

**TOWN OF SCITUATE**  
**ADVISORY COMMITTEE**



Report and Recommendations  
for

**SPECIAL TOWN MEETING**

**OCTOBER 25, 2011**

**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 October 25, 2011.

Our forum is an Open Town Meeting, which 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.

This evening, the Board of Selectmen, and other town boards will propose various expenditures, funding transfers, zoning changes, etc. In total, the 2011 Special Town Meeting places before the voters a total of **twenty-three (23)** articles for your consideration

We, the Advisory Committee, recommend on each; but **ONLY YOU** decide which articles pass, and which ones do not.

### **YOU ARE THE LEGISLATIVE BODY OF SCITUATE.**

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**

**Mark Sandham, Chairman**

**Maura Curran, Vice Chair**

**Anthony Antonello**

**Bob DeLorenzo**

**Kevin Dolan**

**Frank Judge**

## **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  
25 OCTOBER 2011**

ARTICLE 1

To see if the Town will vote to raise and appropriate the sum of \$3,613.00, or a greater or lesser sum, for the purpose of paying unpaid Fiscal Year 2011 unpaid bills in the Fire and Public Works Departments, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The purpose of this article is to fund three (3) unpaid bills from FY11 in the amount of \$3,613.00.

<u>VENDOR</u>	<u>DEPT</u>	<u>AMOUNT</u>	<u>COMMENT</u>
Gallant Grader Service	DPW	\$1,000	
George Dunlop	DPW	\$2,160	Stump Grinding
Quincy Medical Center	Fire	\$ 453	

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

ARTICLE 2

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$400,000.00, or a greater or lesser sum, for the purpose of replenishing the Stabilization Fund for storm-related costs from the December 2010 storm in the amount of \$139,000.00, and to further appropriate the sum of \$261,000.00 from available funds in the Treasury, to provide for additional reserves against unforeseen events or for any other lawful municipal purpose, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** At the April 11, 2011 Special Town Meeting, the Town expended \$138,315.00 from the Stabilization Fund to cover costs associated with the December 2010 storm. This article will transfer \$139,000 back into the Stabilization Fund from Free Cash. It is further recommended that in order to build the Town's reserves, as noted in the Town's recent bond rating from Standard and Poor's, that an additional sum of money from Free Cash in the amount of \$261,000.00 be transferred to the Stabilization Fund. While S&P noted that the Town's reserves stand at 7%, a minimum of 10% is considered appropriate for a budget of our Town's size. Therefore, the total for the article would be \$400,000.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

### ARTICLE 3

To see if the Town will vote to amend Article 5 of the April 11, 2011 Annual Town Meeting warrant by amending the sum of \$53,428,239.00 to the new sum of \$53,509,767, or a greater or lesser sum, with said funds to be raised and appropriated, and by amending the sum of \$54,244.00 to the new sum of \$53,386.00, or a greater or lesser sum, with said funds to be appropriated from the Massachusetts School Building Authority Reserve, and by amending the sum of \$166,056.00 to the new sum of \$85,386.00 from the Massachusetts School Building Authority Reserve for Appropriation, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** In April 2011, Town Meeting approved the FY12 school budget that included an anticipated amount of funds to be received from the Massachusetts School Building Authority. A portion of the anticipated funds have been received and the remaining funds will not be received until completion, audit and final release by MSBA of the Wampatuck School Building Project. As a result, the difference needed to be deducted from the total school budget line item for FY12 or included as a raise and appropriation under our available levy limit. This article recommends the funds be raised through taxation and not reduce the school budget further for FY 12. This is a housekeeping item intended to reconcile amounts. The amount to be adjusted is \$81,528.00.

**Recommendation:** The Advisory Board recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

### ARTICLE 4

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, the sum of \$85,000.00, or a greater or lesser sum, with said sum to be added to the total appropriation approved pursuant to Article 2 of the May 17, 2010 Special Town Meeting for the purpose of fully funding costs associated with minor project changes to the Wampatuck School Building Project, or take any other action relative thereto.

