This line is critical to the High Service system. There have been two breaks in this line in the past year. Retained earnings will be used to cover the cost of this project (\$235,000).
- **Replace Carbon Filter Media at Plant:** The Water Treatment Facility utilizes a granular activated filter for the purpose of removing harmful chemicals, and ultimately producing high quality potable water to consumers. Industry standards call for the replacement of these filters every 5 – 7 years. The last replacement came in May 2002. Costs for this project (\$105,000) will be covered as part of an overall 5% increase to Town water rates.

Approval of the Capital Improvement Plan ensures a sustained effective maintenance program of the Town's capital resources. The Advisory Committee endorses the Capital Planning Committee's capital spending recommendations for FY 2009.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 5
FY 2009 OPERATING BUDGET

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money as may be necessary to defray expenses estimated for the ensuing Fiscal Year commencing July 1, 2008; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This year's budget review had the same challenges as in the past. The Town continues to find ways to maintain services under the restrictions of Proposition 2½, the reliance on State funding, and the increasing amount of shared expenses. Last year's passing of the override allowed the Town to maintain and expand services most notably in the school, library and public services and now the Town has the task of sustaining them. This year both the Town and the school's budget, which are both very labor intensive, increased by 3.5% and for the most part there are no major decreases in services to balance the budget.

Some points of interest are that free cash is at a low level to the point where the usual addition of \$500,000 to the budget could only be \$200,000. A large bonding of debt is necessary and is planned in two parts as described in the Town's forecasting model. Also the capital plan for 2009 is minimal with only \$117,000 for the library being funding by the operating budget.

The Town will need to continue to pay close attention to the forecast, which predicts a limited capital plan in the future and possible operating shortfalls based on the changes in local receipts and State funding. In addition, the school department will continue to have to deal with a situation where its contractual personal expenses often exceeds the annual increase in its budget.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Dept.	Description	2008	2009	variance	% change	% of Total
		Appropriation	Proposal			
122	Board of Selectmen	220,750	247,061	26,311	11.9%	0.4%
123	Town Administrator	205,165	228,738	23,573	11.5%	0.4%
131	Advisory Committee	6,500	6,500	-	0.0%	0.0%
132	Reserve Fund	90,000	90,000	-	0.0%	0.1%
135	Town Accountant	167,308	170,709	3,401	2.0%	0.3%
141	Assessors	179,664	178,082	(1,582)	-0.9%	0.3%
145	Treasurer/Collector	291,991	301,976	9,985	3.4%	0.5%
149	Administration	105,858	106,490	632	0.6%	0.2%
161	Town Clerk	154,528	167,297	12,769	8.3%	0.3%
171	Conservation Commission	111,447	118,729	7,282	6.5%	0.2%
175	Planning Board	113,803	120,724	6,921	6.1%	0.2%
176	Zoning Board of Appeals	21,692	23,659	1,967	9.1%	0.0%
192	Insurance/Town Buildings	447,000	460,000	13,000	2.9%	0.7%
210	Police	3,160,425	3,193,576	33,151	1.0%	5.1%
220	Fire	4,035,627	4,070,172	34,545	0.9%	6.5%
241	Inspections	197,615	199,232	1,617	0.8%	0.3%
292	Animal Shelter	27,607	28,016	409	1.5%	0.0%
295	Shellfish	13,629	14,000	371	2.7%	0.0%
300	School Committee	27,006,187	27,924,142	917,955	3.4%	44.6%
310	South Shore Regional School	550,000	641,335	91,335	16.6%	1.0%
400	Public Works	2,223,185	2,312,801	89,616	4.0%	3.7%
423	Snow & Ice	446,200	482,342	36,142	8.1%	0.8%
424	Street Lights & Beacons	164,000	174,000	10,000	6.1%	0.3%
510	Health	181,837	180,687	(1,150)	-0.6%	0.3%
541	Council on Aging	221,261	221,357	96	0.0%	0.4%
543	Veterans' Benefits/Services	25,679	26,211	532	2.1%	0.0%
549	Commission on Disabilities	5,071	5,075	4	0.1%	0.0%
610	Library	906,978	901,324	(5,654)	-0.6%	1.4%
630	Recreation	229,499	250,439	20,940	9.1%	0.4%
650	Beautification	14,750	15,750	1,000	6.8%	0.0%
691	Historical Buildings	8,000	6,000	(2,000)	-25.0%	0.0%
720	Debt & Interest (inc. excluded debt)	1,534,883	2,307,446	772,563	50.3%	3.7%
910	Non-Contributory Pensions	105,000	107,000	2,000	1.9%	0.2%
911	Plymouth County Retirement	2,464,168	2,668,612	204,444	8.3%	4.3%
912	Workers' Compensation	80,000	160,000	80,000	100.0%	0.3%
913	Unemployment Insurance	40,000	40,000	-	0.0%	0.1%
914	Contributory Group Insurance	4,272,554	4,320,000	47,446	1.1%	6.9%
916	Federal Taxes	370,000	479,266	109,266	29.5%	0.8%
sub-total		50,399,861	52,948,748	2,548,887	5.1%	84.6%
Article for Town Salaries		87,000	189,000	102,000	117.2%	0.3%
61	Widow's Walk Golf Course	1,258,845	1,274,688	15,843	1.3%	2.0%
63	Transfer Station	1,178,593	1,258,080	79,487	6.7%	2.0%
64	Sewer	2,727,282	2,810,667	83,385	3.1%	4.5%
65	Water	1,956,833	2,116,405	159,572	8.2%	3.4%
66	Waterways	946,269	1,089,225	142,956	15.1%	1.7%
sub-total		8,067,822	8,549,065	481,243	6.0%	13.7%
State and other expenses		965,000	915,807	(49,193)	-5.1%	1.5%
Total		59,519,683	62,602,620	3,082,937	5.2%	100.0%
Enterprise Funds Indirect Costs						
Widow's Walk Golf Course		43,082	40,146	(2,936)	-6.8%	
Transfer Station		67,736	70,583	2,847	4.2%	
Sewer		118,913	119,527	614	0.5%	
Water		182,071	182,136	65	0.0%	
Waterways		71,590	76,029	4,439	6.2%	
Total		483,392	488,421	5,029	1.0%	

Indirect costs that are expenses to the Enterprise Funds and reimbursed to the General Fund.

Shared Expenses

Reserve Fund	90,000	90,000	-	0.0%
Property Insurance	447,000	460,000	13,000	2.9%
Non-Contributory Pension	105,000	107,000	2,000	1.9%
Plymouth County Retirement	2,464,168	2,668,612	204,444	8.3%
Workman's Compensation Insur.	80,000	160,000	80,000	100.0%
Unemployment Insurance	40,000	40,000	-	0.0%
Group Health Insurance	4,272,554	4,320,000	47,446	1.1%
Federal Taxes (medicare)	370,000	479,266	109,266	29.5%
South Shore Vocational School	550,000	641,335	91,335	16.6%
* Debt and Interest	625,263	1,187,896	562,633	90.0%
State and other expenses	965,000	915,807	(49,193)	-5.1%
Total	10,008,985	11,069,916	1,060,931	10.6%

* Remaining debt and interest expense (\$1,119,550) is debt excluded. Debt for Enterprise funds are in corresponding budget.

Projected Revenue

Levy (includes override)	37,102,130.00	38,522,623.00	1,420,493	3.8%
New growth	510,000.00	450,000.00	(60,000)	-11.8%
Local Receipts	5,288,389.00	5,499,816.00	211,427	4.0%
State Funds	7,070,435.00	7,992,757.00	922,322	13.0%
Free Cash	500,000.00	200,000.00	(300,000)	-60.0%
Total Revenue	50,470,954.00	52,665,196.00	2,194,242	4.3%
Shared Expenses	10,008,985.00	11,069,916.00	1,060,931	10.6%
Enterprise indirect expense adjustment		(270,000.00)		
Revenue available	40,461,969.00	41,865,280.00	1,403,311	3.5%
School (66.7%)	26,988,133.32	27,924,141.76	936,008	3.5%
Municipal (33.3%)	13,473,835.68	13,941,138.24	467,303	3.5%

FINANCIAL FORECASTING INFORMATION IS NOT IN THIS BOOKLET. THEY WILL PREPARE A SEPARATE DOCUMENT FOR DISTRIBUTION.

COMMUNITY PRESERVATION INFORMATION IS NOT IN THIS BOOKLET. THEY WILL PREPARE A SEPARATE DOCUMENT FOR DISTRIBUTION.

