

TOWN OF SCITUATE
ADVISORY COMMITTEE



Report and Recommendations

for

ANNUAL AND SPECIAL TOWN MEETING

MARCH 4, 2006

9:00 AM HIGH SCHOOL GYMNASIUM

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

TABLE OF CONTENTS

| | | |
|-----------|---|----------------|
| 1. | Table of Contents | Page 1 |
| 2. | Report of the Advisory Committee | Page 2 |
| 3. | Town Meeting Rules and Definitions | Page 3 |
| 4. | Municipal Finance Terms | Page 5 |
| 5. | Revenues and Appropriations | Page 7 |
| 6. | Debt Structure | Page 9 |
| 7. | Special Town Meeting Articles | Page 10 |
| 8. | Annual Town Meeting Articles | Page 14 |
| | Capital Plan Article | Page 15 |
| | Operating Budget | Page 17 |
| | Community Preservation Article | Page 36 |
| 9. | Appendices: | Page 61 |
| | Capital Plan | Page 61 |
| | Community Preservation Activity | Page 63 |

REPORT OF THE ADVISORY COMMITTEE

TO THE VOTERS OF SCITUATE:

In accordance with the Town of Scituate By-laws, the Advisory Committee submits its report to the voters. This report contains the complete warrant for the Annual Town Meeting, which will convene on March 4, 2006 and the Special Town Meeting which will be convened within the Annual Town Meeting on this date.

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, the School Committee and other Town boards propose expenditures, By-law changes, zoning changes, etc. We, the Advisory Committee, recommend on each; but **ONLY YOU DECIDE WHAT PASSES AND WHAT DOES NOT**. This year, you will be voting on items that include capital planning items, Zoning By-law changes, citizen petitions, Community Preservation expenditures, and an operating budget totaling over \$48 million. Each of these items has the capacity to affect the character of the Town. **If you choose not to attend you are giving up your right to help determine the future of Scituate – not only for next year, but possibly for a number of years into the future.**

The 2006 Special and Annual Town Meeting places before the voters a total of 37 articles for consideration. The Advisory Committee urges you to be an active meeting member. Voice your opinion and seek any clarification necessary to make an informed vote on these articles.

Finally, the Advisory Committee would like to thank Scott Roberts, David Friedman and Albert Bangert for their years of valued service on the Committee; each one of them has been missed this year.

RESPECTFULLY SUBMITTED,

THE SCITUATE ADVISORY COMMITTEE

Wendy M. Ballinger, Chairman

Tony Vegnani, Vice Chairman

Joseph Armstrong

Constantine Constantinides

Kathleen B. Donahue

Lisa H. Fenton

David Grace

Paul Lemieux

Kevin Sparks

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 which 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 which can be used for:

1. Operating costs to offset the need to increase user charges,
2. to fund capital improvements
3. to reimburse General Fund to the extent the General Fund has funded a particular service in prior years, or
4. to fund Enterprise Fund revenue deficits.

FISCAL YEAR: A 12-month period, commencing on July 1, to which the annual budget applies. (Abbreviated as "FY")

FREE CASH: The excess of assets over liabilities, minus uncollected taxes of prior years, also referred to as “available cash.” The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a Town Meeting.

GENERAL FUND: The major town owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

GRANT: A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

LEVY LIMIT: The amount of dollars a Town can raise by taxation under Proposition 2 ½.

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.

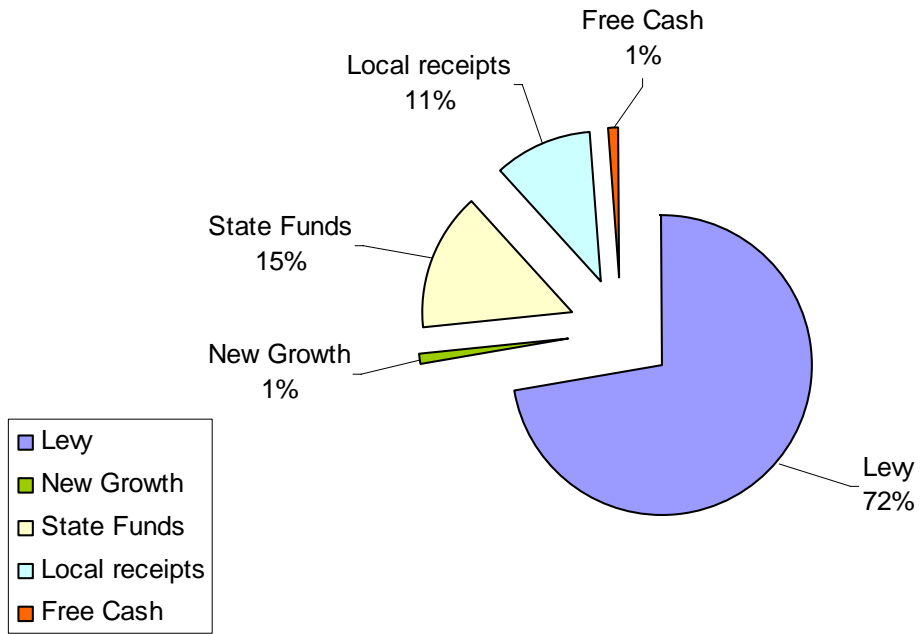
PROPERTY TAX LEVY: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars” of assessed valuation.

RESERVE FUND: Money set aside by Town Meeting to be allocated by the Advisory Committee for extraordinary and unforeseen expenditures.

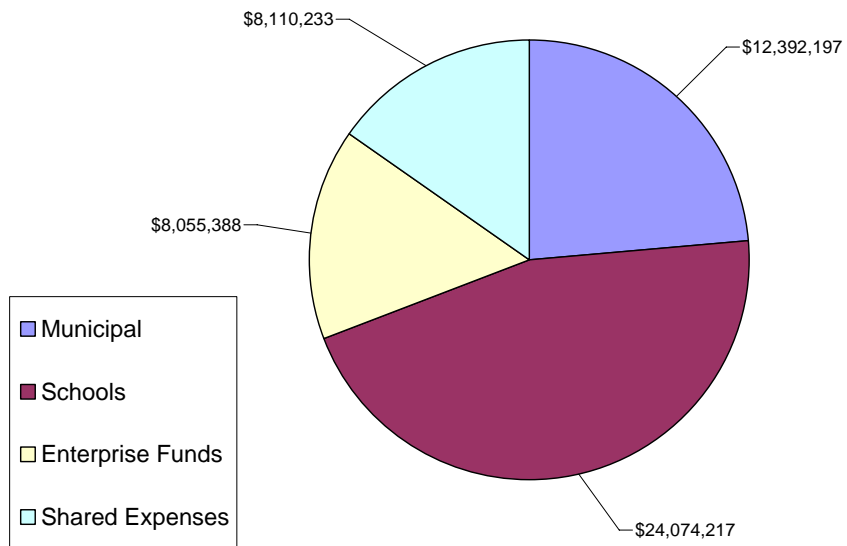
REVOLVING FUND (Ch. 44, Sec 53E ½): A Town may annually authorize the use of a revolving fund by separately accounting for the receipts received from a particular service or program and may expend from the revolving fund to provide such service or program without appropriation.