*Sponsored by Board of Selectmen*

**Comments:** This article would approve additional funds for fully funding the Wampatuck School Building Project in the amount of \$85,000.00. In May 2010, the amount of \$2,480,000.00 was approved at Special Town Meeting. A portion of that appropriation included a \$150,000.00 balance from a previous authorization for school improvements. Subsequent review has determined that that amount is not available for this purpose. The \$85,000 is needed to cover the costs to complete and fully fund the repairs of Wampatuck School. An auditor has confirmed that this amount may be added to the school debt exclusion.

**Recommendation:** The Advisory Board recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 5

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$35,000.00, or a greater or lesser sum, for the purpose of funding increased costs for the purchase of a new ambulance for the Scituate Fire Department pursuant to Article 3.E of the April 11, 2011 annual town meeting warrant, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The 2011 annual Town Meeting voted in favor of spending an amount of \$175,000 for the purchase of a new ambulance for the Scituate Fire Department. Purchasing an ambulance model for an additional \$35,000 will allow for an expected 11 years of useful life as opposed to the previously expected five years. The difference would be funded through Free Cash.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 6

To see if the Town will vote to raise and appropriate the sum of \$20,000.00, or a greater or lesser sum, to the Veterans Services Account for the purpose of fully funding this account for the remainder of Fiscal Year 2012, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** Massachusetts General Laws requires all communities with populations in excess of 12,000 to have a full-time Veterans Agent. While this requirement was not enforced previously, communication received from the Lieutenant Governor and Attorney General in April of this year indicates that those communities not in compliance with this statute must come into compliance. The Town currently has a Veterans Agent for 16 hours per week. This appropriation would increase the Veterans Services account to 35 hours per week for the remainder of the fiscal year for an additional amount of \$20,000. The Town is exploring the formation of a veterans' district with neighboring communities, but nothing has been agreed upon as yet. It is possible the additional amount would go to mandated clerical support as well. As this is an operating budget expense, the Board of Selectmen voted to fund this article from taxation, i.e. raise and appropriate from additional levy capacity.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous vote (4-0) in support of this article.

## ARTICLE 7

To see if the Town will vote to transfer the sum of \$32,629.00, or a greater or lesser sum, from Golf Course Retained Earnings, in the Golf Course Enterprise Fund for the purpose of balancing expenditures to estimated revenues for Fiscal Year 2012, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article amends Article 7 of the 2011 annual Town Meeting warrant for the Golf Course Enterprise Fund. All five enterprise funds needed transfers at the 2010 Fall Special Town Meeting. This year improved management and budgetary oversight has resulted in the need for only one reconciliation, in the Golf Course Enterprise Fund. This article would take \$32,629 from Golf Course Enterprise Fund Retained Earnings. This will leave no balance in Retained Earnings for Widow's Walk and a small deficit of \$4,500. By law, Enterprise Fund revenues each year must be reconciled with the prior year's projections. This article will insure sufficient funding to maintain the operation of the fund for FY12. This will be accomplished by transferring available funds from the Golf Course Enterprise Fund Retained Earnings to meet projected expenses. Unexpended funds at the end of the fiscal year revert back to each respective Retained Earnings account.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 8

To see if the Town will vote to transfer from available funds in the Treasury, the sum of \$57,000.00, or a greater or lesser sum, to the School Department budget for Fiscal Year 2012, for the purpose of reconciling outstanding town and school budgetary revenues pursuant to the establishment of the Beach Sticker Revolving Fund as authorized by Article 3 of the April 12, 2010 annual town meeting, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** In February 2010 the Board of Selectmen approved changes regarding beach sticker fees upon the recommendation of a study committee formed for that specific purpose. A Revolving Fund for beach sticker fees was established at the April 2010 annual Town Meeting. The Revolving Fund receives all revenues from beach sticker fees and expenditures of these funds not only to pay for lifeguards but also to provide for beach-related activities and for related capital items such as parking lot improvements. Prior to the establishment of the Revolving Fund, beach sticker revenues went into the Town's General Fund. Because revenues for budgetary purposes are shared with the School Department, the conversion of these revenues to the Revolving Fund resulted in a revenue shortfall in FY11 in the total revenue appropriation the school budget would have received. That amount was \$57,000. This article would increase the FY12 school budget approved under Article 5 of the 2011 annual Town Meeting warrant in recognition of this accounting change and transfer from Free Cash the \$57,000 to the school operating budget.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 9

