

**TOWN OF SCITUATE
SPECIAL TOWN MEETING
APRIL 11, 2011
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 ELEVENTH DAY OF APRIL 2011 NEXT

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

ARTICLE 1. Bills of Prior Years

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$859.00 or a greater or lesser sum, for the purpose of paying Fiscal Year 2010 unpaid bills, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 2. Fiscal Year 2011 Storm Damage Costs

To see if the Town will vote to transfer the sum of \$ 165,000.00, or a greater or lesser sum, from the Stabilization Fund for the purpose of paying Fiscal Year 2011 bills associated with the Blizzard of 2010, 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 \$143,826.00, or a greater or lesser sum, for the purpose of fully funding the following accounts established under Article 5, Operating Budget of the 2010 Annual Town Meeting as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Conservation Personal Services	Conservation Purchase of Services	\$ 20,000
IT Personal Services	Fire Overtime	\$ 22,000
Free Cash	Snow Removal	\$101,826

or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 4. Lease of Town Land

To see if the Town will vote to lease a portion of town-land, located at 266 Tilden Road (Assessors Map/Book/Lot 34-17-A), and further described in Book 2488, Page 451 filed in the Plymouth County Registry of Deeds, for the purpose of constructing and maintaining a wireless communication facility for an initial term of twenty years, 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 , in the year two thousand and eleven.

John F. Danehey, Chairman

Joseph P. Norton, Vice-Chairman

Anthony V. Vegnani, Clerk

Shawn Harris, Member

Richard W. Murray, Member

**BOARD OF SELECTMEN
TOWN OF SCITUATE**

**TOWN OF SCITUATE
ANNUAL TOWN MEETING
APRIL 11, 2011
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 ELEVENTH DAY OF APRIL 2011 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 \$71,000.00, 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	\$65,500.00

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 2012 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 12 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
Beach Sticker Fees	Beach operations maintenance and and capital	Town Administrator Recreation Director	\$215,000

or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 3. 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 \$2,629,000.00, or any greater or lesser sums as may be necessary, for the purpose of funding the costs of the Fiscal Year 2012 Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Town Charter and outlined as follows, or take any other action relative thereto:

	Item	Department	Amount
A.	Seawall Repair	DPW-Foreshore Protection	\$500,000
B.	Security Equipment	School-Equipment	\$300,000
C.	Roadway Improvements	Highway	\$150,000
D.	Rescue Pumper	Fire-Fleet Maintenance	\$430,000
E.	Ambulance Replacement	Fire-Fleet Maintenance	\$175,000
F.	Bobcat	DPW-Sidewalk Maintenance	\$ 90,000
G.	Sheet Metal Ductwork	Library	\$ 27,000
H.	Bus Replacement	School-Fleet Maintenance	\$ 90,000
I.	Monitor/Defibrillator	Fire-Equipment	\$ 25,000
J.	Emergency Generators	School-Equipment	\$150,000
K.	Survey Equipment	DPW-Engineering	\$ 37,000

L.	Infiltration/Inflow	Sewer	\$200,000
M.	SCADA Replacement	DPW-Engineering	\$ 70,000
N.	Water Mains Repair	Water-System Maintenance	\$250,000
O.	SCADA Upgrade	Water-Equipment	\$ 85,000
P.	Harbor Dredging	Harbor Maintenance	\$ 50,000

Sponsored By: Board of Selectmen

ARTICLE 4. Establishment of Revolving Fund – Wind Turbine Funds

To see if the Town will vote to authorize the establishment of a Wind Turbine Revenue 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 in 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 2012 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 “FY 12 Limit”:

Source of Funds	Use of Funds	Expended Under Direction of:	FY 12 Limit
Wind Turbine Revenues	Subsidizing of Town electricity costs	Town Administrator DPW Superintendent	\$ 294,000

or take any other action relative thereto.

Sponsored by: Board of Selectmen
Renewable Energy Committee

ARTICLE 5. Fiscal Year 2012 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 \$54,357,987.00, 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, 2011, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 6. Contingent Appropriation Fiscal Year 2012 Operating Budget

To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$2,200,000.00, or a greater or lesser sum, for the purpose of additionally funding school and departmental operating and capital expenses and other expenses in Fiscal Year 2012, with said funds to be contingent upon passage of a Proposition 2 1/2 referendum question under Massachusetts General Laws Chapter 59, Section 21C, or take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 7. Establishment of Other Post-Employment Benefits Trust Fund

To see if the Town will vote to accept the provisions of Chapter 479 of the Act of 2008, An Act Providing for the Establishment of Other Post-Employment Benefits Liability Trust Funds in Municipalities, which amended Chapter 32B of the General Laws, to add Section 20 which allows creation of this Fund; and to take any other action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 8. Funding for Other Post-Employment Benefits Liability Trust