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

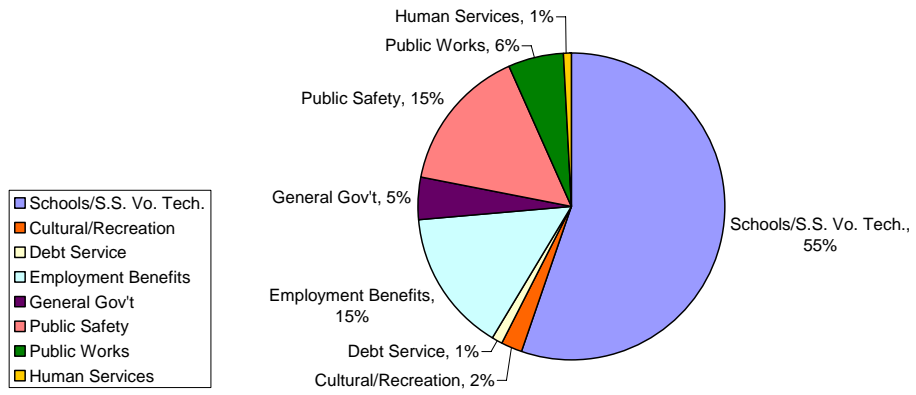
FY 2007 Sources of Revenue



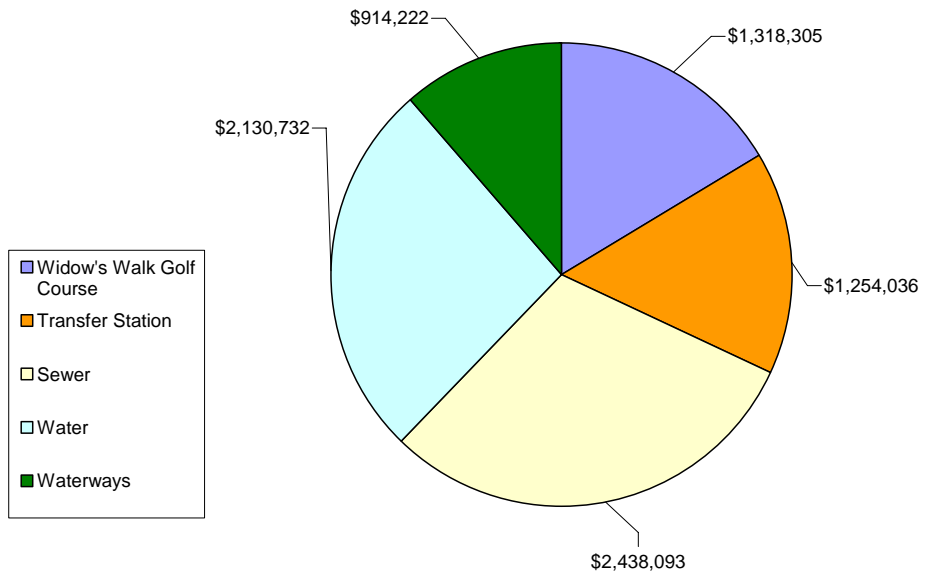
FY 2007 Scituate Town Budget



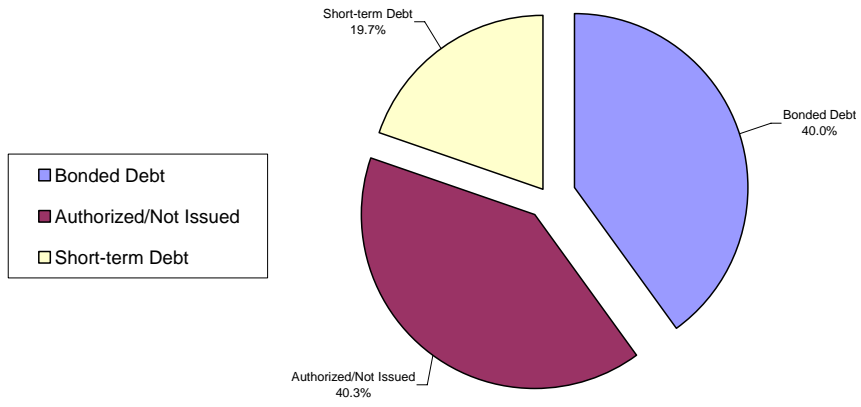
FY 2007 Town Appropriations
 employee benefits are not allocated by department



FY 2007 Enterprise Funds Expense Budgets



Debt Structure
(based on FY05 balances)



SPECIAL TOWN MEETING

March 4, 2006

Article 1 BILLS OF PRIOR YEARS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of bills incurred from prior years; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This is an article that appears almost annually to allow the Town to pay bills which were submitted after the end of the fiscal year in which the expenses were incurred.

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

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

Article 2 TRANSFERS

To see if the Town will vote to transfer from available funds a sum of money to be added to accounts established under Article 5 and Article 6 of the 2005 Annual Town Meeting as follows:

| FROM | TO | AMOUNT |
|--------------------------------|--------------------|---------------|
| Free Cash | Group Insurance | \$35,000 |
| Free Cash | Medicare | \$25,000 |
| Free Cash | Treasurer Overtime | \$ 2,500 |
| Free Cash | Para-transit | \$ 6,000 |
| Waterways Retained Earnings | Retainer | \$25,000 |

or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This is an article which allows the Town to transfer funds from Free Cash as certified by the state at the end of each fiscal year to those accounts which are currently running over budget (or are projected to do so). At the end of the last fiscal year (FY2005), the Town had \$1,063,518 in Free Cash within the General Fund. The items included in this list are health insurance for Town employees, Medicare tax payments for Town employees; the Treasure/.Collector's office; the MBTA's Ride program (which has seen dramatically increased usage) and the Waterways Enterprise fund (which plans to hire a consultant to help obtain grant funds).

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

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

**Article 3
ENERGY COSTS**

To see if the Town will vote to transfer \$15,000 from Sewer Retained Earnings, \$27,000 from Water Retained Earnings, and \$280,000 from Free Cash to cover estimated shortfalls in energy related expenses for fiscal year 2006 said funds to be apportioned by the Town Accountant; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: Energy costs have risen dramatically and unexpectedly during the past year. This has affected the Town as much as it has our individual homes and businesses. A number of departments—and in particular the School Department, Department of Public Works, Police Department and Fire Department, as well as the Sewer and Water Enterprise Funds—have found that they do not have sufficient funds in the current fiscal year (FY2006) to pay for the costs of heating oil and natural gas, vehicle fuels, and/or electricity. This article would transfer \$280,000 from the funds available in Free Cash (\$1,063,518 at the end of the last fiscal year) to be used to offset these costs in Town departments, including the schools. It would also transfer \$15,000 from the Sewer Enterprise Fund’s Retained Earnings (a reserve account developed from required savings from previous years) and \$27,000 from Water Retained Earnings to offset increased costs in these enterprise funds.

These funds are being placed in an article, rather than transferred into individual budgets so that, should some of these funds not be needed immediately, they can be reserved for use next year to offset energy costs which may well, again, run over the amount budgeted.

Recommendation: The Advisory Committee recommends approval of this article.

