

TOWN OF SCITUATE
ADVISORY COMMITTEE



Report and Recommendations for
SPECIAL TOWN MEETING
NOVEMBER 2, 2009
7:00 P.M.
HIGH SCHOOL GYMNASIUM

This Report is furnished for your information. Please bring it to all sessions of Special Town Meeting.

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 2, 2009.

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 2009 Special Town Meeting places before the voters a total of six (6) 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

Bob DeLorenzo, Chairman

Lisa Fenton, Vice Chair

Anthony Antonello

Karen Connolly

Constantine Constantinides

Maura Curran

Kevin Dolan

Scott Roberts

Mark Sandham

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.

**SPECIAL TOWN MEETING
2 NOVEMBER 2009**

ARTICLE 1

To see if the Town will vote to amend Article 5 of the April 13, 2009 Annual Town Meeting Warrant by deleting the appropriated amount of \$52,985,601.00 and substituting therefore the revised amount of \$52,627,819.00, or a greater or lesser sum, and further transfer the sum of \$58,000.00, or a greater or lesser sum, pursuant to Article 4 of the 2009 Annual Town Meeting Warrant for the purpose of balancing the Fiscal Year 2010 budget or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This Article will fund the difference between the appropriated amount of \$52,985,601 and the revised \$52,632,962 or (\$352,639)....split 34% Municipal and 66% Schools.

Municipal	\$119,897
Schools	<u>\$232,742</u>
	\$352,639

The budget reduction is primarily driven by a drop in State Aid, decline in Local Receipts and less than anticipated New Growth.

From the Municipal side, virtually a ½% cut across the various department operating budgets will raise \$68,400 and the transfer of \$58,000 from Article 4 of the 2009 A.T.M. as follows:

- | | |
|--|----------------|
| • Fire Command Vehicles | \$40,000 |
| • EMS Incidental Information System (Total Approp. \$35,000) | \$13,000 |
| • Computer Network Upgrade (Total Approp. \$25,000) | <u>\$5,100</u> |
| | \$58,100 |

This will sufficiently meet the Municipal commitment of \$119,897.

The \$232,742 reduction on the Schools' side will be achieved by:

- | | |
|--|------------------|
| • Unspent capital (Bus & Van) | \$100,000 |
| • Leaving two vacant positions unfilled | \$ 50,000 |
| • New electricity contract savings | \$ 22,000 |
| • Curriculum & Professional Development cuts | \$ 15,000 |
| • Hold on new Ass't. Principal for 3 months | <u>\$ 22,500</u> |
| | \$209,500 |

The balance will be retrieved by a freeze, as of October 22, 2009, on all General Supplies except Health and Custodial supplies.

Recommendation: The Advisory Committee recommends approval of this Article.

Vote: Unanimous vote in support of this Article.

ARTICLE 2

To see if the Town will vote to amend Article 6 of the April 13, 2009 Annual Town Meeting Warrant by deleting the figure \$959,323.00, or a greater or lesser sum, in the Waterways Enterprise Fund and substituting therefore the revised amount of \$870,329.00, and by inserting the words “and \$88,994.00 from Waterways Retained Earnings” after the word “Receipts”, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: An amendment to Article 6 of the April 13, 2009 Annual Town Meeting Warrant will ensure sufficient funding is available to maintain the operation of the harbor facilities in FY2010. This is accomplished by transferring \$88,994.00 from Waterways Retained Earnings to the Waterways Enterprise Fund to meet FY2010 projected expenditures (\$945,323.00) over FY2009 actual revenues (\$870,329.00). Unexpended funds at the end of the fiscal year revert back to the Waterways Retained Earnings account.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 3

To see if the Town will vote to amend Article 9 of the April 13, 2009 Annual Town Meeting Warrant "Transfer Station Enterprise Fund" by deleting the figure \$1,071,642.00 or a greater or less sum, and substituting therefore the figure \$1,047,607.00 for the purpose of balancing expenditures to estimated revenues for Fiscal Year 2010, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article amends Article 9 of the 2009 Annual Town Meeting to balance the Transfer Station budget for fiscal year 2010 as required under the state law. This change is driven by a projected revenue shortfall of (\$65,841). The driver of the shortfall was a reduced demand for recyclable material such as paper and bulky waste material. Trash bags sales also fell short of projection. The revenue shortfalls were off-set by higher than expected sticker sales and additional favorability in expenses of \$41,807. The resulting difference of (\$24,034) is being recovered by delaying the purchase of materials.

Recommendation: The Advisory Committee recommends approval of this article

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

ARTICLE 4

To see if the Town will vote to amend Article 4 of the November 13, 2006 Special Town meeting Warrant authorizing the Board of Selectmen to borrow funds for the financing of Sewer extension in Town, including Rosa's Lane, and to increase said authorization by the amount of \$175,000.00, or a greater or lesser sum, for the purpose of providing funding for the total project costs and to assess 100% of the cost to the Town through a combination of betterment assessments under the uniform unit method authorized by Massachusetts General Laws, Chapter 83, Section 15 and privilege fees authorized by said method Chapter 83, Section 17 and the Board of Selectmen may determine what part of the cost shall be paid under each method and to further authorize the Treasurer, with the approval of the Selectmen to borrow all or a portion of such amount from the Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c. 78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the agreement with Department of Environmental Protection, to expend all funds available for the project and to take any other action relative thereto.

Sponsored by: Board of Selectmen

Comment: The Town voted to borrow \$357,000.00 for the financing of Rosa's Lane sewer extension at November 13, 2006 Special Town Meeting. This article wishes to increase the amount borrowed by \$175,000 to meet the increased costs of sewer construction. 100% of the cost to the Town will be paid by betterment assessments and privilege fees by neighborhood beneficiaries of the new sewer construction.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 5

To see if the Town will vote to approve for each written demand issued by the Collector a fee charge of \$15.00 to be added to and collected as part of that tax as authorized by Massachusetts General Laws Chapter 60, Section 15, authorized on December 2, 2009, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comment: This article comes to us as a request to assess a fee of \$15.00 for each written demand issued by the Scituate Tax Collector to help cover the costs of processing late payments. This is in accordance to the Massachusetts General Law as stated.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous in support of this article.

ARTICLE 6

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 30B, Section 12 that authorizes the chief procurement officer to award contracts for a term up to five years, including any renewal, extension or option, for certain equipment and service contracts if it is in the best interest of the Town to do so, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comment: As a town we need to approve the provisions of the Massachusetts General Law as stated above to remain in compliance with the laws of the Commonwealth to ensure our contracts are legally binding.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous in support of this article.