**Article 5
Fiscal Year 2009 Operating Budget**

	FY 2007	FY 2008	FY 2009	FY 2009	
	<u>Actual</u>	<u>Appropriated</u>	<u>Selectmen</u>	<u>Advisory</u>	
122 Board of Selectmen					
510 Personal Services	59,020	53,960	66,721	66,721	
520 Purchase of Services	18,262	19,690	18,240	18,240	
530 Legal Counsel	126,809	145,000	160,000	160,000	
540 Materials & Supplies	1,425	2,100	2,100	2,100	
	205,516	220,750	247,061	247,061	11.9%
123 Town Administrator					
510 Personal Services	151,263	150,365	173,938	173,938	
520 Purchase of Services	2,417	12,700	12,700	12,700	
532 Labor Counsel	41,034	21,000	21,000	21,000	
540 Materials & Supplies	371	1,100	1,100	1,100	
599 Salary Adjustments	0	20,000	20,000	20,000	
	195,085	205,165	228,738	228,738	11.5%
131 Advisory Committee					
510 Personal Services	1,784	1,950	1,950	1,950	
520 Purchase of Services	4,125	4,450	4,450	4,450	
540 Materials & Supplies	20	100	100	100	
	5,929	6,500	6,500	6,500	0.0%
132 Reserve Fund					
7 Transfers	0	90,000	90,000	90,000	0.0%
135 Town Accountant					
510 Personal Services	151,700	155,033	155,334	155,334	
520 Purchase of Services	7,632	9,375	13,275	13,275	
540 Materials & Supplies	1,664	2,100	2,100	2,100	
580 Capital Outlay	0	800	0	0	
	160,996	167,308	170,709	170,709	2.0%
141 Assessors					
510 Personal Services	155,126	165,264	163,682	163,682	
520 Purchase of Services	9,769	12,900	12,900	12,900	
540 Materials & Supplies	1,199	1,500	1,500	1,500	
	166,394	179,664	178,082	178,082	-0.9%
145 Treasurer/Collector					
510 Personal Services	199,842	214,391	223,876	223,876	
520 Purchase of Services	72,929	74,600	74,600	74,600	
540 Materials & Supplies	2,926	3,000	3,500	3,500	
	275,697	291,991	301,976	301,976	3.4%
149 Administration					
510 Personal Services	16,914	12,658	13,290	13,290	
520 Purchase of Services	87,161	88,800	88,800	88,800	
540 Materials & Supplies	3,252	4,400	4,400	4,400	
	107,327	105,858	106,490	106,490	0.6%
161 Town Clerk					
510 Personal Services	119,853	124,803	132,197	132,197	
520 Purchase of Services	25,398	27,800	31,600	31,600	
540 Materials & Supplies	2,269	3,500	3,500	3,500	
	147,520	156,103	167,297	167,297	7.2%
171 Conservation Commission					
510 Personal Services	99,930	102,847	105,879	105,879	
520 Purchase of Services	4,864	7,600	11,850	11,850	
540 Materials & Supplies	984	1,000	1,000	1,000	
	105,778	111,447	118,729	118,729	6.5%
175 Planning Board					
510 Personal Services	96,773	102,253	103,974	103,974	
520 Purchase of Services	8,693	9,550	11,050	11,050	
540 Materials & Supplies	992	1,000	4,400	4,400	
580 Capital Outlay	787	1,000	1,300	1,300	
	107,245	113,803	120,724	120,724	6.1%
176 Zoning Board of Appeals					
510 Personal Services	16,726	18,342	20,309	20,309	
520 Purchase of Services	256	2,350	2,350	2,350	
540 Materials & Supplies	1,986	1,000	1,000	1,000	
	18,968	21,692	23,659	23,659	9.1%
192 Insurance/Town Buildings					
570 Other Charges & Expenditures	437,571	447,000	460,000	460,000	2.9%
Total General Government	1,934,026	2,117,281	2,219,965	2,219,965	4.8%

210 Police					
510 Personal Services	2,690,576	2,846,905	2,855,696	2,855,696	
520 Purchase of Services	97,870	110,780	123,530	123,530	
540 Materials & Supplies	108,920	112,640	115,140	115,140	
580 Capital Outlay	83,100	90,100	99,210	99,210	
	2,980,466	3,160,425	3,193,576	3,193,576	1.0%
220 Fire					
510 Personal Services	3,545,956	3,694,327	3,713,772	3,713,772	
520 Purchase of Services	95,655	95,800	95,900	95,900	
540 Materials & Supplies	218,736	215,500	230,500	230,500	
580 Capital Outlay	30,000	30,000	30,000	30,000	
	3,890,347	4,035,627	4,070,172	4,070,172	0.9%
241 Inspections					
510 Personal Services	167,325	182,965	184,682	184,682	
520 Purchase of Services	9,200	9,150	9,050	9,050	
540 Materials & Supplies	4,021	5,500	5,500	5,500	
	180,546	197,615	199,232	199,232	0.8%
292 Animal Shelter					
510 Personal Services	13,211	13,607	14,016	14,016	
520 Purchase of Services	9,993	10,300	10,300	10,300	
540 Materials & Supplies	3,420	3,700	3,700	3,700	
	26,624	27,607	28,016	28,016	1.5%
295 Shellfish					
510 Personal Services	10,815	12,324	12,695	12,695	
520 Purchase of Services	612	755	755	755	
540 Materials & Supplies	554	550	550	550	
	11,981	13,629	14,000	14,000	2.7%
Total Public Safety	<u>7,089,964</u>	<u>7,434,903</u>	<u>7,504,996</u>	<u>7,504,996</u>	0.9%
300 School Committee					
0505 Expenses	24,355,964	27,006,187	27,924,142	27,924,142	3.4%
310 South Shore Regional School					
560 Assessments	435,899	550,000	641,335	641,335	16.6%
Total Schools	<u>24,791,863</u>	<u>27,556,187</u>	<u>28,565,477</u>	<u>28,565,477</u>	3.7%
400 Public Works					
510 Personal Services	1,316,581	1,459,785	1,446,690	1,446,690	
520 Purchase of Services	409,165	443,700	541,000	541,000	
540 Materials & Supplies	260,704	292,100	316,111	316,111	
580 Capital Outlay	7,898	27,600	9,000	9,000	
	1,994,348	2,223,185	2,312,801	2,312,801	4.0%
423 Snow & Ice					
510 Personal Services	32,996	58,000	58,000	58,000	
520 Purchase of Services	151,344	200,000	200,000	200,000	
540 Materials & Supplies	111,712	174,000	194,475	194,475	
580 Capital Outlay	9,234	14,200	29,867	29,867	
	305,286	446,200	482,342	482,342	8.1%
424 Street Lights & Beacons					
520 Purchase of Services	167,179	164,000	174,000	174,000	6.1%
Total Public Works	<u>2,466,813</u>	<u>2,833,385</u>	<u>2,969,143</u>	<u>2,969,143</u>	4.8%
510 Health					
510 Personal Services	147,233	156,387	154,387	154,387	
520 Purchase of Services	18,225	20,300	21,150	21,150	
540 Materials & Supplies	3,706	5,150	5,150	5,150	
	169,164	181,837	180,687	180,687	-0.6%
541 Council on Aging					
510 Personal Services	159,743	173,011	175,207	175,207	
520 Purchase of Services	23,635	36,550	34,550	34,550	
540 Materials & Supplies	6,281	7,100	9,100	9,100	
580 Capital Outlay	0	4,600	2,500	2,500	
	189,659	221,261	221,357	221,357	0.0%
543 Veterans' Benefits/Services					
510 Personal Services	15,886	15,654	16,186	16,186	
520 Purchase of Services	3,829	8,475	8,475	8,475	
540 Materials & Supplies	689	1,550	1,550	1,550	
	20,404	25,679	26,211	26,211	2.1%

549 Commission on Disabilities					
510 Personal Services	85	0	0	0	
520 Purchase of Services	1,750	2,821	2,250	2,825	
540 Materials & Supplies	1,835	2,250	2,825	2,250	
	3,585	5,071	5,075	5,075	0.1%
Total Human Services	382,812	433,848	433,330	433,330	-0.1%
610 Library					
520 Purchase of Services	95,475	105,262	107,693	107,693	
540 Materials & Supplies	76,743	125,250	125,350	125,350	
580 Capital Outlay	1,250	28,250	10,000	10,000	
	677,841	906,978	901,324	901,324	-0.6%
630 Recreation					
510 Personal Services	213,026	219,939	237,580	237,580	
520 Purchase of Services	2,448	4,460	4,460	4,460	
540 Materials & Supplies	5,068	5,100	6,084	6,084	
580 Capital Outlay	0	0	2,315	2,315	
	220,542	229,499	250,439	250,439	9.1%
650 Beautification					
520 Purchase of Services	13,750	14,750	15,750	15,750	6.8%
691 Historical Buildings					
520 Purchase of Services	3,300	8,000	6,000	6,000	-25.0%
Total Recreation & Resources	915,433	1,159,227	1,173,513	1,173,513	1.2%
720 Debt & Interest					
590 Debt Services (includes debt excl)	1,453,354	1,534,883	2,307,447	2,307,447	50.3%
Total Debt Service	1,453,354	1,534,883	2,307,447	2,307,447	50.3%
910 Non-Contributory Pensions					
512 Other Personal Services	95,156	105,000	107,000	107,000	1.9%
911 Plymouth County Retirement					
512 Other Personal Services	2,153,248	2,464,168	2,668,612	2,668,612	8.3%
912 Workers' Compensation					
515 Employee Benefits	80,000	80,000	160,000	160,000	100.0%
913 Unemployment Insurance					
515 Employee Benefits	30,549	40,000	40,000	40,000	0.0%
914 Contributory Group Insurance					
515 Employee Benefits	3,716,529	4,272,554	4,320,000	4,320,000	1.1%
916 Federal Taxes					
515 Employee Benefits	366,255	370,000	479,266	479,266	29.5%
Total Employee Benefits	6,441,737	7,331,722	7,774,878	7,774,878	6.0%
Total General Fund	45,476,002	50,401,436	52,948,749	52,948,749	5.1%

Article 6
WATERWAYS ENTERPRISE FUND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Waterways estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Estimated Revenues:

Cole Marina/Marina Park Slip/Dinghy Fees	\$ 696,000
Moorings/Chapter 10A	\$ 101,258
Boatyard Storage Leases	\$ 67,109
User Fees	\$ 55,000
Boat Excise Tax	\$ 43,000
Town Pier Fees	\$ 17,350
Overnight Tie-Ups	\$ 15,000
State Revenue-Pumpout	\$ 3,854
Mooring Waiting List	\$ 1,600
Sale of Ice	\$ 3,800
U. S. Coast Guard Lease	\$ 3,250
Misc. Fees/Fines/Tickets	\$ 1,025
Earnings on Investments	<u>\$ 25,272</u>
Total Estimated Revenue:	\$1,033,518

Expenses: (1)

Personal Services	\$ 284,605
Purchase of Services	\$ 167,379
Material and Supplies	\$ 59,000
Capital Outlay	\$ 30,000
Debt Service	<u>\$ 548,241</u>
Total Budgeted Expenses:	\$1,089,225

Notes:

(1) Purchase of Services does not include \$76,029 of indirect costs that will be paid from revenues of the Waterways Enterprise Fund to the General Fund. These costs include the Waterways' share of Town Administrative costs, insurance and pension expenses.