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

**Article 4
DEAUTHORIZATION**

To see if the Town will vote to de-authorize certain authorized but un-issued notes as follows:

| | | | | |
|------------------------------|------|-----|--------------|--------------------------|
| Treatment Plant | 1985 | ATM | Article 6-14 | \$ 812,400.00 |
| Connections | 1989 | ATM | Article 7 | \$ 70,000.00 |
| Water Conservation | 1996 | ATM | Article 4.p | \$ 650.00 |
| Treatment Plant Upgrade | 1997 | ATM | Article 4.f | \$ 169,100.00 |
| Infiltration/Inflow | 1997 | ATM | Article 4.g | \$ 17,366.00 |
| Septic Systems | 1997 | ATM | Article 17 | \$ 300,000.00 |
| Landfill Closure/ Capping | 3/00 | STM | Article 3 | \$ 844,000.00 |
| Water Mains | 2000 | ATM | Article 4.e | \$ 50,000.00 |
| Water Mains | 2002 | ATM | Article 4.g | \$ 88,000.00 |
| Stormwater Mgmt | 2002 | ATM | Article 4.i | \$ 14,816.00 (alignment) |

Sponsored by: Board of Selectmen

Comments: The actual costs to complete the projects noted above required that less debt be incurred by the Town than was originally anticipated. When a capital project is complete, and any remaining un-issued bonds exist for that project, the authorization may be canceled.

Recommendation: The Advisory Committee recommends approval of this article.

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

**Article 5
EASEMENTS/TAKING FOR THE CLIFFS SEWER CONSTRUCTION PROJECT**

To see if the Town will vote to authorize the Board of Selectmen to acquire a permanent easement, in fee simple, by gift, purchase, eminent domain, or otherwise, for the following property located at #11 Conroy Terrace (as identified by Assessor's Code 51-03-12) in the Town of Scituate, Plymouth County, Massachusetts; and as further described and shown on a plan entitled "*Plan of Sewer*

Easement, Conroy Terrace, in Scituate, Massachusetts", 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, utilities and appurtenances thereto; and to see if the Town will transfer from available funds a sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition thereto; and to see if the Town will transfer from available funds a sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said easement and for paying damages which may be awarded as the result of any such takings; or to take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: The plan for the sewerage layout and easements on First Cliff was presented to residents at public meetings. On April 12, 2005 the Scituate Board of Selectmen voted to approve these easements. This plan has been approved by the State. All easements were recorded with the Registry of Deeds on April 25, 2005.

The pump station was positioned at the end of Conroy Terrace, a Town way, which is at an elevation of 14 feet, a high point in the area. This article seeks to relocate this facility on the property at 11 Conroy Terrace. The exact location has not been determined. Because of extensive wetlands, this could be a complex siting and an expensive land acquisition. Additional service roadways would be required for maintenance equipment. This process is costly and could delay the project.

The Advisory Committee does not see the benefit in changing a plan of which all neighbors have been informed; it offers no improvement to the system, exposes the Town to unknown additional expenses and places an unnecessary burden on one homeowner.

Recommendation: The Advisory Committee opposes this article.

Advisory Committee Vote: Seven votes opposed to this article and one abstention.

ANNUAL TOWN MEETING ARTICLES

March 4, 2006

Article 1 COMPENSATION OF CERTAIN ELECTED OFFICIALS

To see if the Town will vote to establish the salaries and compensation of all elected Town officials; or take any other action relative thereto.

SELECTMEN: Chairman & Legitimate Expenses \$1,500
SELECTMEN: Members & Legitimate Expenses \$2,000 (4 @ \$500)
ASSESSORS: Chairman & Legitimate Expenses \$1,200
ASSESSORS: Members & Legitimate Expenses \$ 800 (2 @ \$400)

Sponsored by: Board of Selectmen

Comments: In accordance with the Scituate Town Charter the compensation of all elected Town Officials shall be fixed annually by vote of the Town Meeting at an Annual Town Meeting. In this, there is no change in compensation from last year.

Recommendation: The Advisory Committee recommends approval of this article.

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

Article 2 COMPENSATION OF ELECTED TOWN CLERK

To see if the Town will vote to establish the salary and compensation of the following elected Town official; or take any other action relative thereto.

TOWN CLERK: \$52,503.00

Sponsored By: Board of Selectmen

Comments: The Town Clerk's salary is recommended to increase by 3% from \$50,974.00 to \$52,503.00.

Recommendation: The Advisory Committee recommends approval of this article.

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

**Article 3
FREE CASH**

To see if the Town will vote to transfer \$500,000 from Free Cash to be used by the Assessors to reduce the tax rate; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: Free Cash represents the amount of funds that are unrestricted and available for appropriation. These funds are generated by actual revenue collections in excess of estimates and actual expenditures and encumbrances less than budgeted amounts. Free Cash is a major source of funding for any supplemental appropriation and may be appropriated by vote at a Town Meeting.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote in support of this article

**Article 4
CAPITAL IMPROVEMENT PLAN**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following sums of money, or any other sums as may be necessary to defray the costs of the Fiscal Year 2007 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.

| | | |
|-----|--|-----------|
| 1. | Highway Improvement | \$343,000 |
| 2. | Jericho Road Drainage | 115,000 |
| 3. | Old Oaken Bucket Road Drainage | 110,000 |
| 4. | Seawalls | 300,000 |
| 5. | School Building Improvements | 1,450,000 |
| 6. | Vehicles & Equipment (DPW) | 157,000 |
| 7. | School Vehicles | 66,000 |
| 8. | Police Computer System | 78,000 |
| 9. | Fire Vehicles | 185,000 |
| 10. | Replace Windows at Fire Station Headquarters | 50,000 |
| 11. | Water Vehicles & Equipment | 30,000 |
| 12. | Inflow & Infiltration | 400,000 |
| 13. | Cole Parkway Railing | 100,000 |

Sponsored By: Board of Selectmen

Comments: Article 4 presents the Capital Planning Committee's recommendations for capital spending in Fiscal Year 2007. The capital initiatives and associated costs cited in the plan are consistent with the Financial Forecasting Committee's short-term and long-term spending priorities. The plan includes the following capital projects and method of financing:

- The Highway Department's ongoing roadway improvement program funded through the state's Chapter 90 reimbursement program [\$343,000] and continuation of the storm drainage program including completion of the Jericho Road Drainage project [\$115,000] and the drainage project at the Old Oaken Bucket/Route 123 intersection [\$110,000]. Both to be funded through borrowing.
- Seawalls/Foreshore protection program including the following projects at various coastal locations: stone revetment at Sand Hills/Shore Acres, Peggotty and Minot Beaches, and Edward Foster Road; and repair of barrier mound at Musquashicut Pond and concrete headwall repair at 11th Avenue [\$300,000]. Also included is replacement of the deteriorated railing at Cole Parkway seawall [\$100,000]. All projects will be financed through borrowing.
- School Building Improvements represents the School Department's ongoing school building restoration program consistent with the 2004 Habeeb Report. In FY2007 the main focus will be to restore the exterior sections of Wampatuck Elementary School [\$1,450,000]. This will be financed through borrowing.
- Replacement of equipment and aged vehicles for the Department of Public Works [\$157,000] financed through borrowing], School Department [\$66,000] financed through borrowing and Fire Department [\$185,000] to be paid with cash.
- The Police Department will install new laptops and software into six (6) cruisers which will be connected into the state's Criminal Justice Information System and will provide efficient dispatch operation and significantly reduce radio traffic communication allowing more time to attend to 911 emergencies [\$78,000] to be funded with cash.
- Replacement of a vehicle for the Water Department [\$30,000] to be paid with cash through the Enterprise Fund.
- Continuation of the Sewer Department's rehabilitation of the town's wastewater collection system. The process involves ongoing study and taking corrective action to eliminate persistent infiltration problems. The target area will primarily include infiltration at Kent Street. [\$400,000]. This will be funded through borrowing.

