

**TOWN OF SCITUATE
SPECIAL TOWN MEETING
APRIL 12, 2010
WARRANT**

COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS

To either of the constables of the Town of Scituate, in said County

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

MONDAY, THE TWELFTH DAY OF APRIL 2010 NEXT

At seven o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. Bill of Prior Years

To see if the Town will vote to transfer the sum of \$ 2,830.00, or a greater or lesser sum, from Waterways Enterprise Fund Retained Earnings and Police Department Purchase of Services, for the purpose of paying Fiscal Year 2009 unpaid bills, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 2. Appropriation for Rosa's Lane

To see if the Town will vote to appropriate the sum of \$160,000.00, or a greater or lesser sum, into the Water Enterprise Fund from Water Department Retained Earnings, for the purpose of construction and installation of water mains for Rosa's Lane, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 3. Transfers of Funds

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$126,643.00, or a greater or lesser sum, for the purpose of fully funding the following accounts established under Article 5, Operating Budget of the 2009 Annual Town Meeting as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Health Insurance	Unemployment	\$95,000.00
Federal Taxes	Unemployment	\$10,000.00
Board of Health Personal Services	Tax Title	\$21,643.00

or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 4. Wastewater Purchase of Services

To see if the Town will vote to transfer from Wastewater Enterprise Fund Retained Earnings the sum of \$102,000.00, or a greater or lesser sum, for the purpose of paying increased costs of Wastewater Purchase of Services, or take any other action relative thereto.

Sponsored By: Board of Selectmen

And you are further directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, fifteen days at least before the time of holding said meeting.

Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of the meeting as aforesaid.

Given under our hands this 2nd day of March, in the year two thousand and ten.

Joseph P. Norton, Chairman

Richard W. Murray, Vice-Chairman

John F. Danehey, Clerk

Shawn Harris, Member

Anthony V. Vegnani, Member

**BOARD OF SELECTMEN
TOWN OF SCITUATE**

**TOWN OF SCITUATE
ANNUAL TOWN MEETING
APRIL 12, 2010
WARRANT**

COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS

To either of the constables of the Town of Scituate, in said County

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

MONDAY, THE TWELFTH DAY OF APRIL 2010 NEXT

At seven o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. Compensation of Elected Officials

To see if the Town will vote to establish the salaries and compensation of all elected Town officials as follows for a sum totaling \$62,871.00, or a greater or lesser sum, or take any other action relative thereto:

SELECTMEN:	Chairman & Legitimate Expenses	\$ 1,500.00
SELECTMEN:	Members & Legitimate Expenses	\$ 2,000.00
		(4 @ \$500)
ASSESSORS:	Chairman & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
		(2 @ \$400)
TOWN CLERK:	Personal Services	\$57,371.00

Sponsored by: Board of Selectmen

ARTICLE 2. Revolving Funds

To see if the Town will vote to reauthorize the following revolving accounts pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, which shall be kept separate and apart from other monies by the Treasurer, and which shall be deposited receipts received that may be spent only from those sources identified below under "Source of Funds" without further appropriation during Fiscal Year 2011 and as identified below under "Use of Funds", and shall be expended under the direction of those so indicated.

Said annual amount expended from each revolving account shall not exceed the amount indicated below under “Annual Expenditure”

Source of Funds	Use of Funds	Expended Under Direction of:	FY 11 Limit
Senior Center Programming Fees	Senior programs and trips	Director, COA	\$35,000
Planning Board Application Fees	Postage, advertising and other administrative expenses	Planning Director	\$50,000
Food Establishment Inspection Fees	Inspection of food establishments	Director of the Board of Health	\$18,000
School Bus Transportation Fees	Transportation of Students	School Superintendent	\$300,000

or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 3. Establishment of Revolving Fund

To see if the Town will vote to authorize the establishment of a Beach Sticker Revolving Fund pursuant to Massachusetts General Laws, Chapter 44, Section 53E ½, which shall be kept separate and apart from other monies by the Treasurer, and which shall be deposited receipts received that may be spent only from those sources identified below under “Source of Funds” without further appropriation during Fiscal Year 2011 and as identified below under “Use of Funds”, and shall be expended under the direction of those so indicated. Said annual amount expended from each revolving account shall not exceed the amount indicated below under “Annual Expenditure”

Source of Funds	Use of Funds	Expended Under Direction of:	FY 11 Limit
Beach Sticker Fees	Beach operations maintenance, and capital	Town Administrator	\$200,000.00

or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 4. Capital Improvement Plan

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, the following sums of money totaling \$2,175,000.00, or any greater or lesser sums as may be necessary, for the purpose of funding the costs of the Fiscal Year 2011 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:

	<u>Item</u>	<u>Department</u>	<u>Amount</u>
A.	Feasibility Study	Library	\$ 45,000.00
B.	Liquid Salt Pre-Treatment System	Public Works	\$ 90,000.00
C.	Sander body and plow Package	Public Works	\$ 50,000.00
D.	School Bus	School	\$ 75,000.00
E.	Infiltration/Inflow System	Sewer	\$ 400,000.00
F.	6-Wheel Dump Truck	Water	\$ 150,000.00
G.	Fire Hydrant Replacement	Water	\$ 25,000.00
H.	Clean and Line/Replace Water Mains	Water	\$1,300,000.00
I.	Command Vehicle	Fire	\$ 40,000.00