Comments: The Waterways Enterprise Fund was established as a separate account in 1995 under Chapter 53F ½ of Mass General Laws for the purpose of financing the maintenance and operating activities in Scituate Harbor including the Cole Parkway Marina, Scituate Marina Park and the Town Pier. The Fund derives its income primarily from mooring and slip fees; boatyard storage leases; user fees; boat excise tax and other harbor related services. Tax dollars are not used to support the operation of the facilities

in the Harbor. The Fund projects to generate a total of \$1,033,518 in Fiscal Year 2009 that is about 10 percent above the estimated in Fiscal Year 2008. On the expense side of the budget, the overall operating and non-operating expenditures projected for Fiscal Year 2009 is \$1,089,225 compared to \$1,064,934 for the current fiscal year. No major capital projects are included in Fiscal Year 2009. Projected shortfall will be funded through retained earnings.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

**Article 7
GOLF COURSE ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Golf Course estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Estimated Revenues:

Greens Fees	\$ 750,000
Pass holders	\$ 133,000
Cart Fees	\$ 167,000
Range fees, etc.	\$ 55,000
Merchandise	\$ 124,000
Restaurant	\$ 28,000
Misc.	<u>\$ 32,000</u>
Total Estimated Revenue:	\$ 1,289,000

Expenses: (1)

Regular Salaries	\$ 62,788
Seasonal Salaries	\$ 167,787
Purchase of Services	\$ 593,900
Material and Supplies	\$ 91,000
Capital Outlay	\$ 0
Debt Service	<u>\$ 381,855</u>
Total Budgeted Expenses:	\$ 1,234,542

Notes:

- 1) Purchase of Services does not include \$40,146 of indirect costs that will be paid from revenues of the Golf Course to the General Fund. These costs include the Golf Course's share of Town administrative costs, insurance and pension expenses.

Comments: FY 2009 revenues for the Golf Course are projected to be six percent higher than FY 2008 projected revenue. The increase is primarily attributable to a significant rise in FY 2009 Passholder Fees, which were 48% higher than the FY 2007 forecast and 66% higher than the FY 2008 forecast. The Advisory Committee has recommended, and the town has agreed to enhance the marketing and advertising efforts for the golf course to increase the amount of play and the number of tournaments.

FY 2009 expenses are budgeted 1.5% higher than FY 2008. A total of 79 percent of these expenses are made up of Management Fees and Debt Service (which runs through 2017).

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

**Article 8
WASTEWATER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Wastewater Treatment Plant estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

<u>Estimated Revenues:</u>	
Levy(2)	\$ 647,043
Use Charges	\$1,000,000
Interest	\$ 5,000
Septage Disposal Fee	\$ 200,000
Sewer Connection Fees	\$ 155,425
Sewer Permits & Licenses	\$ 100,000
Sewer Liens added to taxes	\$ 38,000
Sewer Betterments	\$ 666,000
added to taxes (misc.)	<u>\$ 11,039</u>
	\$2,822,507

<u>Expenses:</u>	
Salaries	\$ 404,442
Purchase of Services(1)	\$ 396,414
Materials & Supplies	\$ 126,045
Debt Service	<u>\$1,764,239</u>
	\$2,691,140

Notes: (1) Does not include \$119,527 of indirect costs covered by Wastewater Enterprise Fund revenues. These costs cover such items as the Enterprise Fund's share of administrative overhead, pension costs, group insurance and etc.

(2) Relates to the debt service cost of the plant upgrade, completed in 2000. The upgrade cost was approved as a general obligation.

Comments: In calendar year 2007 Phases 1 [Greenbush] and 2 [The Cliffs] of the Sewer expansion project were completed, adding a potential 586 new connections to the existing system of 2,100. Through 12/31/07 approximately 409 or 70% of the eligible new connections had been completed. It is estimated that the usage revenue from the additional new connections could exceed \$200,000.

Also, each new user will pay a betterment assessment [\$19,100] to the Enterprise Fund to offset the cost of the expansion, as well as pay usage fees.

The Sewer Department has, also, had an on-going project over the past few years to prevent ground water infiltration into the Wastewater Treatment Plant. In fiscal year 2009 it's anticipated that the Infiltration and Inflow [I&I] project will be completely re-evaluated.

Overall operating expenses are projected to increase 3.1% with salaries +3%, materials and supplies +12% and debt service +2.9%. The materials and supply expenses reflect the impact of the new connections. As the new connections come on line providing new revenue, operating expenses will not rise commensurately. Sewer rates were last increased [+16%] in 2004 and no increase is currently anticipated for 2009.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 9 TRANSFER STATION ENTERPRISE FUND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Landfill/Transfer Station estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Estimated Revenues:

Trash Bags	\$ 310,000
Bulk Waste	\$ 240,000
Recycling	\$ 50,000
Stickers	\$ 460,000

Misc.	\$ 6,000
Levy	\$ 100,000
Total Estimated Revenues:	\$ 1,166,000

Expenses:

Personnel Services	\$ 241,705
Purchase of Services (1)	\$ 763,285
Materials & Supplies	\$ 114,368
Capital Outlay	\$ 7,186
Debt Service	\$ 60,953
Total Budgeted Expenses:	\$ 1,258,080

Notes: (1) Does not include indirect costs of \$70,583

Comments: For fiscal year 2009, the Transfer Station will experience a loss of \$92,000 before the allocation of indirect costs. Revenues are relatively flat. The expense line has benefited from a continued effort to reduce various costs and surcharges related to hauling. The Town continues to realize the financial benefits of the scale used to weigh bulky waste as well as through its recycling efforts. Revenue from recycling is expected to double in fiscal '09.

As financial gains realized through expense reduction become increasingly more difficult, the challenge before the enterprise is to generate more revenue. This can only be accomplished through a continued effort on recycling as well as a thorough review of fees and charges.

The projected loss in FY'09 will be covered through the Enterprise Fund's retained earnings.

Recommendation: The Advisory Committee recommends approval of this article contingent upon a review of all fees.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 10
WATER ENTERPRISE FUND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Water Division estimated for the ensuing fiscal year commencing July 1, 2008; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Estimated Revenues:

User Charge	\$1,845,000
Liens	\$ 215,000
Installation & Service Fees	\$ 137,000
Interest	<u>\$ 2,000</u>
Total Estimated Revenues:	\$2,210,000

Expenses:

Salaries	\$ 686,214
Purchase of Services (1)	\$ 464,120
Materials & Supplies	\$ 273,105
Capital Outlay	\$ 2,000
Debt Service	\$ 181,441
Marshfield (Commercial Rate)	<u>\$ 306,790</u>
Total Budgeted Expenses:	\$1,774,762

Notes: (1) Does not include indirect costs of \$182,136

Comments: This department is responsible for the safe treatment, delivery and billing of our municipal water supply. Some variable expenses reflect seasonal water demand. One continuing outstanding concern is the Humarock water supply from Marshfield. There is currently no contract between the towns. Marshfield charges Scituate commercial rates for the water. With a total annual average consumption of 65 million gallons, the cost to the Town is now at \$306,790.

The Water Resource Committee works in concert with the Water Department to identify and develop new sources of water. Transporting water to homes and businesses efficiently and without interruption is the most pressing need at this time. Many of the pipes are aged and in need of relining.

The Massachusetts Department of Revenue certified \$463,886 in Water Retained Earnings as of July 1, 2007. Favorable action at this Town Meeting on Article 1 of the Special Town Meeting (Transfers) and Article 4 Item e (Capital Improvement Plan) will utilize this balance. Furthermore, there are other capital improvements that are to be

funded through an increase in the user charges estimated to be approximately 5% annually.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 11 STABILIZATION FUND

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with General Laws, Chapter 40, Section 5B; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Stabilization Fund is an account authorized by the Commonwealth of Massachusetts which enables Towns to manage fluctuations in revenues and expenditures. The Town sets its tax rate based on the Levy Limit. When the Levy Net is determined and the resulting variance is calculated, the monies are moved to the Stabilization Fund. In essence, the Stabilization Fund acts as a long-term savings account for the Town. The certified balance as of July 1, 2007 was \$2,136,712. Items approved under Annual Town Meeting Article 4 Item B (Capital Improvement Plan – “Library”) will reduce this balance by \$117,000.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 12 MGL CHAPTER 91 LIABILITY

To see if the Town will vote to assume liability in the manner provided by General Laws, Chapter 91, Section 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with Section 11 of said Chapter 91 and to authorize the Selectmen to execute and deliver a bond on indemnity therefore to the Commonwealth; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Massachusetts Department of Environmental Protection (DEP) requires the Town to execute a bond for insurance purposes, thereby assuming responsibility

whenever DEP performs work in the aforementioned locations. Without this bond, the Commonwealth and DEP will not fund any coastal or harbor work in Scituate.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 13 CONSERVATION FUND

To see if the Town will vote to raise and appropriate \$5,500 of which \$3,500 is to be added to the Conservation Fund established pursuant to General Laws, Chapter 40, Section 5, and \$2,000 to be added to the Driftway Park Maintenance Fund; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Town is required to set aside \$5,500 each year to be added to the Conservation Fund. Of this, \$2,500 is appropriated for Park maintenance and \$3,000 is added to the Fund. Monies accumulated in the Fund are to be used to acquire land for conservation purposes or public use.

Current balances in the Conservation Fund are:

Driftway Conservation Fund:	\$59,633
Conservation Fund balance:	\$27,304

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 14 REVOLVING FUND – COUNCIL ON AGING

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited programming funds to be expended under the direction of the Council on Aging Director with the total amount to be expended in the ensuing fiscal year not to exceed \$35,000; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The purpose of this fund is to allow the Council on Aging to directly finance some of their programs through the acceptance and deposit of program fees. This fund is

used to pay for the programs provided, and does not pay for any Town salaried personnel. The cap for this fund is \$35,000.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 15 REVOLVING FUND – PLANNING BOARD

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which shall be credited only administrative application fees received by the Planning Board, which may be expended solely for postage, legal advertising and other administrative expenses connected with specific applications. The Planning Board and Town Planner shall be authorized to initiate expenditures from this fund for these purposes, with the total amount to be expended in the ensuing fiscal year not to exceed \$50,000; and further any balance exceeding \$10,000 at the end of the fiscal year shall revert to the general fund; or take any other action relative thereto.