To see if the Town will vote to transfer from available funds in Water Department Enterprise Fund Retained Earnings, the sum of \$450,000.00, or a greater or lesser sum, for the purpose of replacing water mains on Surfside Road in conjunction with the Musquashicut Sewer Project, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** Town Meeting previously authorized borrowing for the expansive Musquashicut Sewer Project. Engineering for the project has since discovered that the water lines on Surfside Road are in critical need of repair and should be replaced when the road is opened for the installation of new sewer lines. An additional amount of \$450,000 is needed to incorporate the water line replacement concurrently with the new sewer lines. Costs would be paid from the Water Enterprise Fund Retained Earnings.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 10

To see if the Town will vote to raise and appropriate the sum of \$43,000.00, or a greater of lesser sum, to the Town Administration Account, for the purpose of establishing and funding a Facilities Manager position for the oversight and management of town properties for the remainder of Fiscal Year 2012, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article would fund, for the remainder of FY12, \$43,000.00 for the salary of a Facilities Manager responsible for the oversight of the Town's 55 buildings and properties. The insured value of the Town buildings exceeds \$138 million. The Board of Selectmen has received and reviewed the proposed job description for this position. The towns of Hanover and Marshfield recently created a similar position. With our wind turbine, solar array, Green Communities grants, Solarize Scituate, and ESCO projects being implemented, an individual is critically needed to insure that the Town's investments are not neglected and that the goals and objectives of each project, as well as the overall maintenance and oversight of Town buildings, is addressed.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** The vote was 3-1 in support of this article.

## ARTICLE 11

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$40,000.00, or a greater or lesser sum, for the purpose of engineering, design, and initial retrofitting of the Scituate Police Department for combined public safety and emergency response dispatching services, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** This article would provide funding in the amount of \$40,000 for design, engineering and partial retrofitting of the current Police Department dispatching space. A working committee comprised of Scituate public safety staff has been meeting since the spring to centralize police, fire and emergency dispatch operations. Today, Scituate has two separate dispatching services, one for police, and one for fire. In an effort to streamline functionality, increase response times, and reduce costs, these funds would allow for the design and partial outfitting of the physical space for the combined center. It is anticipated that the FY13 capital plan will include additional appropriations for equipment and other identified needs for the center including the potential for an Emergency Operations space.

**Recommendation:** The Advisory Board recommends approval of this article

**Advisory Committee Vote:** Unanimous vote (4-0) in support of this article.

## ARTICLE 12

To see if the Town will vote to petition the General Court of Massachusetts to enact legislation allowing the current Chief of Police, Brian E. Stewart. To remain in said position, subject to a satisfactory physical exam, until reaching the age of 66, notwithstanding any provision otherwise requiring him to retire at 65, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The Chief of Police will turn 65 in July 2012. Massachusetts General Law requires retirement of police chiefs at the age of 65. The law also provides that a chief may work past the age of 65 if Town Meeting approves special legislation to be filed and approved by the Legislature to work for one year past the age of 65. The law also requires a physical exam. This would be applicable for one year, allowing Chief Stewart to work until July 2013. Annual approval is required for each additional year.

**Recommendation:** The Advisory Board recommends approval of this article

**Advisory Committee Vote:** Unanimous vote (4-0) in support of this article.

ARTICLE 13

To see if the Town will vote to authorize the establishment of a Solar Array 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 which shall be deposited revenues 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 “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” and provided further that any remaining funds as of June 30, 2012 of any given year revert to the General Fund.