To see if the Town will vote to raise and appropriate, and/or transfer from available funds in the Treasury the sum of \$14,983.00, or a greater or lesser sum, for the purpose of funding the Other Post Employment Benefits Liability Trust Fund pursuant to Article 7 of the April 11, 2011 annual town meeting warrant as authorized by the General Court, in order to offset the anticipated future cost of providing post-retirement health and life insurance benefits to current and future retired Town and school employees, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 9. 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 \$ 1,034,944.00, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise Fund for the ensuing fiscal year commencing July 1, 2011, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 10. 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 \$ 1,234,676.00, 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, 2011, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 11. 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 \$3,103,774.00, or a greater or lesser sum, for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2011, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 12. 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 \$ 1,207,274.00, 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, 2011, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 13. 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 \$ 2,669,293.00, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2011, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 14. 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 5B, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 15. Assessors Revaluation

To see if the Town will vote to raise and appropriate the sum of \$75,000.00, or a greater of lesser sum, for the purpose of conducting the Town’s mandated valuation of property, or take any other action relative thereto.

Sponsored By: Board of Selectmen
Board of Assessors

ARTICLE 16. 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 17. Community Preservation

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the “CPC”) on the Fiscal Year 2012 Community Preservation budget and pursuant to Massachusetts General Laws, Chapter 44B (the “Act”) 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 CPC 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 15 below are to be expended first from any existing reserves for the purposes of such item, then appropriated from Community Preservation FY 2012 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds. Items 16 and 17 below are 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 CPC. The authorization for the items listed for acquisition of open space in items 5 and 6 below are further limited to the lesser of the sum voted by the indicated on a per acre basis by the CPC not to exceed the total of such item below, or the fair market value of said property as determined by independent appraisal.

And further, as to items 5 and 6 below, to see if the Town will vote that such properties acquired be managed and controlled by the Conservation Commission of the Town 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 for grants and/or reimbursements from the Commonwealth of Massachusetts under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897), the LAND program (M.G.L. Chapter 132A, Section 11) and/or any other grant program, 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 and the Conservation Commission 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 Acts of 1998 as amended, as may be necessary on behalf of the Town Scituate to affect said purchase. Said conservation restriction may be granted to any organization qualified and willing to hold such a restriction.

1. \$125,000 Community Preservation FY 2012 estimated revenues, to be reserved for the creation and support of Community Housing consistent with the Act;
2. \$125,000 Community Preservation FY 2012 estimated revenues, from Community Preservation FY 2011 revenues, to be reserved for acquisition and preservation of historic resources consistent with the Act;
3. \$125,000 Community Preservation FY 2012 estimated revenues to be reserved for acquisition and preservation of Open Space consistent with the Act;
4. \$ 62,500 From Community Preservation FY 2012 estimated revenues for Administrative Expense of the Community Preservation Committee;
5. \$916,000 for Acquisition of Open Space – Crosbie Property;
6. \$226,000 for Acquisition of Open Space – Hubbell Preserve;
7. \$125,000 for Affordable Housing-Transfer to Scituate Affordable Housing Trust
8. \$ 9,000 for Historic Resources-Lawson Gate Pillars Renovation;
9. \$ 3,000 for Historic Resources – Ellis House Preservation plan;
10. \$ 65,000 for Historic Resources-Restoration and Reuse of Gates School;
11. \$175,000 for Historic Resources-Restoration of North Scituate Train Canopy;
12. \$ 10,000 for Historic Resources-375th Anniversary Publication;
13. \$ 75,000 Historical Resources-Scituate Lighthouse Repairs;
14. \$ 3,500 Land for Recreational Use-Teak Sherman Community Garden;
15. \$297,000 Land for Recreational Use-Community Park and Playground;
16. \$300,000 for Land for Recreational Use- Gannett Road Path;
17. \$475,000 for Historic Resources-Lighthouse Seawall/Revetment Repair ;

or take any other action relative thereto.

Sponsored By: Community Preservation Committee

ARTICLE 18. Community Preservation Act Reconciliations

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling \$213,116.72, or a greater or less sum, and to transfer said funds into the Community Preservation Committee General Fund Balance, in accordance with the provisions of the Community Preservation Act, or take any other action relative thereto.

<u>Description</u>	<u>Amount</u>	<u>ATM Date</u>
Library Grounds	\$30,000.00	2007; Article 18J
Egypt Park	\$ 9,117.17	2007; Article 18B
Housing Authority Affordable Housing Initiative	\$ 4,746.61	2007; Article 18E
Bike and Walking Path	\$168,944.20	2008; Article 19C
WPA Building Renovation	\$ 308.74	2009; Article 15.7

Sponsored By: Community Preservation Committee

ARTICLE 19. Acceptance of Schematic Design – Library

To see if the Town will vote to approve the schematic drawings for the proposed renovation project at the library as required by the Massachusetts Board of Library Commissioners as part of the Town’s application for grant funds for said project, or take any other action relative thereto.