Sponsored By: Planning Board

Comments: The purpose of this fund is to allow the Planning Board to accept application fees and to use such funds to pay for and track separately all expenses made related to specific applications under review. This fund does not pay for any Town salaried personnel.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 16 REVOLVING FUND – BOARD OF HEALTH

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited food establishment inspection funds to be expended under the direction of the Director of the Health Department with the total amount to be expended in the ensuing fiscal year not to exceed \$7,000; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The purpose of this fund is to allow the Health Department to accept inspection fees and use these fees to pay for and track separately all expenses made

related to health inspections and the provision of educational programs related to Public Health. This fund does not pay for any Town salaried personnel.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 17 REVOLVING FUND – SCHOOL BUS TRANSPORTATION

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2 to establish a revolving fund to which will be credited only school bus transportation fees received by the School Department, which may be expended solely for expenses associated with the transportation of students. The School Department shall be authorized to initiate expenditures from this fund for these purposes, with the total amount to be expended in the ensuing fiscal year not to exceed \$300,000; or take any other action relative thereto.

Sponsored By: School Committee

Comments: A revolving fund is necessary for a Town Department to accept fees for a particular service or program and expend said funds to provide that service or program. This article allows the School Department to accept funds relating to the transportation of students, most notably fees for busing and parking. In addition this article allows the School Department to spend these funds for transportation expenses not to exceed \$300,000 in the fiscal year.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 18 COLLECTIVE BARGAINING AGREEMENTS

To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to implement the collective bargaining contracts, to be apportioned by the Town Accountant to the applicable line items voted under Article 5; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This article allocates \$189,000 for the Town Administrator to use to pay for salary increases of Union Contracts which expire in FY 2009 but have not been negotiated yet. The contracts to be negotiated in FY 2009 are in the Departments of Police, Fire, Clerical and AMP (supervisors and dept. heads). The Town Administrator

feels this is a sufficient amount to cover these increases. This article is in addition to the allocations in Article 5 and all negotiated salary rates will be incorporated into future budgets.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 19 COMMUNITY PRESERVATION

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget and to appropriate a sum of money to meet the administrative expenses, rehabilitation of historic resources and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2009; and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee; a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of money for the creation, preservation and support of community housing:

A. Stockbridge Grist Mill	\$ 57,132
B. Local Historic Survey	\$ 18,000
C. Bike and Walking Path	\$550,000
D. Water Resources Map	\$ 53,900
E. Elderly Housing Study	\$ 72,000
F. Scituate Marine Park	\$344,000
G. Driftway/North River Public Access	\$236,500
H. Town Archives	\$ 40,000
I. Affordable Housing Trust	\$700,000
J. Administrative Budget	\$ 70,000
K. Transfers for Community Housing	\$140,000
L. Transfers for Open Space	\$140,000
M. Transfers for Historic Resources	\$140,000

or take any other action relative thereto.

Sponsored By: CPC

A. Stockbridge Grist Mill

MOVE that the Town vote to appropriate the sum of \$57,132, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Stockbridge Grist Mill, to be expended subject to the terms and condition of its application with the Community Preservation Committee.

Comments: In 2004 \$91,500 was appropriated to restore the Grist Mill and its millworks and the work has advanced well. The building has been re-shingled, major structural members repaired and the mechanical systems that run the mill have been upgraded to a functioning status.

To complete the project and make the site visitor friendly the following needs to be done:

- A. Improve public access to the park.
- B. Build a walkway to meet wheelchair safety requirements as well as enhance handicap access to the building.
- C. Landscape the area and provide a “pocket park” area for visitors.
- D. Provide other amenities such as signage, picnic tables, ground covering and etc.

The Grist Mill dates back to 1645 making it among the oldest mills in the US.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

B. Local Historical Survey

MOVE that the Town vote to appropriate the sum of \$18,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Local Historic Survey, to be expended subject to the terms and condition of its application with the Community Preservation Committee.

Comments: The Scituate Historical Commission is requesting funding to continue the local Historical Survey work to identify, inventory and document the town’s historical assets. To date approximately 1200 properties have been inventoried and recorded with the Massachusetts Historical Commission, leaving approximately 1000 to be surveyed.

The benefit of this activity is to provide a baseline of historical assets to assist the town with future development planning and its impact on historical assets.

This is phase V of the survey and will include the areas of Fourth Cliff/Humarock, Egypt Beach and Scituate Center.

The amount requested for this phase is \$18,000.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

C. Bike and Walking Path

MOVE that the Town vote to appropriate the sum of \$550,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Bike and Walking Path, to be expended subject to the terms and condition of its application with the Community Preservation Committee.

Comments: This project, proposed by the Pedestrians for Active Transportation and Health (PATH), is a segment of the “Grand Loop” of walking and biking trails that connect Mass Transit, recreational, historic, and business centers east of Route 3A.

This application requests funding for the design, engineering and permitting for the full length of Gannett Rd., North Scituate Village to Hatherly Rd., as well as a very small segment from the North Scituate MBTA station to the Cohasset town line. The approximate cost for this phase is \$90,000.

Once the design, permitting and engineering is complete and approved by DPW, the approval would be given for the construction of the pathway from North Scituate Village to Hollett Street. This portion of the project is estimated to cost \$460,000. The remaining segment, Hollett St. to Hatherly Rd. would be a future consideration for CPC as well as other grant funding sources.

This project does meet the goals of the CPA by providing much needed non-motorized connectivity to beaches, other recreational areas, community housing and historic facilities and is also consistent with the Town’s Master Plan, Open Space Plan and Recreational Plan.

The estimated cost of the grand loop is approximately \$5 million. The grand loop begins in No. Scituate, travels down Gannett Road to Hatherly Road and on to the Harbor and up First Parish Road back to No. Scituate.

Recommendation: The Advisory Committee recommends approval of the \$550,000.

Advisory Committee Vote: Eight votes in support of the item and one abstention.

D. Water Resource Map

MOVE that the Town vote to appropriate the sum of \$53,900, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Water Resources Map, to be expended subject to the terms and condition of its application with the Community Preservation Committee.

Comments: In 2000-2001 the first Herring Brook Watershed Initiative (FHBWI) conducted a tributary field review funded by the Massachusetts Department of Environmental Protection (MADEP). Based on that study, in 2004 MADEP created a map that located tributaries, associated water bodies, the reservoir and their statutory protection zones (AB&C).

In 2005-2006 the Water Study Committee, utilizing information from the DEP map of 2004, proposed a Water Resources District Map at the 2006 ATM. The Article seeking endorsement was indefinitely postponed. Since then questions have been raised regarding the map’s accuracy and consequent usefulness.

In an effort to create a map that corrects any flaws and garners buy in and support from all stakeholders (municipal department heads, various key boards, developers and the citizenry) the newly formed Scituate Water Resources Committee has proposed this project to identify, review and resolve the concerns/issues with the current map.

It is estimated the project will take ten (10) months and cost \$53,900.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

Item E. Affordable Assisted Living

MOVE that the Town vote to appropriate the sum of \$72,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Elderly Housing Study, to be expended subject to the terms and condition of its application with the Community Preservation Committee.

Comments: This item addresses the need for affordable, assisted living services for seniors and the disabled population of Scituate, through the proposed conversion of the Central Park structure into an affordable assisted living facility for the frail elderly. Assisted living effectively integrates housing, health care, and supportive services. It is less costly than placement in a nursing home and often is a more appropriate response to issues associated with aging and disabilities that do not require skilled nursing care. While new developments of assisted living have their advantages, the cost associated with the supportive services they offer is usually prohibitive, especially for a population such as the one at Central Park.

The contemplated conversion of the independent elderly building (Central Park) means that seniors would not be forced to relocate to another community to receive the supportive services they need. The Department of Housing and Community Development (DHCD) is the primary regulatory agent for determining who qualifies for state and federal funding. As such, they have established a very extensive method for evaluating each request.

The first step in this process is for the Housing Authority to validate that the need for such a service-enriched facility exists, and to establish a reasonable estimate of what the project will cost. The request before the Town, addresses those two issues. A preliminary Market Analysis (\$23,000) will provide the Town with valuable statistics about the number of individuals who are eligible for this type of housing to ensure that the facility is fully occupied. The Predevelopment Design/Engineering, Cost Analysis and Financial Feasibility Report (\$49,000) lays out a basic, but comprehensive schedule of both the cost to convert the current structure to an assisted living environment, as well as an operating plan for the life of the grant.

With the completion of this project the Scituate Housing Authority will be able to move forward with its formal submissions for state and federal grants. It is important to note

that no project has ever received state or federal funding without providing a market study and a preliminary cost estimate.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

Item F. Scituate Marine Park

MOVE that the Town vote to appropriate the sum of \$344,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Scituate Marine Park, to be expended subject to the terms and condition of its application with the Community Preservation Committee.

Comments: The Scituate Waterways Commission, the Historical Society and the Recreation Dept. have partnered in a request for Community Preservation funding for continued enhancements and public access to Scituate Marine Park. Included in the \$344,000 improvements are dune rehabilitation on the opposite side of Edward Foster Rd, a canoe/kayak launch, walking trails including a board walk and viewing pier, landscaping, lighting, signage and the relocation of the two historical buildings on the site. The Scituate Marine Park waterway related components such as a new building, marina slip improvements, dredging, seawall rebuilding, etc., are separate projects and will be financed through other fundraising, Waterway funds and potential state grants.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

Item G. Driftway/North River Public Access

MOVE that the Town vote to appropriate the sum of \$236,500, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Driftway/North River Public Access, to be expended subject to the terms and condition of its application with the Community Preservation Committee.

Comments: This application represents the continued implementation of the Conservation Commission's "Driftway Park/North River Marshes Public Access Plan." To date a pocket park, bike rack, signage, plantings, parking area and over one mile of pathway have been built from the Greenbush end of the Driftway (New Kent Street) two thirds of the way to the Scituate Harbor Business District for \$520,000 (\$200,000 of CPC funds) This, second phase of the project, finishes the bike trail along New Kent Street into the Harbor with a pedestrian crossing to the existing sidewalk at Fairplay Village for pedestrians. Lane striping and guardrails will be built on the easterly side of New Kent St. for bicycle use. Also included in this phase is the upgrade to the old rail bed trail from the pocket park out to First Herring Brook, the design and engineering of a footbridge over the First Herring Brook to access the ¾ mile continuation of the old rail bed path to the North River, and the installation of 2 culverts and a gravel path connecting the James Landing Trail to the old rail bed trail. In addition to providing a safe and convenient pedestrian gateway to the Harbor from the Greenbush train station, this project will

provide bike and pedestrian access between Greenbush Village, The Mossing Museum, The Grist Mill, the North River, Old Oaken Bucket Pond, Widows Walk Golf Course, Driftway Park, the Cliffs, St. Mary's Church and Parish Center and the Jenkins School. This project is a priority leg of Scituate's Grand Loop and will implement recreational and non-motorized transit action items outlined in the Town's Master Plan. This request of \$236,500 of Community Preservation funds will be supplemented by \$20,000 from the Conservation Commission's Driftway Trust Fund.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

H. Town Archives

MOVE that the Town vote to appropriate the sum of \$40,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Town Archives, to be expended subject to the terms and condition of its application with the Community Preservation Committee.