<u>Source of Funds</u>	<u>Use of Funds</u>	<u>Expended under</u>	<u>FY 12 Limit</u>	<u>Direction of</u>
Solar Revenue	Subsidizing of Town Electricity Costs	\$50,000		Town Engineer

Or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The April 2011 annual Town Meeting approved the leasing of land on the Town landfill for a solar field. Similar to the Revolving Fund approved for the wind turbine in 2010, this will allow the revenues received from the solar array to be used to offset electrical costs in Town and school buildings. Any balance remaining at the end of the fiscal year would go to the General Fund.

**Recommendation:** The Advisory Board recommends approval of this article

**Advisory Committee Vote:** Unanimous vote (4-0) in support of this article.

ARTICLE 14

To see if the Town will adopt a new bylaw, Section 30180, to be inserted in the Town’s General Bylaws, 30100 Public Safety, as follows, for the purpose so as to provide for making repairs on private ways; and establish terms and conditions, including the imposition of betterments, for such repairs as permitted under Massachusetts General Laws Chapter 40, Section 6N, or take any other action relative thereto.

The Department of Public Works may establish a Private Way Repair Program to provide professional engineering and contract funding assistance to abutters of a private way which have been open to the public for six (6) years or more to make surface and drainage repairs in order to extend the life of the road. All costs (including, but not limited to engineering, administration, legal, labor, materials and contractor costs, and interest on borrowed funds) must be recovered by a betterment assessed on properties abutting said road and all properties on connecting roads which use said road as the sole means of access.

*Sponsored by: Board of Selectmen*

**Comments:** A new section in the bylaw, 3100 Public Safety, will allow for residents of a private way to maintain private way status but partner with the Town for such repairs and improvements as permitted under Massachusetts General Laws Chapter 40, Section 6N. The Town would be reimbursed for making necessary repairs through the assessment of betterments. This is a similar process the Town has been using with residents on private ways who would like to convert private ways to public roads. With the new bylaw, the road would remain private after the work has been completed.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** The vote was 3-1 in support of this article.

## ARTICLE 15

To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, a parcel of land known as Minot Beach, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The Town has had an easement with the North Scituate Beach Improvement Association for 50 years allowing the Town access and use to the southern end of Minot Beach (where the ramp is located at the end of Gannett Road). The easement has expired and the Beach Association has informed the Selectmen that it wishes to donate this portion of the beach as a gift to the Town. This article would accomplish this conveyance and bring the maintenance and support of that area under the management of the Town.

**Recommendation:** The Advisory Board recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 16

To see if the Town will authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, easements for the purpose of accessing, constructing, reconstructing, replacing and maintaining seawalls along the Town's shore land, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** When the Town undertakes water or sewer projects, easements are often required to do the work and Town meeting is asked to authorize the Town to obtain the easements through various methods to insure the work is completed. As the Town has now implemented a capital maintenance plan for the repair and maintenance of seawalls, we have been advised by Town Counsel that, in order for the Town to access and perform work on seawalls that may involve private property, easements also require Town Meeting approval. This article would accomplish this for future seawall work. The need for Town Meeting approval for seawall easements was

discovered when the Town started to initiate repairs to the seawall breach that occurred during the December 2010 storm.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

#### ARTICLE 17

To see if the Town will vote to amend the Zoning Map by replacing the map adopted on May 15, 1974 with a new map, dated August 4, 2011, incorporating all changes previously adopted by Town Meetings and also to change the reference to the zoning map in the Zoning Bylaw, Section 300, Establishment of Districts, Subsection 320 Location of districts, by deleting the words “zoning map, Town of Scituate, Mass. Dated April, 1974, and replacing them with the words “Town of Scituate Zoning Map dated August 4, 2011,” or take any other action relative thereto.

*Sponsored by: Board of Selectmen  
Planning Board*

**Comments:** This article would adopt an updated Zoning Map reflecting all zoning changes since 1974. Changes include any changes voted and approved at annual Town Meeting.