The Advisory Committee supports the Capital Planning Committee's recommendations. To defer these projects or fail to take positive action on them may result in increased costs or have a negative impact on the quality of public services.

Recommendation: The Advisory Committee recommends approval of this article.

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

Article 5
FY 2007 OPERATING BUDGET

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money as may be necessary to defray expenses estimated for the ensuing Fiscal Year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This has been a difficult budget year. State revenues, while rising, have not been restored to earlier levels. This has been exacerbated by a budget schedule that does not let us know until the month before Town Meeting what state aid might be, with actual aid finalized long after our March meeting. In addition, revenue from new growth did not reach the level during the current year that we had predicted, thus reducing property tax revenue in the current year and for the upcoming year, as well.

Town departments, including the School Department, have had to cut expenditures in order to bring their budgets into balance with projected revenues. For departments with high fixed costs in personnel, such as the schools, this has been a particularly difficult exercise. We believe, however, that the budget proposed in this article is in balance with revenues. The most difficult expenses to predict for the coming fiscal year will be energy costs, which may once again outstrip our predictions. In addition, the costs of unemployment insurance and Medicare taxes can be difficult to project accurately when we do not know how many individuals may retire or leave work for other reasons during the year.

Recommendation: The Advisory Committee recommends approval of this article.

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

SUMMARY OF APPROPRIATED EXPENSES for FISCAL YEAR 2007

| <u>Dept</u> | <u>Description</u> | <u>2006</u> <u>Appropriation</u> | <u>2007</u> <u>Proposed</u> | <u>variance</u> | <u>%</u> <u>change</u> | <u>% of total</u> |
|-------------|-----------------------------|-------------------------------------|--------------------------------|-----------------|---------------------------|-------------------|
| 122 | Board of Selectmen | \$ 428,964 | \$ 190,769 | \$ (238,195) | -55.5% | 0.4% |
| 123 | Town Administrator | 194,548 | 198,719 | 4,171 | 2.1% | 0.4% |
| 131 | Advisory Committee | 5,885 | 6,450 | 565 | 9.6% | 0.0% |
| 132 | Reserve Fund | 90,000 | 90,000 | - | 0.0% | 0.2% |
| 135 | Town Accountant | 144,325 | 158,583 | 14,258 | 9.9% | 0.3% |
| 141 | Assessors | 155,907 | 162,056 | 6,149 | 3.9% | 0.3% |
| 145 | Treasurer/Collector | 278,404 | 294,252 | 15,848 | 5.7% | 0.6% |
| 149 | Administration | 108,408 | 107,558 | (850) | -0.8% | 0.2% |
| 161 | Town Clerk | 135,265 | 157,479 | 22,214 | 16.4% | 0.3% |
| 171 | Conservation Commission | 98,285 | 103,528 | 5,243 | 5.3% | 0.2% |
| 175 | Planning Board | 96,264 | 104,794 | 8,530 | 8.9% | 0.2% |
| 176 | Zoning Board of Appeals | 17,782 | 20,462 | 2,680 | 15.1% | 0.0% |
| 192 | Insurance/Town Buildings | 420,000 | 420,000 | - | 0.0% | 0.8% |
| 210 | Police | 2,794,875 | 2,858,012 | 63,137 | 2.3% | 5.4% |
| 220 | Fire | 3,611,436 | 3,714,992 | 103,556 | 2.9% | 7.0% |
| 241 | Inspections | 170,884 | 181,502 | 10,618 | 6.2% | 0.3% |
| 292 | Animal Shelter | 26,826 | 27,211 | 385 | 1.4 | 0.1% |
| 295 | Shellfish | 12,799 | 13,221 | 422 | 3.3% | 0.0% |
| 300 | School Committee | 23,425,500 | 24,074,217 | 648,717 | 2.8% | 45.2% |
| 310 | South Shore Regional School | 492,763 | 439,634 | (53,129) | -10.8% | 0.8% |
| 400 | Public Works | 1,941,697 | 2,058,823 | 117,126 | 6.0% | 3.9% |
| 423 | Snow & Ice | 383,600 | 383,000 | - | 0.0% | 0.7% |
| 424 | Street Lights & Beacons | 160,000 | 160,000 | - | 0.0% | 0.3% |
| 510 | Health | 167,544 | 170,460 | 2,916 | 1.7% | 0.3% |
| 541 | Council on Aging | 183,065 | 194,060 | 10,995 | 6.0% | 0.4% |
| 543 | Veterans' Benefits/Services | 24,785 | 25,223 | 438 | 1.8% | 0.0% |
| 549 | Commission on Disabilities | 5,071 | 5,071 | - | 0.0% | 0.0% |
| 610 | Library | 642,752 | 666,538 | 23,786 | 3.7% | 1.3% |
| 630 | Recreation | 198,236 | 202,684 | 4,448 | 2.2% | 0.4% |
| 650 | Beautification | 13,500 | 13,750 | 250 | 1.9% | 0.0% |
| 691 | Historical Society | 28,000 | 3,000 | (25,000) | -89.3% | 0.0% |
| 720 | Debt & Interest | 684,642 | 1,135,089 | 450,447 | 65.8% | 2.1% |
| 910 | Non-Contributory Pensions | 99,700 | 102,462 | 2,762 | 2.8% | 0.2% |
| 911 | Plymouth County Retirement | 1,929,160 | 2,153,248 | 224,088 | 11.6% | 4.0% |
| 912 | Workers' Compensation | 80,000 | 80,000 | - | 0.0% | 0.2% |

| | | | | | | |
|------------|-------------------------------------|----------------------|----------------------|---------------------|-------------|---------------|
| 913 | Unemployment Insurance | 33,000 | 33,000 | - | 0.0% | 0.1% |
| 914 | Contributory Group Insurance | 3,423,189 | 3,866,882 | 443,693 | 13.0% | 7.3% |
| 916 | Federal Taxes | 308,000 | 343,000 | 35,000 | 11.4% | 0.6% |
| | sub-total | 43,014,461 | 44,919,729 | 1,905,268 | 4.4% | 84.4% |
| 61 | Widow's Walk Golf Course | 1,316,275 | 1,318,305 | 2,030 | 0.2% | 2.5% |
| 63 | Transfer Station | 1,235,412 | 1,254,036 | 18,624 | 1.5% | 2.4% |
| 64 | Sewer | 2,307,370 | 2,685,362 | 377,992 | 16.4% | 5.0% |
| 65 | Water | 2,135,766 | 2,130,732 | (5,034) | -0.2% | 4.0% |
| 66 | Waterways | 898,161 | 914,222 | 16,061 | 1.8% | 1.7% |
| | sub-total | 7,892,984 | 8,302,657 | 409,673 | 5.2% | 15.6% |
| | Total | \$ 50,907,445 | \$ 52,222,386 | \$ 3,709,164 | 4.5% | 100.0% |