Comments: This is Phase II of a five (5) year project with an emphasis on the preservation of our paper-based materials in the Town's Archives. By State Law (Chapter 66 Section I) our Town Clerk, as "Supervisor of public records", is charged with securing their preservation.

Phase I (\$40,000), approval at the ATM in 2007 was to survey and prioritize a range of preservation activities. Subsequent years would focus on implementation.

As we proceed with Phase II it is recognized that the storage environment of the records needs to be underscored. Primarily stored in the Town Hall basement with no heat or air conditioning, inadequate shelving, concern for water damage and unsupervised public access, the archives are at risk. However with these concerns in mind Phase II will include objectives such as: improved storage, security measures, portable heat and air conditioning options and enhanced opportunities for record copying and scanning to allow public access to secondary materials rather than originals.

Recommendation: The Advisory Committee recommends approval of \$40,000 for Phase II.

Advisory Committee Vote: Unanimous vote in support of this item.

Item I. Affordable Housing Trust Fund

MOVE that the Town vote to appropriate the sum of \$700,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Affordable Housing Trust.

Comments: This item if approved would appropriate \$700,000 of Community Preservation Affordable Housing Funds to the newly created Town of Scituate Affordable Housing Trust Fund to be managed by a Board of Trustees for the acquisition,

creation, preservation and support of affordable housing for the benefit of low and moderate-income households. This action streamlines the current, time intense process of procuring CPA funds to work towards meeting the Town's affordable housing needs. Voting this item is contingent on the approval of Special Town Meeting Article 6, Affordable Housing Trust Fund.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

J. Administrative Expense

MOVE that the Town vote to appropriate the sum of \$70,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, for the Administrative Budget.

Comments: Each year the Town may appropriate up to 5% of the annual revenues of the Community Preservation Fund to be used for administrative costs such as supplies, appraisals, printing and secretarial services. All unused funds are returned to the CPA General Fund. This year's request is \$70,000, which is 5% of their expected revenue.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

K. Community Housing Reserve

MOVE that the Town vote to appropriate the sum of \$140,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, to be reserved for the creation and support of Community Housing consistent with the Community Preservation Act.

Comments: The CPA requires that 10% of the annual funds available for a given fiscal year be expended as follows [a] Community Housing; [b] Historic Preservation; and [c] Open Space.

If your votes do commit the minimum 10% required per category, there would be no need to vote a reserve. However, in the event a CPC recommended article is not approved and the 10% minimum requirement is not met, a Fall Special Town Meeting would be required to vote a reserve so that the 10% was met. Therefore, voting the 10% reserve for each category ensures that CPC meets the requirements of the law.

Based on estimated funds of \$1,400,000, the 10% requirement is \$140,000 for each category.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

L. Open Space Reserve

MOVE that the Town vote to appropriate the sum of \$140,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, to be reserved for acquisition and preservation of Open Space consistent with the Community Preservation Act.

Comments: Note the comments under Item K.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

M. Historic Resources Reserve

MOVE that the Town vote to appropriate the sum of \$140,000, pursuant to Massachusetts General Laws, Chapter 44B, from Community Preservation FY 2008 revenues, to be reserved for acquisition and preservation of historic resources consistent with the Community Preservation Act.

Comments: Note the comments under Item K.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote in support of this item.

Article 20 PARA-TRANSIT

To see if the Town will vote to raise and appropriate \$20,000 to fund the Para-transit program in the Town of Scituate, or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This program provides two types of transportation for disabled Scituate residents. The Scituate Council on Aging schedules rides door-to-door for those with MBTA medical certification. This service is provided through a vendor, South Shore Community Action Council of Plymouth. Residents with non-medical needs are provided transportation from Cohasset through the MBTA's "Ride" program. The MBTA reimburses the town for 50 percent of the costs through the State's reimbursement system. This request reflects no increase from last year's appropriation. The demand for this program makes this amount necessary to help out our residents both young and old. This program provides an average of 72 rides per month to 56 clients, with an average 970 passenger miles driven monthly.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 21
Chapter 32B, Section 18

To see if the Town will vote to accept MGL Chapter 32B, Section 18, which requires those retirees/spouses to sign up for Medicare Part B if they are eligible for Part A without cost; or take any action relative thereto.

Sponsored By: Board of Selectmen

Comments: Adoption of this article proposes that the Town accept the provisions of Section 18 of MGL Chapter 32B, which would require all Medicare-eligible retirees to enroll in Medicare Part A and Part B and one of several Medicare supplement plans offered by the Town.

Recommendation: The Advisory Committee recommends approval of this article.
Advisory Committee Vote: Unanimous vote in support of this article

Article 22
WASTE WATER TREATMENT PLANT PROPERTY

To see if the Town will vote to authorize the Selectmen to lease a portion of the Scituate Wastewater Treatment Plant Property for up to twenty five years for the purpose of operating a private commercial yard waste business; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This article authorizes the Selectman to lease about 4 acres of land situated next to the Waste Water Treatment plant for the use of processing yard waste. The Town currently transports our leaves, branches, etc. to this site for processing. If a lease is agreed upon, it is possible that the site for dropping off yard waste would be moved to this site thus eliminating the current transportation expense. Other uses for this site include a wind energy project as well as DPW storage, but it is felt that all of these projects can operate in the available space.

Recommendation: The Advisory Committee recommends approval of this article.
Advisory Committee Vote: Unanimous vote in support of this article.

Article 23
LEASE-“APPLETON“ PROPERTY

To see if the Town will vote to authorize the Conservation Commission to lease a portion of the so called “Appleton Property” for up to five years for the purpose of farming

including the raising of pigs; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Recommendation: This article is indefinitely postponed.

Article 24 BEACH PROTECTION PLAN MANN HILL

To see if the Town will vote to transfer a sum of money to develop a beach protection plan for the Mann Hill Road area; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: The development of a beach protection plan for the Mann Hill area is contingent on the Town receiving funding from federal, state, or other sources that may be identified.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 25 ZONING BYLAW 740, WIND ENERGY CONVERSION SYSTEMS

To see if the Town will vote to amend Scituate Zoning Bylaw Section 740, Wind Energy Conversion Systems, by deleting the existing language of Section 740.6, Noise Level Standards and substituting the following new language:

740.6 Noise Level Standards. The wind facility and associated equipment shall conform to the provisions of the Department of Environmental Protection Division of Air Quality Noise Regulations (310 CMR 7.10). An analysis prepared by the registered qualified engineer will be required to demonstrate compliance with the above standards.

Sponsored By: Planning Board

Comments: The Town-proposed windmill to be located at the sewer treatment plant and which is designed to provide it with auxiliary energy, needs to comply with State guidelines for mitigating noise levels. This amendment will bring the Town into such compliance.

Additionally, the proposed Bylaw amendment is strengthened by requiring noise level analysis by a qualified engineer.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 26
ZONING BYLAW - HUMAROCK OVERLAY DISTRICT

To see if the Town will vote to amend the Zoning Bylaw by adding the following new Section 570, Humarock Village Residential Overlay District:

SECTION 570 HUMAROCK VILLAGE RESIDENTIAL OVERLAY DISTRICT

570.1 Purpose. This zoning overlay district is hereby adopted to regulate, condition and protect the village center of the small ocean-front community of Humarock, which lies on an environmentally sensitive barrier beach; to encourage redevelopment of parcels containing outdated uses; and to allow alternative forms of residential development at an appropriate scale for the land. Paramount goals are to promote development which is harmonious with the natural features of the peninsula which constitutes the Humarock area; to beautify and protect the adjacent resource areas; and to enhance the entrance to the Humarock Public Beach. The provisions of the underlying zoning shall remain in full force and effect, applicable to the land, except and to the extent an applicant elects to utilize the provisions of this Section 570 and obtain all required relief pursuant to this Section 570.

570.2 Permitted Uses.

In the Humarock Village Residential Overlay District, all of the uses permitted in the underlying Zoning District(s) as of right shall be permitted as of right.

570.3 Uses Permissible by Special Permit.

The following uses may be permitted by Special Permit in the Humarock Village Residential Overlay District:

- A. Any use permitted by Special Permit in the underlying Zoning District in accordance with the provisions of that district.

- B. A multi-family development on a parcel containing a minimum of 30,000 sq. ft. of lot area as defined by Section 610.1 of this bylaw in single ownership provided that a Special Permit is obtained from the Planning Board in accordance with the provisions of Section 570 of this bylaw. A multi-family development shall consist of residential dwelling units, except that in those portions of the overlay on Marshfield Ave., and on Central Ave. south of Webster Street, for which the underlying zone is General Business District, any use allowed in the General Business District may be permitted on the first floor with the approval of the Planning Board.

570.4 Dimensional Requirements for Multi-family Developments.

The Planning Board may issue a Special Permit for multi-family developments in the Humarock Village Residential Overlay District, subject to the following dimensional requirements:

- A. Density. All new residential multifamily developments shall conform to the following density limitations:
 - 1. The maximum number of dwelling units permitted shall be the equivalent of up to seven (7) units per 40,000 sq. ft. of lot area or
 - 2. A maximum number of units equivalent to eight (8) units per 40,000 sq. ft. may be authorized under Section 570.5 if the permit granting authority finds that significant public benefits are provided, which benefits are not otherwise achievable under the existing special permit requirements or not otherwise required to construct an applicant's project.

- B. Setbacks. No building containing residential townhouses shall be erected within twenty-five (25) feet of the exterior line of any street or way, except that a setback of eight (8) feet is permitted from any private way bordering the General Business District on both sides because of the very limited amount of residential traffic on these streets. In order to provide an adequate visual buffer to multi-family uses in an area that is generally more densely developed, and more environmentally sensitive, than other areas, this requirement shall be exempt from Section 620.4, Paragraph A of this bylaw which allows a setback equal to or greater than the average of buildings on the same side of the street between two intersecting ways and within two hundred feet of the lot in question.