**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

#### ARTICLE 18

To see if the Town will vote to amend the Zoning Bylaw by adding the following language as the last sentence in Section 710.1, Signs in Residential Districts, paragraph D:

Signs for candidates who win all fall state primary elections may remain up until three days after the full general election, or take any other action relative thereto.

*Sponsored by: Board of Selectmen  
Planning Board*

**Comments:** This article was a petition article approved by voters at the April 2011 annual Town Meeting. However, the article was rejected by the Attorney General’s Office as it was approved to be part of the Town’s General Bylaws when it more appropriately should have been in the Town’s Zoning Bylaws. This article rectifies this oversight and instead of the petitioner being asked to resubmit, the Planning Board is sponsoring the article.

**Recommendation:** The Advisory Board recommends approval of this article

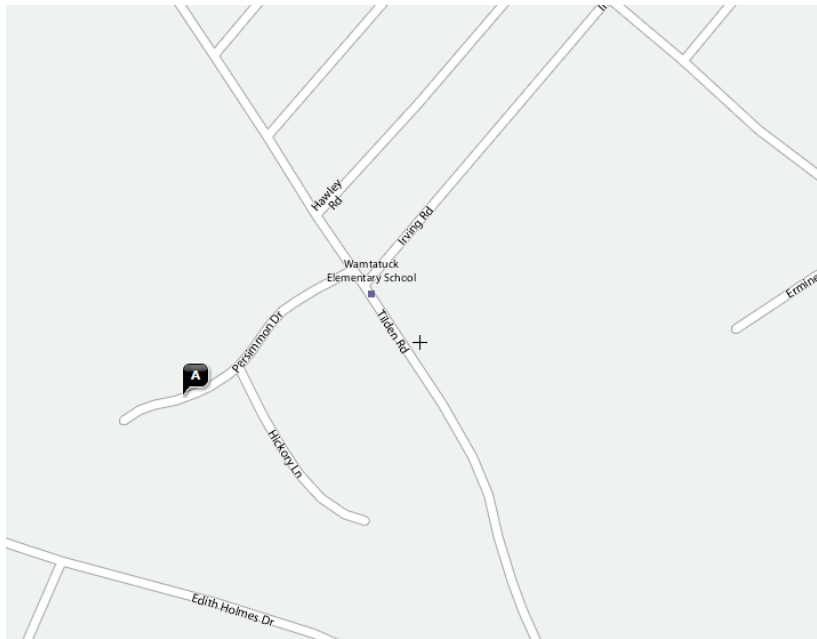
**Advisory Committee Vote:** Unanimous vote (4-0) in support of this article.

## ARTICLE 19

To see if the Town will vote to accept as a public way Persimmon Drive 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*

**Comments:** The residents of Persimmon Drive (a private way; see “A” on map below) are requesting the Town accept it as a public way. Thus far, the residents have completed the Street Acceptance process, as approved by the Board of Selectmen. At least 75% of the property owners along this private way have requested such consideration. The Department of Public Works (DPW) has determined that it is feasible for the street to meet an acceptable standard for a small residential way. In addition, 75% of the residents have agreed to pay by betterment the not-to-exceed engineering cost estimate to bring their street to a “like new” level of repair.