Enterprise fund budgets include indirect costs, which are reimbursements to the General Fund for costs that are paid from the General Fund budget.

| | | |
|---------------------------------|---------|---------|
| Widow's Walk Golf Course | 42,130 | 37,242 |
| Transfer Station | 68,041 | 70,613 |
| Sewer | 104,249 | 116,305 |
| Water | 151,753 | 150,380 |
| Waterways | 59,174 | 67,901 |

Article 5
FY 2007 OPERATING BUDGET

| | | FY 2005 | FY 2006 | FY 2007 | FY 2007 | % Change |
|------------|---------------------------|----------------|---------------------|------------------|-----------------|-----------------------|
| | | ACTUAL | APPROPRIATED | SELECTMEN | ADVISORY | over last year |
| 122 | Board of Selectmen | | | | | |
| 510 | Personal Services | 45,954 | 47,414 | 48,704 | 48,704 | |
| 520 | Purchase of Services | 18,190 | 19,550 | 19,965 | 19,965 | |
| 530 | Legal Counsel | 175,245 | 360,000 | 120,000 | 120,000 | |
| 540 | Materials & Supplies | 1,844 | 2,000 | 2,100 | 2,100 | |
| | | 241,233 | 428,964 | 190,769 | 190,769 | -55.5% |
| 123 | Town Administrator | | | | | |
| 510 | Personal Services | 144,319 | 140,548 | 144,719 | 144,719 | |
| 520 | Purchase of Services | 8,956 | 12,800 | 12,800 | 12,800 | |
| 532 | Labor Counsel | 19,875 | 20,000 | 20,000 | 20,000 | |
| 540 | Materials & Supplies | 1,006 | 1,200 | 1,200 | 1,200 | |
| 599 | Salary Adjustments | | 20,000 | 20,000 | 20,000 | |
| | | 174,156 | 194,548 | 198,719 | 198,719 | 2.1% |
| 131 | Advisory Committee | | | | | |
| 510 | Personal Services | 1,001 | 1,885 | 1,950 | 1,950 | |
| 520 | Purchase of Services | 4,366 | 3,950 | 4,450 | 4,450 | |
| 540 | Materials & Supplies | - | 50 | 50 | 50 | |
| | | 5,367 | 5,885 | 6,450 | 6,450 | 9.6% |
| 132 | Reserve Fund | | | | | |
| 7 | Transfers | - | 90,000 | 90,000 | 90,000 | - |
| 135 | Town Accountant | | | | | |
| 510 | Personal Services | 131,115 | 133,560 | 147,818 | 147,818 | |
| 520 | Purchase of Services | 9,665 | 8,665 | 8,665 | 8,665 | |
| 540 | Materials & Supplies | 2,022 | 2,100 | 2,100 | 2,100 | |
| | | 142,802 | 144,325 | 158,583 | 158,583 | 9.9% |

| | | | | | | |
|------------|--------------------------------|----------------|----------------|----------------|----------------|--------------|
| 141 | Assessors | | | | | |
| 510 | Personal Services | 137,603 | 142,907 | 148,756 | 148,756 | |
| 520 | Purchase of Services | 69,989 | 11,800 | 11,800 | 11,800 | |
| 540 | Materials & Supplies | 913 | 1,200 | 1,200 | 1,200 | |
| 580 | Capital Outlay | - | - | 300 | 300 | |
| | | 208,505 | 155,907 | 162,056 | 162,056 | 3.9% |
| 145 | Treasurer/Collector | | | | | |
| 510 | Personal Services | 208,654 | 208,904 | 223,362 | 223,362 | |
| 520 | Purchase of Services | 57,547 | 60,200 | 67,890 | 67,890 | |
| 540 | Materials & Supplies | 9,264 | 9,300 | 3,000 | 3,000 | |
| | | 275,465 | 278,404 | 294,252 | 294,252 | 5.7% |
| 149 | Administration | | | | | |
| 510 | Personal Services | 9,110 | 10,908 | 11,158 | 11,158 | |
| 520 | Purchase of Services | 89,669 | 92,900 | 91,800 | 91,800 | |
| 540 | Materials & Supplies | 3,901 | 4,600 | 4,600 | 4,600 | |
| | | 102,680 | 108,408 | 107,558 | 107,558 | -0.8% |
| 161 | Town Clerk | | | | | |
| 510 | Personal Services | 112,281 | 109,810 | 122,829 | 122,829 | |
| 520 | Purchase of Services | 21,639 | 22,205 | 31,400 | 31,400 | |
| 540 | Materials & Supplies | 2,583 | 3,250 | 3,250 | 3,250 | |
| | | 136,503 | 135,265 | 157,479 | 157,479 | 16.4% |
| 171 | Conservation Commission | | | | | |
| 510 | Personal Services | 87,469 | 88,985 | 93,928 | 93,928 | |
| 520 | Purchase of Services | 3,554 | 8,800 | 8,600 | 8,600 | |
| 540 | Materials & Supplies | 1,494 | 500 | 1,000 | 1,000 | |
| | | 92,517 | 98,285 | 103,528 | 103,528 | 5.3% |

| | | | | | | |
|------------|---------------------------------|------------------|------------------|------------------|------------------|--------------|
| 175 | Planning Board | | | | | |
| 510 | Personal Services | 87,527 | 86,914 | 93,244 | 93,244 | |
| 520 | Purchase of Services | 8,984 | 7,350 | 9,550 | 9,550 | |
| 540 | Materials & Supplies | 997 | 1,000 | 1,000 | 1,000 | |
| 580 | Capital Outlay | - | 1,000 | 1,000 | 1,000 | |
| | | 97,508 | 96,264 | 104,794 | 104,794 | 8.9% |
| 176 | Zoning Board of Appeals | | | | | |
| 510 | Personal Services | 10,750 | 15,482 | 17,162 | 17,162 | |
| 520 | Purchase of Services | 970 | 1,300 | 1,300 | 1,300 | |
| 540 | Materials & Supplies | 632 | 1,000 | 2,000 | 2,000 | |
| | | 12,352 | 17,782 | 20,462 | 20,462 | 15.1% |
| 192 | Insurance/Town Buildings | | | | | |
| 570 | Other Charges & Expenditures | 350,464 | 420,000 | 420,000 | 420,000 | - |
| | Total General Government | 1,839,552 | 2,174,037 | 2,014,650 | 2,014,650 | -7.3% |
| | | 4.5% | 5.0% | 4.5% | 4.5% | |
| 210 | Police | | | | | |
| 510 | Personal Services | 2,468,071 | 2,531,120 | 2,565,937 | 2,565,937 | |
| 520 | Purchase of Services | 87,081 | 95,360 | 98,460 | 98,460 | |
| 540 | Materials & Supplies | 93,941 | 88,295 | 110,515 | 110,515 | |
| 580 | Capital Outlay | 80,100 | 80,100 | 83,100 | 83,100 | |
| | | 2,729,193 | 2,794,875 | 2,858,012 | 2,858,012 | 2.3% |
| 220 | Fire | | | | | |
| 510 | Personal Services | 3,396,180 | 3,314,736 | 3,373,692 | 3,373,692 | |
| 520 | Purchase of Services | 84,046 | 84,200 | 95,800 | 95,800 | |
| 540 | Materials & Supplies | 206,096 | 192,500 | 215,500 | 215,500 | |
| 580 | Capital Outlay | 50,983 | 20,000 | 30,000 | 30,000 | |
| | | 3,737,305 | 3,611,436 | 3,714,992 | 3,714,992 | 2.9% |