A building containing a business use on the first floor shall have a minimum front yard setback of 10' and a maximum front yard setback of 20'.

The required side yard distance and rear yard depth for all buildings shall be a minimum of fifteen (15) feet.

No structure may be erected within twenty-five (25) feet of the South River.

- C. Height. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height measured to the ridge, whichever is lower. For the purpose of this Section a half story shall be defined as a story directly under a sloping roof where the area with a ceiling height of 7'3" or greater is less than 2/3 of the floor area of the story next below. All habitable

attics considered a story under other sections of the bylaw shall be subject to this section.

In order to provide a transition from the scale of existing buildings in the surrounding area, no building within thirty-five (35) feet of the property line shall exceed thirty (30) feet measured to the ridge.

- D. Floor Area Ratio. No building or buildings shall have Floor Area Ratios greater than 0.425 for the area of the lot or parcel. Floor Area Ratio is defined as follows:
1. Floor – The gross floor area in square feet of all of the buildings on a parcel, including enclosed porches, sheds, shower houses, and other structures, but not including overhanging 2nd or 3rd floor balconies or ground level parking beneath a building.
 2. Area – The area in square feet for the same parcel.
 3. Floor Area Ratio – The gross floor area of all buildings on a parcel divided by the total area of the parcel.

The applicant shall provide the calculation of Floor Area Ratio with the total gross floor area and total area of the parcel in sq. ft.

- E. Compliance with Required Setbacks, Height and Other Dimensional and Use Restrictions. Prior to an applicant filing for a Special Permit under this Section 570, said applicant must have obtained, to the extent required, required federal (including, without limitation, Army Corps of Engineers) or State (including, without limitation, Chapter 91) permits, approvals or licenses (“Approvals”), which Approvals shall be consistent with the requirements and limitations of this Section 570.
- F. Access to Water. All multi-family projects adjacent to the South River or Atlantic Ocean shall provide public access to waterways, which shall be maintained to promote public access, with appropriate signage. An easement or other deeded rights shall be provided to insure this access can be maintained.

570.5 Bonus Density Requirements.

The Planning Board may, at its discretion, permit an increase in density up to the equivalent of one (1) additional unit per 40,000 sq. ft. of lot area in the Humarock Village Residential Overlay District, provided the Board makes a written finding that the applicant will provide significant improvements offering a public benefit to Humarock, in addition to improvements necessary to meet the requirements of this bylaw, and which improvements are not otherwise achievable under the existing special permit requirements or not otherwise required to construct an applicant’s project.

These improvements shall include on-site or off-site infrastructure, improvements or amenities not otherwise required by any town board or agency, serving a public purpose, to be constructed in an attractive, ecologically sensitive manner. Some examples are:

- Preservation of an existing but threatened water-dependent use that is valued by the community;
- Land acquisition or donation of open space to the Town or a qualified Conservation organization to create or acquire open space in desirable locations in Humarock, especially the Residential Overlay or Business Districts, including public “pocket parks” and other appropriate properties;
- Streetscape improvements including lighting, underground utilities on Marshfield Ave., benches, signage, plantings and sidewalks;
- Parking, walkways or landscaping providing or enhancing public access to the beach, the ocean or the South River;
- Improvements to the public beach entrance; public rest rooms; boat ramps; or pumpout services;
- Upgrades to drainage or water distribution systems where these are desired by the Town;
- Off-site drainage improvements to mitigate impacts of stormwater or sewage on the South River;
- Land or infrastructure for neighborhood wastewater treatment or other community infrastructure;
- Additional affordable units above the number required;
- or other improvements deemed of significant value by the Planning Board.

In order to make this determination, the following are required:

- A. The applicant shall provide the Planning Board with a written description of the intended neighborhood improvements, the public benefit provided, significance to the Town, provision for maintenance if required, applicant’s cost estimates, and a sketch plan showing the location and type, size and extent of improvements.
- B. The Planning Board may require a bond to cover the cost of any improvements that will be constructed, or a binding agreement approved by Town Counsel, to remain in place until the improvements are completed to the satisfaction of the Town.
- C. The applicant shall provide a list of all permits and approvals required in connection with any proposed public benefit(s) with the application. These approvals shall be obtained prior to approval of the development, unless an exception for good cause is explicitly authorized by the Planning Board.
- D. A specific time frame for the completion of all required off-site

infrastructure improvements shall be incorporated as a condition of approval of the Planning Board.

The Board shall be under no obligation to grant such density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such bonus. The offer and commitment by an applicant to provide all or any number of the above enumerated examples does not, in and of itself, justify or require the Board to grant such density bonus.

570.6 Parking and Landscaping.

- A. **Parking.** Regardless of any provisions of other sections of this bylaw, no uses shall be intensified without providing adequate numbers and size of parking spaces as required by the Table of Minimum Parking Requirements in Section 760.6 for all proposed uses, except that the Planning Board may reduce the parking requirement for a slip or mooring to one (1) space where access is through a property containing a residential multi-family development and the applicant demonstrates that parking will be sufficient for the use. Each parking space shall contain no less than one hundred sixty-two (162) square feet of area [typically nine feet by eighteen feet] and shall have adequate back-up room and aisle width, as well as maneuvering area.

No parking areas shall be paved except those limited areas servicing handicapped parking and access paths to those spaces. All other parking areas shall be constructed of a dust free permeable surface. Curbing or wheel stops shall be provided to designate the location of spaces within parking areas. Curbing shall be cut where necessary to allow proper drainage into rain gardens or adjacent vegetated areas.

- B. **Driveways.** Driveways shall be eighteen (18) feet in width, but may be reduced to 16' with the approval of the Planning Board. All multi-family Residential Developments shall provide access from Public Ways. Maneuvering spaces shall be provided so that vehicles are not required to back onto a public or private way. Shared access may be required by Planning Board where feasible.
- C. **Lighting.** All lighting shall consist of full cut-off or shielded fixtures at appropriate height to lessen impacts on adjacent properties, and shall not cause glare for motorists, pedestrians or neighboring properties.
- D. **Plantings – general.** The following design standards shall apply to all planted areas.

1. Native landscaping appropriate to a beach and dune environment shall be used, with plants tolerant of low watering and low maintenance.
 2. To the greatest extent possible, existing native trees and shrubs shall be maintained.
 3. No tree, shrub or plant shall be used that has been identified as an Invasive Species by the Massachusetts Plant Advisory Group in the most recent version of *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* (with annotated list,) or has been identified as invasive or banned on the *Massachusetts Prohibited Plant List* as periodically updated by the Massachusetts Department of Agriculture.
 4. Existing invasive plants shall be removed.
- E. Outdoor Parking Area Plantings. Each outdoor parking area shall contain a planted buffer area at least fifteen feet deep from any public or private ways. Any parking area of more than 10 (ten) spaces shall be required to have at least 10 (ten) % of the interior area of the lot landscaped and vegetated.
- F. Screening. All outdoor parking areas within seventy-five (75) feet of a parcel in residential use or in the Residential A-3 Zoning District shall be screened on each side adjoining the residential use or district by a buffer of dense vegetation of a minimum of six (6) feet in height at the time of planting, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. This screening shall be maintained in good condition and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections.

When parking will be located under a building, the parking area shall be screened except for the location of necessary entrances and exits. Lattice or similar open screening shall be used to at least the height of the base flood elevation or highest overwash level, in order to allow the free movement of coastal storm flood water.

570.7 Design Standards for Multi-family Developments.

- A. General. All residential units shall consist of townhouses accessed from the ground, except that apartments with access from a higher floor shall be permitted where the first floor contains a retail or business use. In all construction, materials and styles shall be used that are similar to those used in residential building in Humarock and reflect the traditional seaside character of the area.
- B. Façade treatment. No exterior face of any building shall exceed thirty-five (35) feet in any plane (measured horizontally) without an offset of at least

24 (twenty-four) inches. The use of balconies, awnings or canopies shall be encouraged. No building shall have an overall length of more than 135 (one hundred and thirty-five) feet.

- C. Roofs. Roofs shall be pitched to center ridge in keeping with the distinguishing architectural characteristics of typical ocean-side villages located in New England. Dormers within pitched roofs shall be encouraged, but shall not occupy more than fifty (50) % of the total roof area and shall be no more than twenty (20) feet in width. Dormers shall be exempt from roof pitch requirements but shall have pitched roofs. Sloped or pitched roofs with a minimum of 8:12 slope shall be required, except that to allow design variation, up to twenty (20) percent of the roof area may be flat or of other design than a sloped or pitched roof.
- D. Utilities and Drainage.
 - 1. All utility service lines shall be underground.
 - 2. Drainage.
 - a. Recharge. In order to protect the water quality of the South River and preserve environmentally sensitive dune and barrier beach areas, to the greatest extent possible, all stormwater shall be recharged on site and design techniques shall be used to reduce the generation of stormwater and non-point source pollution by limiting impervious surfaces, treating stormwater, maximizing open space and minimizing disturbance of natural areas.
 - b. Use of Best Management Practices. All runoff and drainage shall be managed using “Best Management Practices”, as described in the current version of the Massachusetts Department of Environmental Protection Stormwater Management, Vol. II: Stormwater Technical Handbook, including use of rain gardens and other techniques. Wherever possible, bioretention stormwater systems shall be used for removal of contaminants and sediment. Where drainage systems contain visible infrastructure it shall be landscaped or camouflaged.
 - c. Minimization of Impervious Surface. Impervious surface shall be minimized by providing only as much parking as required by the Zoning Bylaw; using short driveways, permeable paving, green rooftop systems, and low impact development techniques as described in references such as the Massachusetts Executive Office of Environmental Affairs LID homepage (<http://www.mass.gov/envir/lid/default.htm>) in current versions, wherever possible. The total area of impervious surface shall not

exceed the area of impervious surface that existed on the lot at the time the application is submitted.