**Recommendation:** The Advisory Committee recommends approval of this article.

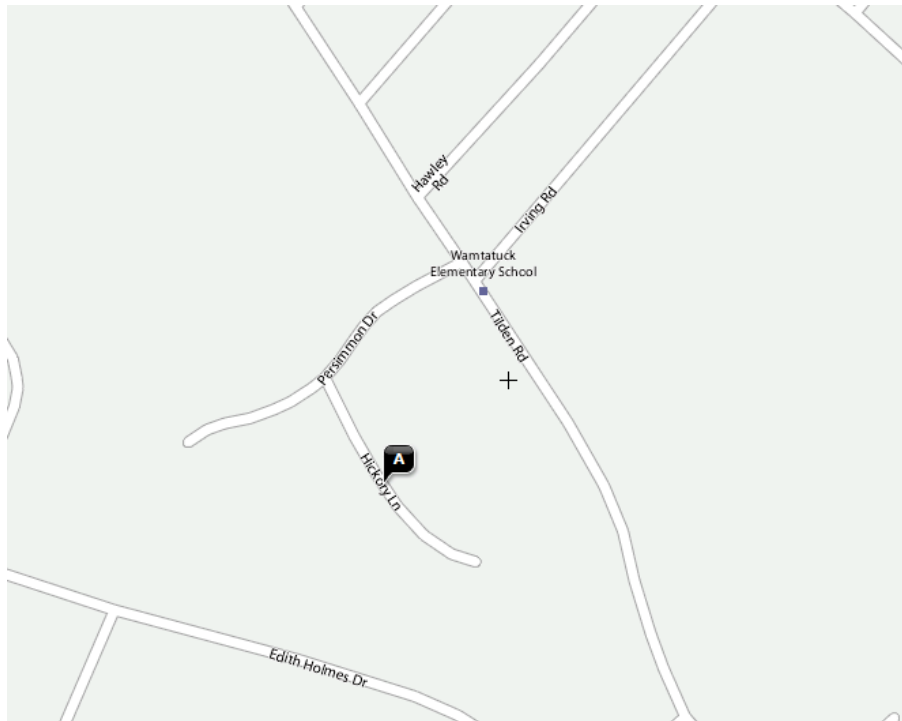
**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

ARTICLE 20

To see if the Town will vote to accept as a public way Hickory 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*

**Comments:** The residents of Hickory Lane (a private way; see “A” on map below) are requesting the Town accept it as a public way. Thus far, the residents have completed the Street Acceptance process, as approved by the Board of Selectmen. At least 75% of the property owners along this private way have requested such consideration. The Department of Public Works (DPW) has determined that it is feasible for the street to meet an acceptable standard for a small residential way. In addition, 75% of the residents have agreed to pay by betterment the not-to-exceed engineering cost estimate to bring their street to a “like new” level of repair.



**Recommendation:** The Advisory Committee recommends approval of this article.

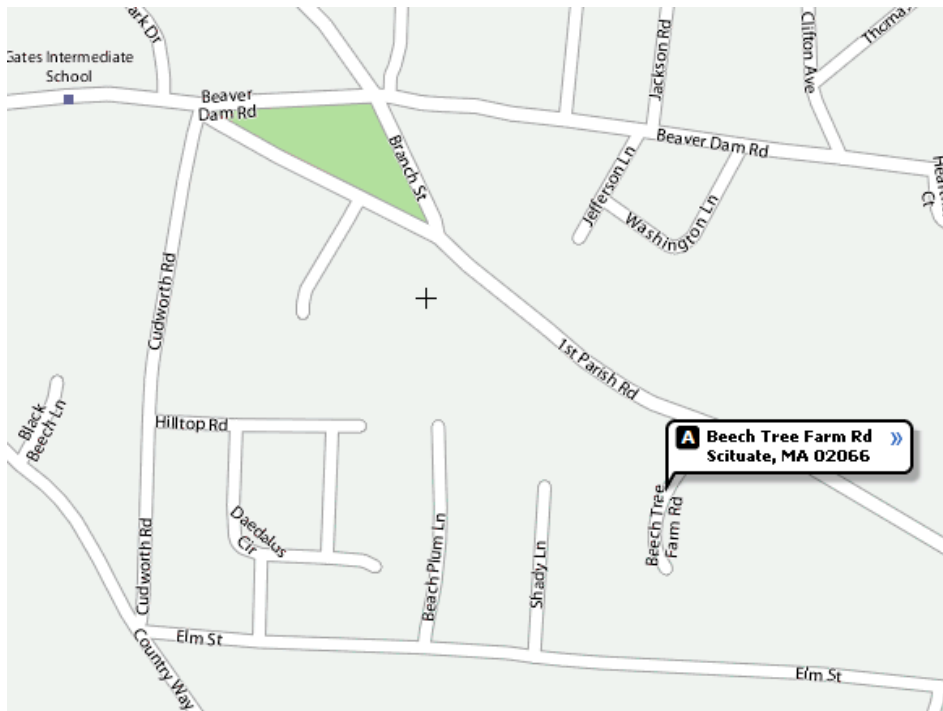
**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 21