| | | | | | | |
|------------|------------------------------------|-------------------|-------------------|-------------------|-------------------|---------------|
| 241 | Inspections | | | | | |
| 510 | Personal Services | 144,913 | 151,634 | 166,752 | 166,752 | |
| 520 | Purchase of Services | 10,940 | 14,250 | 9,250 | 9,250 | |
| 540 | Materials & Supplies | 2,620 | 5,000 | 5,500 | 5,500 | |
| | | 158,473 | 170,884 | 181,502 | 181,502 | 6.2% |
| 292 | Animal Shelter | | | | | |
| 510 | Personal Services | 12,311 | 12,826 | 13,211 | 13,211 | |
| 520 | Purchase of Services | 9,279 | 10,300 | 10,300 | 10,300 | |
| 540 | Materials & Supplies | 3,511 | 3,700 | 3,700 | 3,700 | |
| | | 25,101 | 26,826 | 27,211 | 27,211 | 1.4% |
| 295 | Shellfish | | | | | |
| 510 | Personal Services | 10,006 | 11,559 | 11,906 | 11,906 | |
| 520 | Purchase of Services | 679 | 740 | 740 | 740 | |
| 540 | Materials & Supplies | 400 | 500 | 575 | 575 | |
| | | 11,085 | 12,799 | 13,221 | 13,221 | 3.3% |
| | Total Public Safety | 6,661,157 | 6,616,820 | 6,794,938 | 6,794,938 | 2.7% |
| | | 16.1% | 15.4% | 15.1% | 15.1% | |
| 300 | School Committee | | | | | |
| 5100 | Personal Services | 18,187,750 | 19,095,912 | | | |
| 5200 | Purchase of Services | 3,103,161 | 3,129,797 | | | |
| 5400 | Materials & Supplies | 1,213,247 | 1,192,112 | | | |
| 5800 | Capital Outlay | 109,501 | 7,679 | | | |
| | | 22,613,659 | 23,425,500 | 24,074,217 | 24,074,217 | 2.8% |
| 310 | South Shore Regional School | | | | | |
| 560 | Assessments | 465,008 | 492,763 | 439,634 | 439,634 | -10.8% |
| | Total Schools | 23,078,667 | 23,918,263 | 24,513,851 | 24,513,851 | 2.5% |
| | | 56.0% | 55.5% | 54.6% | 54.6% | |

| | | | | | | |
|------------|------------------------------------|------------------|------------------|------------------|------------------|-------------|
| 400 | Public Works | | | | | |
| 510 | Personal Services | 1,263,635 | 1,268,558 | 1,355,823 | 1,355,823 | |
| 520 | Purchase of Services | 447,763 | 394,780 | 408,400 | 408,400 | |
| 540 | Materials & Supplies | 236,622 | 273,659 | 286,600 | 286,600 | |
| 580 | Capital Outlay | 7,546 | 4,700 | 8,000 | 8,000 | |
| | | 1,955,566 | 1,941,697 | 2,058,823 | 2,058,823 | 6.0% |
| 423 | Snow & Ice | | | | | |
| 510 | Personal Services | 77,656 | 46,000 | 46,000 | 46,000 | |
| 520 | Purchase of Services | 421,974 | 200,000 | 200,000 | 200,000 | |
| 540 | Materials & Supplies | 269,324 | 115,000 | 115,000 | 115,000 | |
| 580 | Capital Outlay | 14,746 | 22,000 | 22,000 | 22,000 | |
| | | 783,700 | 383,000 | 383,000 | 383,000 | - |
| 424 | Street Lights & Beacons | | | | | |
| 520 | Purchase of Services | 159,163 | 160,000 | 160,000 | 160,000 | - |
| | Total Public Works | 2,898,429 | 2,484,697 | 2,601,823 | 2,601,823 | 4.7% |
| | | 7.0% | 5.8% | 5.8% | 5.8% | |
| 510 | Health | | | | | |
| 510 | Personal Services | 136,596 | 136,374 | 140,160 | 140,160 | |
| 520 | Purchase of Services | 29,402 | 24,820 | 25,150 | 25,150 | |
| 540 | Materials & Supplies | 1,426 | 6,350 | 5,150 | 5,150 | |
| | | 167,424 | 167,544 | 170,460 | 170,460 | 1.7% |
| 541 | Council on Aging | | | | | |
| 510 | Personal Services | 154,352 | 153,765 | 161,410 | 161,410 | |
| 520 | Purchase of Services | 22,294 | 23,700 | 25,550 | 25,550 | |
| 540 | Materials & Supplies | 5,541 | 5,600 | 7,100 | 7,100 | |
| | | 182,187 | 183,065 | 194,060 | 194,060 | 6.0% |

| | | | | | | |
|------------|---|----------------|----------------|----------------|----------------|---------------|
| 543 | Veterans' Benefits/Services | | | | | |
| 510 | Personal Services | 15,419 | 14,760 | 15,198 | 15,198 | |
| 520 | Purchase of Services | 4,075 | 8,475 | 8,475 | 8,475 | |
| 540 | Materials & Supplies | 764 | 1,550 | 1,550 | 1,550 | |
| | | 20,258 | 24,785 | 25,223 | 25,223 | 1.8% |
| 549 | Commission on Disabilities | | | | | |
| 520 | Purchase of Services | 33 | 3,321 | 3,321 | 3,321 | |
| 540 | Materials & Supplies | 900 | 1,750 | 1,750 | 1,750 | |
| | | 933 | 5,071 | 5,071 | 5,071 | - |
| | Total Human Services | 370,802 | 380,465 | 394,814 | 394,814 | 3.8% |
| | | 0.9% | 0.9% | 0.9% | 0.9% | |
| 610 | Library | | | | | |
| 510 | Personal Services | 464,636 | 476,752 | 493,063 | 493,063 | |
| 520 | Purchase of Services | 76,950 | 88,000 | 95,475 | 95,475 | |
| 540 | Materials & Supplies | 74,249 | 76,750 | 76,750 | 76,750 | |
| 580 | Capital Outlay | - | 1,250 | 1,250 | 1,250 | |
| | | 615,835 | 642,752 | 666,538 | 666,538 | 3.7% |
| 630 | Recreation | | | | | |
| 510 | Personal Services | 174,219 | 190,561 | 195,134 | 195,134 | |
| 520 | Purchase of Services | 2,176 | 2,575 | 2,450 | 2,450 | |
| 540 | Materials & Supplies | 5,142 | 5,100 | 5,100 | 5,100 | |
| | | 181,537 | 198,236 | 202,684 | 202,684 | 2.2% |
| 650 | Beautification | | | | | |
| 520 | Purchase of Services | 13,050 | 13,500 | 13,750 | 13,750 | 1.9% |
| 691 | Historical Society | | | | | |
| 520 | Purchase of Services | 27,654 | 28,000 | 3,000 | 3,000 | -89.3% |
| | Total Recreation & Resources | 838,076 | 882,488 | 885,972 | 885,972 | 0.4% |
| | | 2.0% | 2.1% | 2.0% | 2.0% | |