- E. Trash storage and mechanical equipment. All dumpsters, trash storage areas and mechanical equipment such as air conditioning units shall be completely screened from view of adjacent properties and public rights of way with fencing, walls or vegetation. All mechanical equipment, including that attached to the side or roof of a building, shall be designed to be an integral part of the building. The location of all mechanical equipment shall be shown on plans submitted with the Special Permit.
- F. Septic systems. In order to provide the maximum protection for the South River, all septic systems shall incorporate nitrogen removal.
- G. Open space area. In order to preserve open space, conserve natural resources, maintain unobstructed overwash areas, enhance the general appearance of the area, avoid adverse impact of overcrowding and provide visual access to open space, thirty (30) % of the total area of any project site shall be dedicated to landscaped open space. This open space area shall be free of buildings except 2nd or 3rd floor balcony overhangs, structures, driveways or parking. The open space shall be subject to a deed restriction prohibiting construction on this area and providing for maintenance to ensure its attractive appearance and cleanliness.

570.8 Housing Affordability Standards.

All requirements of Section 560.7 for affordable dwelling units in the Village Business Overlay District shall apply to multi-family developments of ten or more units in the Humarock Village Residential Overlay District, except that the minimum number of affordable units shall be ten percent of the total dwelling units, rounded to the nearest whole number.

570.9 Special Permit Review Procedure.

- A. Pre-Application Meeting. A pre-application meeting with the Town Planner and an informal discussion with the Planning Board prior to the submittal of a Special Permit application are strongly encouraged. A preliminary concept plan should be provided at this meeting. The preliminary concept plans shall be at a scale of 1" = 40', unless the applicant and Town Planner agree on a more appropriate scale.
- B. Review Process. The application requirements, standard of review, project completion requirements and applicability of approval requirements described in Section 770 shall also apply to this Section. A Landscape Plan stamped and signed by a Registered Landscape Architect will be required as part of all applications for a Special Permit. All

applications shall be subject to the Design Review process described in Section 950 of this Bylaw.

And also vote to amend Section 310, Types of Districts, by adding “HVROD” Humarock Village Residential Overlay District in alphabetical order among the other types of districts,

and also to amend Section 320, Location of Districts to include the following paragraph at the end of this section:

The Humarock Village Residential Overlay District shall be located and bounded as shown on the map titled “Humarock Village Residential Overlay District: 1/10/08 Boundary” by Larry Koff & Associates dated January 15, 2008.

and also to amend Section 340, Definition of Zoning Districts, by adding the following paragraph at the end of this section:

Humarock Village Residential Overlay District

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 570.

Sponsored by: Planning Board

Comments: Simply stated, this amendment of the bylaw intends to protect the character of the community from excessive development pressure. This overlay to the zoning in the core area of Humarock is the result of well over a year of work by residents of Humarock and an ad hoc working group, an outside planning and zoning consultant, and the Planning Board to construct a by-law that intends to do the following:

1. Create a reasonable incentive for the redevelopment of properties which are somewhat blighted in or adjacent to the centrally located Humarock Village Business district, basically along the north side of Marshfield Ave. and two blocks north along Central Avenue. It does this by allowing a slightly increased housing density in this defined area (up to as many as 7 units per 40,000 square feet, as opposed to the four units per 40,000 allowed by the underlying zoning). It also allows mixed use development--businesses on the first floor, and apartments or condos above--only in that portion that overlays the existing business district.
2. Protect the character of the community and concerns of long-time residents, and especially property values of abutters to the newly defined district, by establishing clear design standards, setbacks, and height restrictions. For example there is an absolute height maximum of 35 feet, which is lowered to 30 feet close to adjacent parcels, and a floor-to-area ratio of 0.425 which assures that structures can not be monstrous and overwhelm the property on which they're built.
3. Provide an opportunity for some modest public benefits to be realized, as a property owner can earn a bonus of up to one additional unit per 40,000 square feet (for a total

of 8 per 40,000 square feet) if community amenities beyond the scope of the project are provided, such as sidewalk construction, dedicated open space, environmental restoration, or other needs. Further, there is a requirement for the provision of dedicated affordable housing units for developments totaling 10 or more units.

This overlay is simply an option for a property owner and requires a Special Permit from the Planning Board.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 27
ZONING BY LAW
HUMAROCK VILLAGE RESIDENTIAL OVERLAY DISTRICT
MAP CHANGE

To see if the Town will vote to amend the Zoning Map by establishing the location of the Humarock Village Residential Overlay District as an overlay district for the areas shown as “Proposed Residential Overlay District” on a map titled “Humarock Village Residential Overlay District: 1/10/08 Boundary” by Larry Koff & Associates dated January 15, 2008; or take any other action relative thereto.

Sponsored by: Planning Board

Comments: Whenever the Planning Board makes a change to zoning that creates or modifies a zoning district in the community, they not only create a verbal description, but they also update the zoning map to actually define the location of the new or modified boundaries of these districts. This article simply formalizes the modification to the zoning map to illustrate the location of the Humarock Village Residential Overlay, and if Article 26 is passed, this is a necessary step to formally define on the map where the overlay is in effect.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

Article 28
ZONING BY LAW - HUMAROCK ZONING CHANGE

To see if the Town will vote to amend the Zoning Map to change the zoning from Business to Residential A-3 for parcels in the area designated “Rezone Residential A-3” and “Proposed Additional Expansion of Residential A-3” on a map titled “Humarock Village Revised Business District Boundary” by Larry Koff & Associates dated December 11, 2007; or take any other action relative thereto.

Sponsored by: Planning Board

Comments: During the year long development of the Humarock overlay district (articles 26 and 27) the concept transformed to accommodate the unique character of the neighborhood. It began as an overlay district, like the overlays in North Scituate, Greenbush, and the Harbor, which directly corresponded to the existing business district. Because the current business district straddles Marshfield Avenue all the way from the Marshfield bridge to the ocean side of the island, there was great concern about allowing for the higher densities proposed in the district (up to 8 units per acre) to be built right to the water’s edge. Further, some of the easternmost parcels only have single-family homes on them even though they are in the Business District.

This change was therefore recommended by the neighborhood’s ad hoc committee working on the by-law. It will change the easternmost parcels straddling Marshfield Avenue from the current Business District zoning (which allows a variety of business and retail activities) to residential A-3 zoning (one unit per 10,000 square feet) which is the zoning of the surrounding neighborhood. This was intended to protect those parcels, and the abutting properties, from the impact of more dense development.

However, there are two issues. First, the boundaries of the final residential overlay district presented in Articles 26 and 27 does not now straddle Marshfield Ave--it is only on the north side--nor does it go all the way to the water’s edge. Secondly, there were some residents within the area recommended for this change who voiced the reasonable concern at the public hearing that this change to residential-only zoning will dramatically reduce their property values because of the reduced potential uses, and thus it is onerous to them.

The advisory committee voted to support this article based on the neighborhood ad hoc committee's recommendation. But it acknowledges that the concerns of property owners within the area recommended for the change must be heard and carefully considered as they bear the brunt of the impact of this zoning change.

Sponsored By: Planning Board

Recommendation: The Advisory Committee recommends approval of this article.
Advisory Committee Vote: 8 votes for and one vote against approving this article

Article 29 STORMWATER

To see if the Town will vote to adopt a Stormwater Bylaw, as follows below:

SECTION 32050 STORMWATER BYLAW

1. Authority. This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the Regulations of the federal Clean Water Act found at 40 CFR 122.34.
2. Purpose. The purpose of this Bylaw is to reduce flooding, protect water quality, increase groundwater recharge, reduce erosion and sedimentation, promote environmentally sensitive site design practices that protect vegetation and enhance town character, ensure long-term maintenance of stormwater controls and meet federal requirements under Phase II of the National Pollutant Discharge Elimination System.
3. Applicability. This bylaw shall apply to the following activities:
 - A. Regulated Activities.
 1. All development and redevelopment projects that will disturb or alter over 15,000 sq. ft. of land, any development of an undeveloped parcel that will increase stormwater runoff, or a net increase of 25% or more of impervious area even if that alteration is conducted over separate phases and/or by separate owners.
 2. All development and redevelopment projects that will disturb or alter over 1,000 square feet of land on slopes greater than 15%, even if that alteration is conducted over separate phases and/or by separate owners.
 3. Construction of a new drainage system or alteration of a drainage system, serving a drainage area of more than 15,000 sq. ft. of land.

4. Any development or redevelopment involving “land uses with higher potential pollutant loads,” as defined in the Massachusetts Stormwater Standards, Volume 1, Stormwater Policy Handbook. Land uses with higher potential pollutant loads include auto salvage yards, auto fueling facilities (gas stations), fleet storage yards, high-intensity commercial parking lots, road salt storage areas, commercial nurseries, outdoor storage and loading areas of hazardous substances, and marinas.
- B. Exempt Activities.
1. Construction on an individual lot within a subdivision that has previously been issued a stormwater permit, so long as the individual lot development conforms to the grading, building envelopes, and drainage patterns described in the subdivision’s stormwater permit.
 2. Landscaping for a single-family home that involves the addition or removal of fewer than 100 cubic yards of soil material or alteration of less than two feet of elevation with maintenance of existing drainage patterns.
 3. Repair and replacement of existing roofs.
 4. Construction of walls and fencing that will not alter existing drainage patterns.
 5. Use, maintenance, and improvement of agricultural land.
 6. Construction of utilities, other than drainage, that will not alter existing terrain or drainage patterns, including repairs to existing septic systems when required by the Board of Health.
 7. Emergency repairs to any existing stormwater management facility.
 8. Routine maintenance and improvement of town-owned public ways.
4. Administration.
- A. This bylaw shall be administered by the Planning Board.
 - B. The Planning Board may adopt and amend Stormwater Regulations related to the content of permit applications and the performance standards for development activities, as described in Section 5 below. Failure to promulgate such Regulations shall not have the effect of suspending or invalidating this bylaw.