To see if the Town will vote to accept as a public way Beech Tree Farm Road 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*

**Comments:** The residents of Beech Tree Farm Road (a private way; see “A” on map below) are requesting the Town accept it as a public way. Thus far, the residents have completed the Street Acceptance process, as approved by the Board of Selectmen. At least 75% of the property owners along this private way have requested such consideration. The Department of Public Works (DPW) has determined that it is feasible for the street to meet an acceptable standard for a small residential way. In addition, 75% of the residents have agreed to pay by betterment the not-to-exceed engineering cost estimate to bring their street to a “like new” level of repair.



**Recommendation:** The Advisory Committee recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 22

To see if the Town will hear and act on a recommendation from the Community Preservation Committee (the "CPC") on the Fiscal Year 2012 Community Preservation budget under Article 17.16 of the April 11, 2011 annual town meeting, pursuant to Massachusetts General Laws, Chapter 44B to appropriate and/or reserve the sum of \$80,000.00, or a greater or lesser sum, for the creation of land for recreational use, 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 the project filed with the CPC, or take any other action relative thereto.

*Sponsored by: Board of Selectmen  
Community Preservation Committee*

**Comments:** At the April 2011 annual Town Meeting, the project to complete the Gannett Road Trail from Hollett Street to Hatherly Road was approved at an estimated cost of \$300,000.00. Since that time, bid responses came in over the estimated cost of the project, and additional funds are needed to meet the costs of the project. Construction of this portion of the proposed path will complete a trail system which provides access for both walkers and recreational cyclists from North Scituate Village to Minot Beach. This path is part of the "Grand Loop" of walking and biking paths planned to connect Mass Transit, recreational, historic and business centers east of Route 3A. The additional funds needed are as follows; 43,500.00 contract bid, \$24,500.00 H&W Support, \$2,000.00 advertising public bid, \$10,000.00 contingency funds.

**Recommendation:** The Advisory Board recommends approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote in support of this article.

## ARTICLE 23

To see if the Town will vote to amend Article 14 of the April 11, 2011 annual town meeting warrant by inserting after the words "Stabilization Fund", the words "not to exceed \$150,000.00", or a greater or lesser sum, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**Comments:** The purpose of this article is to amend Article 14 of the April 2011 annual Town Meeting (ATM), and limit the amount of excess levy to Stabilization Fund. Article 14 (in italics below) appropriates any excess tax levy capacity the Town has to the Stabilization Fund. It is an annual article.

*Annual Town Meeting  
April 11, 2011  
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.*

In an effort to give some tax relief for this year, the Board of Selectmen sponsored this article that would limit the amount of the excess levy passed to the Stabilization Fund to \$150,000. The remaining amount, after allocations made in this warrant, would then leave a surplus of \$214,756. This would then be applied toward taxpayer relief. According to the Assessor's Office, each \$100,000 less in the levy is about \$10 for the homeowner on an average \$500,000 home.

We recommend the entire excess levy balance (\$364,756) be transferred to the Stabilization Fund, and that it not be limited to \$150,000. Having a stronger Stabilization Fund demonstrates the Town's continued commitment to prudent fiscal management, and strengthening our available funds.

**Recommendation:** The Advisory Committee does not recommend approval of this article.

**Advisory Committee Vote:** Unanimous (4-0) vote against this article.

## COMMISSION, BOARD AND COUNCIL APPLICATION

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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.

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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)

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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?

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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/Email address