| | | | | | | |
|------------|-------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------|
| 720 | Debt & Interest | | | | | |
| 590 | Debt Services | 546,134 | 684,642 | 1,135,089 | 1,135,089 | |
| | Total Debt Service | 546,134 | 684,642 | 1,135,089 | 1,135,089 | 65.8% |
| | | | 1.6% | 2.5% | 2.5% | |
| 910 | Non-Contributory Pensions | | | | | |
| 512 | Other Personal Services | 104,978 | 99,700 | 102,462 | 102,462 | 2.8% |
| 911 | Plymouth County Retirement | | | | | |
| 512 | Other Personal Services | 1,668,172 | 1,929,160 | 2,153,248 | 2,153,248 | 11.6% |
| 912 | Workers' Compensation | | | | | |
| 515 | Employee Benefits | 80,000 | 80,000 | 80,000 | 80,000 | - |
| 913 | Unemployment Insurance | | | | | |
| 515 | Employee Benefits | 49,000 | 33,000 | 33,000 | 33,000 | - |
| 914 | Contributory Group Insurance | | | | | |
| 515 | Employee Benefits | 2,837,000 | 3,423,189 | 3,866,882 | 3,866,882 | 13.0% |
| 916 | Federal Taxes | | | | | |
| 515 | Employee Benefits | 314,263 | 308,000 | 343,000 | 343,000 | 11.4% |
| | Total Employee Benefits | 5,053,413 | 5,873,049 | 6,578,592 | 6,578,592 | 12.0% |
| | | 12.2% | 13.7% | 14.6% | 14.6% | |
| | Grand Total | 41,286,230 | 43,014,461 | 44,919,729 | 44,919,729 | 4.4% |
| | | 100.0% | 100.0% | 100.0% | 100.0% | |

Article 6
WATERWAYS ENTERPRISE FUND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Waterways estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Certified Retained Earnings as of 7/1/05 \$595,277

Estimated Revenues:

| | |
|---------------------------|------------------|
| Boat Excise | \$ 37,000 |
| Moorings | \$106,102 |
| Town Pier | \$ 21,000 |
| User Fees | \$ 72,186 |
| Slips | \$571,230 |
| Dingy fees | \$ 14,550 |
| Transient fees | \$ 19,064 |
| Miscellaneous | \$ 13,338 |
| Interest | \$ 6,488 |
| Rent | <u>\$ 58,881</u> |
| Total Estimated Revenues: | \$918,839 |

Budgeted Expenses: (1)

| | |
|--------------------------|------------------|
| Salaries | \$255,663 |
| Purchase of Services (1) | \$173,031 |
| Materials and Supplies | \$ 41,000 |
| Capital Outlay | \$ 44,500 |
| Debt Service | <u>\$400,028</u> |
| Total Budgeted Expenses: | \$914,222 |

Note:

1) This amount includes \$67,901 which is charged to Waterways for Indirect Services supplied by the Town.

Comments: The Waterways Enterprise Fund supports the maintenance and improvements of the Town docks, piers, and marinas, and the safety of the harbor, coastline and rivers for users and residents. Revenues from boat excise taxes, mooring fees, tie-ups, and slip and user fees support all of these services. In the past year, implementation of Global Information System mapping technology, streamlining of billing with on-line bill-paying and the posting of the Mooring Waiting Lists have made this enterprise fund operation more efficient and user friendly. Acting Harbormaster Mark Patterson, along with the Waterways Commission, is working with other agencies to maximize

utilization of this valuable resource. The Scituate Marine Park has received additional funding to develop the plan as proposed to the Town at the September 2004 Special Town Meeting.

Recommendation: The Advisory Committee recommends approval of this article.

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

Article 7
GOLF COURSE ENTERPRISE FUND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Golf Course estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Estimated Revenues:

| | |
|--------------------------|------------------|
| Greens Fees | \$ 786,000 |
| Passholders | \$ 90,000 |
| Cart Fees | \$ 230,000 |
| Ranges, etc. | \$ 66,000 |
| Merchandise | \$ 123,000 |
| Restaurant | <u>\$ 24,000</u> |
| Total Estimated Revenue: | \$1,319,000 |

Expenses: (1)

| | |
|--------------------------|-------------------|
| Regular Salaries | \$ 60,958 |
| Seasonal Salaries | \$ 110,000 |
| Purchase of Services | \$ 567,900 |
| Material and Supplies | \$ 98,000 |
| Capital Outlay | \$ 66,000 |
| Debt Service | <u>\$ 378,205</u> |
| Total Budgeted Expenses: | \$1,281,063 |

Notes:

- 1) Purchase of Services does not include \$37,242 of indirect costs that will be paid from revenues of the Golf Course to the General Funds. These costs include the Golf Course's share of Town administrative costs, insurance and pension expenses.
- 2) FY 2006 revenues are expected to fall short of the budgeted figure resulting in expenses (not including indirect costs) exceeding revenue by approximately \$37,000.

Comments: FY2007 revenue for the Golf Course is projected to exceed the estimated revenue of FY2006 by approximately 6.5%. This increase is supported by the newly formed committee that is reviewing the current operations of the Golf Course. Factored into this increase are new marketing recommendations and an expectation for more playable days due to better weather conditions. FY2007 expenses are budgeted relatively flat compared to FY2006. A total of 81% of these expenses are made up of Debt Service (which runs through 2017), Management Fees, and Personal Services.

Recommendation: The Advisory Committee recommends approval of this article.

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

**Article 8
WASTEWATER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Wastewater Treatment Plant estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Estimated Revenues:

| | | |
|-----------------------------|-------------------|----------------------|
| Levy | \$ 720,971 | (PL to check) |
| Use Charges | \$ 900,000 | (PL to check) |
| Liens (accounts receivable) | \$ 105,000 | |
| Septage | \$ 180,000 | |
| Interest | \$ 5,000 | |
| Betterments & Misc. | <u>\$ 600,000</u> | |
| Total Estimated Revenues: | \$ 2,510,971 | |

Expenses:

| | | |
|--------------------------|---------------------|----------------------|
| Salaries | \$ 371,412 | |
| Purchase of Services (1) | \$ 424,850 | |
| Materials & Supplies | \$ 126,750 | |
| Capital Outlay | \$ 0 | |
| Debt Service | <u>\$ 1,398,776</u> | (PL to check) |
| Total Budgeted Expenses: | \$ 2,321,788 | |

Notes:

- 1) Does not include \$116,305 of indirect costs which will be paid from revenues of the Wastewater Enterprise Fund to the Town's General Fund. These costs include the Sewer Department's share of Town Administrative costs, insurance, and pension expenses.

Comments: The Levy portion of the Wastewater Enterprise Fund revenue relates to the cost of debt service for the Sewer Plant upgrade completed in 2000.

Phases I and II of the Greenbush extension project will be completed this summer and will add 600 more homes to the existing 2,000 connections. Each new user will be required to pay a Betterment assessment to the Enterprise Fund to offset the costs of the extension project.