- C. The Planning Board and its agents, or its designee, shall review all applications for a Stormwater Permit, conduct necessary inspections and site investigations, issue a final permit, and shall be responsible for monitoring and enforcement of the permit conditions. This may be combined with or included in the review of drainage undertaken before approval of a Definitive Plan or Special Permit.
 - D. The Planning Board may refer any application for a Stormwater Permit to its consulting engineer for review. It may require the applicant to post a Project Review Fee to cover the cost of this review.
 - E. A stormwater permit application shall be evaluated based on the performance standards of the latest edition of the Massachusetts Stormwater Management Policy (or its successor), or the latest edition of the Scituate Stormwater Regulations, whichever is more stringent in the protection of the town's environmental and infrastructure resources.
 - F. Following receipt of a completed permit application, the Planning Board or its designee shall seek review and comments from the Conservation Commission, Board of Health, Department of Public Works, Water Resources Committee and other town boards or authorities as appropriate. The Planning Board or its designee shall not issue the Stormwater Permit until it has received comments from those boards and authorities to which the application was circulated, or until after 14 days have elapsed since the application was circulated for review, whichever comes first.
 - G. The Planning Board may delegate the authority to issue a Stormwater Permit to its agent or to another town board or authority, in general or under specific conditions, if that board or authority has a substantive role in overall review and permitting of the project, and if that board or authority has adopted by reference the performance standards of this bylaw and accompanying regulations, or the Massachusetts Stormwater Standards, whichever is more restrictive, and has responsibility for their enforcement. Any delegation of authority for review, permitting or enforcement shall be stated in the Stormwater Regulations.
5. Adoption of Regulations.
- A. The Planning Board may adopt Regulations pursuant to this bylaw after a public hearing and public comment period.
 - B. The public hearing shall be advertised in a newspaper of general local circulation at least seven days before the hearing date.

- C. Other boards, commissions, and departments with responsibilities that include or are related to stormwater management are encouraged to adopt those Regulations by reference.
6. Submittal requirements. Submittal requirements for subdivisions are defined in the Subdivision Rules and Regulations. Submittal requirements for all other development and site alteration are as defined in the Stormwater Regulations. These may include topographic information; the location and area of land proposed to be cleared or disturbed; the location and area of land proposed to be filled including mounded septic systems; the location, height and length of any proposed retaining walls; and natural areas proposed to be permanently protected, including a description of how they will be protected.
7. Performance Standards.
- A. Performance standards for site design, erosion control, stormwater management, materials, vegetation, and other aspects of developments shall be outlined in the Rules and Regulations. Performance standards will include (but not limited to) standards for the following:
 - 1. Peak Discharge Rates (flooding protection and channel protection)
 - 2. Recharge Volume
 - 3. Pretreatment and Water Quality
 - 4. Erosion Control
 - 5. Vegetation, Site Design, and Site Restoration
 - B. Applicants shall meet these performance standards or those of the Massachusetts Stormwater Management Policy (and its successors), whichever is more stringent.
8. Review Process.
- A. Applicants are strongly encouraged to schedule a pre-application meeting with the Town Planner and Conservation Agent to review the proposed development plans at earliest feasible time.
 - B. The stormwater permit review shall not require special public hearing, but stormwater issues may be discussed as part of Public Hearings on the projects. If no Public Hearing is required, the Planning Board or its designee may choose to hold a special public hearing to solicit public comment.
 - C. After review of the application and comments received from other boards, and following the close of a Public Hearing where this hearing is required, the Planning Board or its designee shall take one of the following actions:

1. Approve the application and issue a Stormwater Permit if it finds that the proposed plan meets the objectives and requirements of this bylaw.
2. Approve the application and issue a Stormwater Permit with conditions, modifications, or restrictions as necessary to ensure protection of water resources or to meet the objectives of this bylaw.
3. Disapprove the application and deny a permit if it finds the proposed plan will not protect water resources or fails to meet the objectives of this bylaw; or if it finds that the applicant has not submitted information sufficient to make such a determination.

D. Deadline for Action.

1. For a Stormwater Permit for a single family home or a residential duplex, the Planning Board or its designee shall file its decision with the Town Clerk and the Building Commissioner within twenty-one (21) days of the receipt of a completed application. For all other development, a decision shall be made prior to approval of a Special Permit or Definitive Plan, if required, or prior to issuance of a building permit if a Special Permit or Definitive Plan is not required. Upon certification by the Town Clerk that the allowed time has passed without action by the Planning Board or its designee, the Stormwater Permit shall be issued by the Planning Board.
2. The review period may be extended by mutual consent of the Planning Board or its designee and the applicant. Failure to extend the review period or take action on the application before the deadline for action shall be deemed to be approval of such application.

E. Decisions by the Planning Board under this bylaw may be appealed to Superior Court or Land Court in an action filed within 20 days of the date the decision is filed with the Town Clerk.

9. Notification, inspections. Submittal of the stormwater permit application is construed to grant the Planning Board, its agent, or its designee with permission to enter the site for inspection.
10. Submittal of as-built plans. The Planning Board or its designee may require the submittal of as-built plans depicting the construction conditions of the stormwater management system and grading on the site. Specifications for these as-built plans are outlined in the Regulations accompanying this bylaw.
11. Surety. The Planning Board may require the posting of a surety bond until work is completed, or to ensure maintenance of the system.

12. Enforcement. The Planning Board, its agent, or its designee shall enforce this Bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Mechanisms and procedures for enforcement shall be detailed in Regulations adopted by the Planning Board pursuant to this Bylaw.
13. Severability. If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Sponsored By: Planning Board

Comments: Stormwater is currently regulated under the Federal Clean Water Act and under the Massachusetts Wetlands Protection Act. The adoption of this local Bylaw establishes a single set of standards, resulting in environmentally sensitive development throughout the Community. This Bylaw shall ensure and promote careful site design thereby improving water quality.

Recommendation: The Advisory Committee recommends approval of this article

Advisory Committee Vote: Unanimous vote in support of this article.

Article 30 GREENBUSH OVERLAY

To see if the Town will vote to amend its Zoning Bylaws by deleting Section 560 in its entirety, or take any other action relative thereto.

Sponsored By: Board of Selectmen

Recommendation: This article is indefinitely postponed.

Article 31 SEX OFFENDER RESIDENCY BYLAW

To see if the Town will vote to amend the general bylaws by adding thereto a new bylaw as follows:

Section 30180 SEX OFFENDER RESIDENCY BYLAW

Section 1. Definitions

1. "Park" means public land designated for active or passive recreational or athletic use by the Town of Scituate, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Scituate.

2. "School" means any public or private educational facility that provides services to children in grades kindergarten - 12.
3. "Day care center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
4. "Elderly housing facility" means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty- five years of age or older.
5. "Place of worship" means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of, any religious organization.
6. "Sex offender" means a person who resides, works or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A, §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.
7. "Sex offender registry" means the collected information and data that is received by the criminal history systems board pursuant to Sections 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.
8. "Permanent residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
9. "Temporary residence" means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or Amended by May 21, 2007 ATM 58 place where the person routinely lives, abides, lodges, or resides and which is not the person's permanent residence.
10. "Establishing a residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

Section 2. Sexual Offender Residence Prohibition; Penalties; Exceptions

- a. It is unlawful for any sex offender who is finally classified as a level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.
- b. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, day care center or park, elderly housing facility or place of worship.

c. Notice to move. Any registered level 2 or level 3 sex offender who establishes a permanent residence within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Scituate to another that is within two thousand (2,000) feet of any school, day care center, park, elderly housing facility or place of worship.

d. Penalties. Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Scituate including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:

- i. First Offense: Notification to offender that he/she has thirty (30) days to move.
- ii. Subsequent Offense: Non-criminal fine and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal ordinance. Exceptions: A person residing within 2,000 feet of any school, day care center, park, playground, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:
 - i. The person established the permanent residence and reported and registered the residence prior to July 1, 2008.
 - ii. The person was a minor when he/she committed the offense and was not convicted as an adult.
 - iii. The person is a minor.
 - iv. The school, day care center, park, elderly housing facility or place of worship within 2,000 feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.
 - v. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
 - vi. The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123.
 - vii. The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201, §6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201, §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day.

Or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article proposes to amend the bylaws to place restrictions on where a sex offender is allowed to have a permanent residence. The first section deals with definitions, then the key area is 2a, where it proposes that no sex offender will live within 2000 ft of any school, day care center, park, elderly housing facility or place of worship. The rest of the article covers prohibition, Penalties and Exceptions. There have been several sex offender bylaws written by other towns, and this version is one that has passed when sent to the Attorney General for review. There was concern that acceptance of this article could open up the Town to potential lawsuits due to the fact that the bylaw is not widely accepted at this time.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Six votes in favor of this article and two votes opposed.

Article 32 Change Annual Town Meeting Date

To see if the Town will vote to amend its General Bylaws by amending Section 20140 to change the date of the Annual Town Meeting to a Monday and/ or changing which Saturday or Monday in March or April that the town meeting will be held; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Advisory Committee (AC) serves as the Town's Finance Committee. Each Advisory Committee member is a liaison to other Town boards as well as the School Dept. and each Town Hall Department in order to understand their budgets and make recommendations regarding the overall expenditures of the Town. Scituate currently schedules the Annual Town Meeting (ATM) for the first Saturday in March, one of the earliest scheduled ATMs in Massachusetts. Town budgets, contract negotiations, state aid information, group insurance rates, etc. are not available early enough for the Advisory Committee to make accurate budget assessments in time to be discussed and acted upon before the Annual Town Meeting. To address the problem, the AC requests the ATM date be moved to the 2nd Monday in April. According to the Town Clerk's office, historically attendance is better on a Monday than a Saturday, a week night meeting costs less to execute (if it leads into two nights it breaks about even) and this date and the Town election that follows four weeks later, nests perfectly around Scituate's school break and high school graduation festivities.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article.

COMMITTEE, COMMISSION, BOARD AND COUNCIL APPLICATION

The Board of Selectmen would like to thank you, in advance, for your interest in serving your community. Please take a few moments to answer the following questions. The information you provide is helpful in the selection process and is held in confidence.

1. Which Committee(s), Commission(s), Board(s) or Council(s) are you interested in serving on? Please list in order of preference.

2. Do you feel your background or experience will be helpful to this Committee, Commission, Board or Council? If so, please let us know why. (in detail)

3. Would you be willing to serve on another Committee, Commission, Board or Council if the choice(s) you have requested are unavailable or filled?

4. What do you see as the main goals or purposes of this Committee, Commission, Board or Council?

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Name

Street Address

Date

Telephone Number

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