Sponsored by: Board of Selectmen
Board of Library Trustees

ARTICLE 20. Hollett Street Sidewalk Grant

To see if the Town will vote to authorize the Board of Selectmen to acquire any land parcels and/or rights in land parcels for the purpose of obtaining a secure and public right of way that will permit the construction and roadway safety for the Hollett Street sidewalk, and further that the Board may acquire said parcel or modifications thereof or acquire other parcels through all legal means including, but not limited to, donation, purchase or eminent domain and to authorize and raise a sum of money to affect such expenses, or take any action relative thereto.

Sponsored by: Board of Selectmen

ARTICLE 21. General Bylaw Amendment --- Time of Meeting

To see if the Town will vote to amend the General Bylaws of the Town, 20100 “Town Meetings”, Section 20140, “Time of Meeting” by striking the entire last sentence in paragraph three, and inserting therefore a new sentence to read as follows: “The annual election of officers shall be held on the sixth Saturday following the Monday on which the annual Town Meeting is to convene under this bylaw,” or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 22. General Bylaw: Delinquent Licenses and Fees

To see if the Town will vote to adopt a general bylaw to allow for the denial or revocation of licenses or permits to applicants who are delinquent in the payment of Town taxes, fees or charges, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 23. Acceptance of Public Way - Blossom Street

To see if the Town will vote to accept Blossom Street as laid out by the Board of Selectmen as a public way; and authorize the Selectmen to accept or take by eminent domain easements for such public way and any appurtenant drainage or municipal services; and to raise and appropriate a sum of money and impose betterments for the improvement thereof; or take any other action relative thereto.

Sponsored By: Board of Selectmen
Street Acceptance Committee

ARTICLE 24. Acceptance of Public Way – Cornerstone Lane

To see if the Town will vote to accept Cornerstone Lane as laid out by the Board of Selectmen as a public way; and authorize the Selectmen to accept or take by eminent domain easements for such public way and any appurtenant drainage or municipal services; and to raise and appropriate a sum of money and impose betterments for the improvement thereof; or take any other action relative thereto.

Sponsored By: Board of Selectmen
Street Acceptance Committee

ARTICLE 25. Acceptance of Public Way – Pineview Drive and Pineview Circle

To see if the Town will vote to accept Pine View Drive and Pine View Circle as laid out by the Board of Selectmen as public ways; and authorize the Selectmen to accept or take by eminent domain easements for such public way and any appurtenant drainage or municipal services; and to raise and appropriate a sum of money and impose betterments for the improvement thereof; or take any other action relative thereto.

Sponsored By: Board of Selectmen
Street Acceptance Committee

ARTICLE 26. Musquashicut Pond Restoration

To see if the Town will vote to apply to the Massachusetts Department of Environmental Protection for a permit to retain the existing electrically operated tide gates at the entrance to Musquashicut Pond and maintain a minimum water level throughout the Pond during neap tide period (except during flushing) and to establish a volunteer committee composed of Pond neighbors for oversight and control of the Pond’s water level and flushing schedule and establish guidelines for gate closing in advance of Gulf Rive storm surge, or take any other action relative thereto.

BY PETITION

ARTICLE 27. Musquashicut Pond Gate Remote Control

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, approximately \$15,000 to provide automated remote control capability to the electric Musquashicut Pond tide gates, and to also to return to the former practice of having the Pond treated for nuisance algae, or take any other action relative thereto.

BY PETITION

ARTICLE 28. General Bylaw Amendment - Political Signs

To see if the Town will vote to amend the Town Bylaw providing for political signs by adding the following sentence: “Signs for candidates who win state fall primary elections may remain up until three days after the full general election,” or take any other action relative thereto.

BY PETITION

ARTICLE 29. Acceptance of Public Way - Pine View Drive and Pine View Circle

We the Abutters of Pine View Drive and Pine View Circle request the Selectmen to place on the warrant for annual town meeting an article for the Town of Scituate to accept Pine View Drive and Pine View Circle as Public Ways, or take any other action relative thereto.

BY PETITION

ARTICLE 30. Acceptance of Public Way - Old Mouth Road

To see if the Town of Scituate will vote to accept Old Mouth Road, Dream Way (Ave.) Ocean Front Street, Court Street, and a portion of River Street as public ways. These roads have already been brought up to standards as designated by the Town at the expense of the residents and they are willing to petition for acceptance under the Betterment Act, where in the costs of maintaining and plowing the road are shared by the abutters and the Town of Scituate, or take any other action relative thereto.

BY PETITION

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 1st day of March, in the year two thousand and eleven.

John F. Danehey, Chairman

Joseph P. Norton, Vice-Chairman

Anthony V. Vegnani, Clerk

Shawn Harris, Member

Richard W. Murray, Member

**BOARD OF SELECTMEN
TOWN OF SCITUATE**