Sponsored By: Board of Selectmen

ARTICLE 5. Fiscal Year 2011 Operating Budget

To see if the Town will vote to raise and appropriate, and/or transfer from available funds in the Treasury, the sum of \$53,420,261.00, or a greater or lesser sum, for the purpose of funding personal services and expenses for town operations as may be necessary for the ensuing Fiscal Year commencing July 1, 2010, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 6. Waterways Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of \$1,099,727.00 or a greater or lesser sum, for the purpose of funding the Waterways Enterprise Fund for the ensuing fiscal year commencing July 1, 2010; or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 7. Golf Course Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$1,303,439.00, or a greater or lesser sum, for the purpose of funding the Widow’s Walk Golf Course for the ensuing fiscal year commencing July 1, 2010; or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 8. Wastewater Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$ 3,100,937.00, or a greater or lesser sum, for the purpose of funding the Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2010; or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 9. Transfer Station Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of \$1,238,795.00, or a greater or lesser sum, for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2010; or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 10. Water Enterprise Fund

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of \$2,608,418.00, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2010; or take any other action relative thereto.

Sponsored By: Board of Selectmen

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 Massachusetts General Laws, Chapter 40, Section B, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 12. Massachusetts General Laws Chapter 91 Liability

To see if the Town will vote to assume liability in the manner provided by Massachusetts 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

ARTICLE 13. Community Preservation

To see if the Town will vote to hear and act on the recommendations of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation Budget and pursuant to Massachusetts General Laws, Chapter 44B to appropriate and/or reserve the sums of money as indicated below (i) to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2011; (ii) for the acquisition, creation and preservation of open space; (iii) for the creation of land for recreational use; (iv) for acquisition and preservation of historic resources; and (v) for the creation, preservation and support of community housing. Appropriations for items 5 through 12 below are to be expended first from any existing reserves for the purposes of such item, then appropriated from Community Preservation FY 2011 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds. All such sums appropriated are further to be expended subject to all of the terms and conditions of the votes and applications regarding such projects filed with the Community Preservation Committee. The authorization for the items listed for acquisition of open space in items 5 through 7 below are further limited to the lesser of the sum indicated, or the fair market value of said property as determined by independent appraisal.

Further, as to items 5 through 8 below, to see if the Town will vote that such properties acquired be managed and controlled by the Conservation Commission of the Town of Scituate in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes and that the Town Administrator, with approval of the Board of Selectmen, be authorized to file on behalf of the Town of Scituate any and all applications deemed necessary, or any other applications for funds in any way connected with the scope of these acquisitions, and the Town Administrator and the Board of Selectmen be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the conveyance of a perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Action of 1998 as amended, as may be necessary on behalf of the Town of Scituate to affect said purchase. Said conservation

restriction shall be granted by the Board of Selectmen to any organization qualified and willing to hold such restriction.

1. \$128,000.00 Community Preservation FY 2011 estimated revenues, to be reserved for the creation and support of Community Housing consistent with the Community Preservation Act;
2. \$128,000.00 Community Preservation FY 2011 estimated revenues, to be reserved for acquisition and preservation of historic resources consistent with the Community Preservation Act;
3. \$128,000.00 Community Preservation FY 2011 estimated revenues to be reserved for acquisition and preservation of Open Space consistent with the Community Preservation Act;
4. \$ 64,000.00 From Community Preservation FY 2011 estimated revenues for Administrative Expense of the Community Preservation Committee;
5. \$128,350.00 for Acquisition of Open Space - Bjorklund Property;
6. \$814,200.00 for Acquisition of Open Space - Wheelwright Property;
7. \$ 35,000.00 Acquisition of Open Space - Mirarchi Family Property;
8. \$350,000.00 for Historic Resources – Bates House Acquisition;
9. \$ 5,000.00 for Historic Resources-1st Baptist Church National Register Nomination
10. \$ 8,000.00 for Historic Resources-1st Baptist Church National Historical Records Preservation
11. \$ 25,000.00 for Historic Resources-Town Archives Preservation;
12. \$220,000.00 for Land for Recreational Use-Harborwalk

or take any other action relative thereto.

Sponsored By: Community Preservation Committee

ARTICLE 14. Community Preservation Act Reconciliations

To see if the Town will vote to transfer the sum of \$173,825.00, or a greater or lesser sum, from authorized but unexpended appropriations for community preservation projects to the Community Preservation Committee Fund Balance, or take any other action relative thereto.

