

TOWN OF SCITUATE
ADVISORY COMMITTEE



Report and Recommendations
for

SPECIAL TOWN MEETING

NOVEMBER 24, 2008

7:00 P.M.
HIGH SCHOOL GYMNASIUM

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 Special Town Meeting, which will convene on November 24, 2008.

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 Town Meeting places before the voters a total of 4 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

Richard Cook, Chairman

Lisa Fenton, Vice Chair

Anthony Antonello

Karen Connolly

Constantine Constantinides

Maura Curran

Bob DeLorenzo

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 reimburse General Fund to the extent the General Fund has funded a particular service in prior years, or
4. 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.

Article 1 Transfers

To see if the Town will vote to amend Article 5 of the 2008 Annual Town Meeting by deleting the figure \$52,918,593 and substituting therefore the figure \$52,376,593; and further, by adding the following language “and to transfer \$219,249 from the Overlay Surplus and \$322,751 from the Stabilization Fund, or take any other action relative thereto.”

Sponsored By: Board of Selectmen

Comments: There is a shortfall in the revenue of \$542,000 for the current fiscal year, primarily driven by the estimate of interest income (~\$250,000) and a delay or reduction of receipts of taxes and other revenue (~\$290,000).

This article looks to balance the budget by adding monies from the Overlay Surplus and the Stabilization Fund. A balanced budget is required by the Department of Revenue before they will certify it. Certification is required before the town is allowed to set the levy.

Definitions:

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

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.

The Stabilization Fund is generally considered our ‘rainy day fund’ and currently has approximately \$1,900,000 in it.

Recommendation: The Advisory Committee will present its recommendation on the floor of the Special Town Meeting.

Advisory Committee Vote: Not taken

Article 2 School Buses

To see if the Town will vote to amend Article 4, Item 3 of the 2007 Annual Town Meeting by deleting the words “one school bus” and substituting therefore the words ”one or more school buses”, or take any other action relative thereto.

Sponsored By: School Committee

Comments: The wording of Article 4 of the 2007 Annual Town Meeting referencing ‘School Vehicles’ reads ...’For the purchase of one school bus (\$80,000) and one service (maintenance) vehicle (\$25,000).’

The authorization was to borrow \$105,000. The bus and service vehicle have been purchased for \$87,000 leaving \$18,000 leftover from the Article. An amendment to the article would allow for \$18,000 to be borrowed to purchase an additional school vehicle.

Recommendation: This article was withdrawn.

Advisory Committee Vote: No vote was required.

**Article 3
Waterways**

To see if the Town will vote to amend Article 6 of the 2008 Annual Town Meeting by deleting the figure “\$1,013,542” and substituting therefore the figure “866,679”; and further by deleting the figure “\$728,591” and substituting therefore the figure “\$629,043”; and further by adding the words “and \$46,969 from Waterways Retained Earnings” after the word “Receipt”; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comment: This article amends Article 6 of the March 29, 2008 Annual Town Meeting to balance the Waterways budget for fiscal year 2009 as required under state law governing Waterways Enterprise Receipts. The amount of \$1,013,542 transferred under Article 6 exceeded FY’08 revenues (\$866,679.00) to defray anticipated FY’09 expenditures. In order to balance the FY’09 budget it is necessary to reduce the Waterways debt budget by \$99,548 because borrowing costs came in lower than expected and further transfer \$46,969 from the Waterways Retaining Earnings.

An overview of the FY’09 Waterways budget adjustment is presented in the following table:

<u>Budget Item</u>	<u>’08 ATM Approved FY’09 Budget</u>	<u>Revised FY’09 Budget</u>
Salaries/Wages	\$284,605.00	\$284,605.00
Expenses	<u>728,591.00</u>	<u>629,043.00</u>
Total:	\$1,013,196.00	\$913,648.00
FY’08 Actual Revenues:		<u>866,679.00</u>
Amount needed to balance FY’09 Budget:		\$ 46,969.00

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

Article 4
Take-It-or-Leave-It

A petition duly signed was presented to the Board of Selectmen:

“We request that the Selectman reinstate the Take-It-or-Leave-It area at the Transfer Station to its original previous location. The contents will be made available to the Town residents on Friday, Saturday and Sunday.

This facility, like the Recycling Building, encourages re-use of disposable items which is good for the community and the economy in general.”

Sponsored By: 100 Registered Voters

Comments: The intent of this article was to address concern over parking safety and covering the goods left at the take it or leave it. It was explained that when it was in the previous location, the people seemed to have a better path to get to the shed which covered most of the items. The wording above suggests one solution.

However, it doesn't allow for some level of control into the area as the current location does. The DPW was asked to look into the potential parking improvements and whether a covering could be obtained for the new area.

In discussions with the Board of Selectmen, the DPW and the Advisory Committee there was general support of the take it or leave it operations.

Recommendation: The Advisory Committee opposes this article.

Advisory Committee Vote: Unanimous vote to oppose to this article.