Sponsored By: Community Preservation Committee

ARTICLE 15. Workers' Compensation Trust Fund Statute Adoption

To see if the Town will vote to revoke its acceptance of Massachusetts General Laws Chapter 40, Section 13C under Article 27 of the March 12, 1992 annual town meeting warrant and in its place substitute and accept the provisions of Massachusetts General

Laws Chapter 40, Section 13A, for the purpose of funding and paying claims for the Workers' Compensation Self-Insured Fund, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 16. Educational Incentive for Police Officers

To see if the Town will vote to revoke its acceptance of Massachusetts General Laws Chapter 41, 108L, "Police career incentive pay program; salary increases; reimbursement of cities or towns." accepted by the Town pursuant to Article 17 of the March 3, 1999 town meeting, as a result of the Commonwealth's discontinuance of the program July 1, 2009, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 17. Municipal Liens

To see if the Town will vote as authorized under Massachusetts General Laws Chapter 40, Section 58, to impose a municipal lien charge for the purpose of non-payment of Returned Check Replacement Fees with a Return Check Fee and the non-payment of recreation fees, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 18. General Bylaw: Delinquent Licenses and Fees

To see if the Town will vote to amend the General Bylaws of the Town by inserting a new section, Section 10250 to read: Any permit granting or licensing authority is authorized in accordance with the provisions of Massachusetts General Laws Chapter 40, Section 57 to deny any application for, or revoke or suspend any local license or permit including renewals or transfers issued to any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessment, betterments or any other municipal charge except that such bylaw shall not apply to open burning permits under Chapter 48, Section 13, bicycle helmets under Chapter 85, Section 11A; dog licenses under Chapter 140, Section 137, marriage licenses under Chapter 207, Section 28, or sales for charitable purposes under Chapter 101, Section 33, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 19. Utility Poles

To see if the Town will vote to amend the General Bylaws of the Town by inserting a new section, Section 30360, "Utility Poles" to read:

A distribution company or a telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs, and the removal of the existing pole from the site within 90 days from the date of installation of the new pole; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The owner of such pole shall notify all other users of the starting date of such removal and installation work at least 48 hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner, or take any other action relative thereto.

Sponsored By: Board of Selectmen

**ARTICLE 20. South Shore Regional Vocational Technical High School
Repair of Roof and Window Systems**

To see if the Town will vote to approve and accept the appropriation for acceptance of the cost, site, type, scope and timeline for the repair of the roof and window systems at the South Shore Vocational Technical High School as voted by the South Shore Regional Technical Vocational Technical School District School Committee on February 17, 2010, and further provided that such approval is contingent upon anticipated reimbursement of eligible costs from the Massachusetts School Building Authority (MSBA) of approximately fifty-two (52%) of the total cost of \$3,300,000.00, and that the proposed such project shall extend the useful life of the school and support the required education program, with said sum to be expended under the direction of the South Shore Regional Vocational Technical High School Building Committee, and to meet said appropriation the South Shore Regional School Committee is authorized to borrow said sum under Massachusetts General Laws Chapter 44, or any other enabling authority; and that any project costs the South Shore Regional School District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the South Shore Regional School District; and that the amount of borrowing authorized pursuant to the School Committee's vote shall be reduced by any grant amounts set forth in the Project Funding Agreement that may be executed between the South Shore Regional School District and the MSBA or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 21. Musquashicut Pond Area Easements

To see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and permanent easements, and any property in fee simple by gift, purchase, eminent domain, or otherwise, for the property located in the Town of Scituate, Massachusetts, and further described and shown on a plan entitled "Plan of Sewer

Easements in Scituate, Massachusetts, Musquashicut Pond Area-Phase II Sewers” dated March 2010 and prepared by Ross Engineering Company, Incorporated, a copy of which is on file in the Office of the Town Clerk and is incorporated herein by reference, for the purpose of constructing and maintaining sewer mains, pumping stations, and all other appurtenances thereto; and to see if the Town will transfer from available funds in the Wastewater Enterprise Fund such sums of money to defray all necessary costs, fees and expenses in connection with the acquisitions of such lands and easements and for applying damages which may be awarded as the result of any such takings, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 22. Stockbridge Road

To see if the Town will vote to transfer to the Board of Selectmen all or a portion of the land identified as Lot 59-11, as shown on the Scituate Assessors’ Maps, and further shown on a plan of land entitled “Plan of Land in the Town of Scituate, Massachusetts, STOCKBRIDGE ROAD, dated January 7, 2010 prepared by Ross Engineering Company, Incorporated, and authorize the Board of Selectmen to sell and convey such land for such purposes and upon such terms as the Board of Selectmen deem in the best interest of the Town, and vote to dispose of the proceeds from such land, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 23. Zoning Bylaw Revision

To see if the Town will vote to amend its Zoning Bylaws as set forth in the proposed amended Zoning Bylaws provided for all members at this meeting, and on file with the Town Clerk, or take any other action relative thereto.

Sponsored By: Bylaw Review Committee

And you are further directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, thirty days at least before the time of holding said meeting.

Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of the meeting as aforesaid.

Given under our hands this 2nd day of March, in the year two thousand and ten.

Joseph P. Norton, Chairman

Richard W. Murray, Vice-Chairman

John F. Danehey, Clerk

Shawn Harris, Member

Anthony V. Vegnani, Member

**BOARD OF SELECTMEN
TOWN OF SCITUATE**