This year's sewer budget is up approximately \$119,000 of which \$108,000 is due to increases in operating expenses resulting from the additional connections. It should be noted that the increase in utility costs is based on higher usage only. No provision has been included for any increase in rates.

As part of the Capital Plan, the Sewer Department will continue its Infiltration and Inflow campaign attempting to remove groundwater infiltration into the treatment plant. The Greenbush area of the extension project should be complete soon, with users expected to be connecting this summer.

Recommendation: The Advisory Committee recommends approval of this article.

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

Article 9 TRANSFER STATION ENTERPRISE FUND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Landfill /Transfer Station estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Estimated Revenues (1)

| | | |
|-------------------------|----|----------------|
| Stickers | \$ | 350,000 |
| Recycling | \$ | 16,000 |
| Trash Bags | \$ | 650,000 |
| C&D/Bulky Waste | \$ | 200,000 |
| Tax Levy | \$ | <u>100,000</u> |
| Total Estimated Revenue | \$ | 1,306,000 |

Expenses (2)

| | | |
|--------------------------|----|---------------|
| Salaries | \$ | 228,169 |
| Purchase of Services | \$ | 780,200 |
| Materials & Supplies | \$ | 104,000 |
| Capital Outlay | \$ | 900 |
| Debt Service | \$ | <u>70,154</u> |
| Total Budgeted Expenses: | \$ | 1,254,036 |

Notes:

- 1) Revenues are currently running well below those projected for this year and, as a result, actions will need to be taken by the Board of Selectmen to correct the situation prior to the start of the new fiscal year. Since these actions are not yet known (increasing fees and changing services for example), we cannot with any level of certainty project revenue for the coming year.
- 2) Does not include \$70,613.00 of indirect costs to be paid from revenues to the General Fund to cover the Transfer Station's share of administrative costs, insurance and fringe benefits.

Comments: The Transfer Station Enterprise Fund has experienced significant financial difficulties during the past year and, in fact, during the past two years. At the October 2005 Special Town Meeting, the Town voted to transfer \$361,000 from Transfer Station Retained Earnings to offset revenues that were expected but did not occur. This leaves only \$119,135 in Retained Earnings for the Transfer Station, not enough to fill a revenue gap of the same size during this coming year. As a result, the Selectmen have been investigating cost savings and revenue enhancements to bring this budget back into balance.

A cost savings of \$50,000 has just been realized by renegotiating the Town's contract for recycling. In addition, the Town Administrator, head of the Highway Department (which directly oversees the Transfer Station) and Department of Public Works have submitted recommendations for improving the efficiency of the operation and increasing oversight by the addition of a supervisor on site. It is highly likely, however, that revenue will need to be increased, along with any cost savings realized, in order to restore this budget to balance going forward. The Selectmen expect to make final decisions about both expense cuts and increased revenue by the end of the spring.

Recommendation: The Advisory Committee recommends approval of this article.

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

**Article 10
WATER ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds such sums of money as may be necessary to defray expenses of the Water Division estimated for the ensuing fiscal year commencing July 1, 2006; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Estimated Revenues:

| | | |
|-----------------------------|----|--------------|
| User Charges | \$ | 1,810,000 |
| Liens | \$ | 220,000 |
| Installation & Service Fees | \$ | 220,000 |
| Interest | \$ | <u>5,000</u> |
| Total Estimated Revenues: | \$ | 2,255,000 |

| | | |
|-------------------------------|----|----------------|
| <u>Budgeted Expenses: (1)</u> | | |
| Salaries | \$ | 615,718 |
| Purchase of Services | \$ | 348,900 |
| Materials & Supplies | \$ | 231,300 |
| Capital Outlay | \$ | 2,000 |
| Intergovernmental (2) | \$ | 206,000 |
| Debt Service | \$ | <u>576,434</u> |
| Total Budgeted Expenses: | \$ | 1,980,352 |

Notes:

- 1) Does not include \$150,380.00 of indirect costs that are paid from the Water Enterprise revenues to the General Fund for the Water Department's share of Town administrative costs, insurance and pension expenses.
- 2) Payment to Town of Marshfield for water to Humarock residents. Does not include recent rate increase now under negotiation.

Comments: The Water Enterprise budget for Fiscal Year 2007 currently shows a slight decrease compared to FY2006. This department's ongoing strategies to minimize costs while proactively managing and improving our water resources is reflected in a balanced budget despite volatile utility costs this year. Recently, however, the Town of Marshfield raised water rates for all customers including the water the Town of Scituate pays for Humarock residents. This will likely require a water rate increase this year for Scituate residents. The Town currently holds a permit from the Commonwealth to withdraw an annual average daily amount of 1.73 million gallons of water from our watershed. This year the Water Department will apply for an increase in the permit to keep up with the growing water demands of the Town.

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

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

**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 General Laws, Chapter 40, Section 5B; or take any other action relative thereto. Sponsored By: Board of Selectmen

Comments: This is an annual article authorized by the Commonwealth to enable towns to manage fluctuations in revenues and expenditures. The Town sets its tax rate based upon the Levy Limit. When the Levy Net is determined and the resulting variance is calculated, the monies are moved to the Stabilization Fund. The Town currently has a balance of \$2,293,877 in this fund.

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

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

Article 12
MGL CHAPTER 91 LIABILITY

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

Comments: The Massachusetts Department of Environmental Protection requires the Town to execute a bond for insurance purposes, thereby assuming responsibility, whenever the DEP performs work along tidal and non-tidal rivers and streams, ponds, harbors, tidewaters, foreshores and shores along a public beach. Without this bond, the DEP will not fund any coastal or harbor work in Scituate.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

Article 13
CONSERVATION FUND

To see if the Town will vote to raise and appropriate \$5,500 to be added to the Conservation Fund established pursuant to General Laws, Chapter 40, Section 5, for the maintenance of the Driftway Park, and an additional sum of money for acquisition of land and rights therein for public use; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Town is required under General Law to set aside \$5,500 per year to be added to the Conservation Fund. Monies accumulated in the Fund are to be used to acquire land for conservation purposes or for public use. There is \$26,800 currently in the Fund.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

Article 14
REVOLVING FUND - COUNCIL ON AGING

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited programming funds to be expended under the direction of the Council on Aging Director with the total amount to be expended in the ensuing fiscal year not to exceed \$35,000; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Advisory Committee supports this article the purpose of which is to allow the Council on Aging to directly finance some of their programs through the acceptance and deposit of program fees. This fund does not pay for any Town salaried personnel. It is similar to the existing Recreation Department Revolving Fund. The cap for this fund is \$35,000.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

Article 15
REVOLVING FUND – PLANNING BOARD

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which shall be credited only administrative application fees received by the Planning Board, which may be expended solely for postage, legal advertising and other administrative expenses connected with specific applications. The Planning Board and Town Planner shall be authorized to initiate expenditures from this fund for these purposes, with the total amount to be expended in the ensuing fiscal year not to exceed \$100,000; or take any other action relative thereto.

Sponsored By: Planning Board

Comments: The Advisory Committee supports this article the purpose of which is to allow the Planning Board to accept application fees and to use such funds to pay for and track separately all expenses made related to specific applications under review. This fund does not pay for any Town salaried personnel and is capped at \$100,000.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

Article 16
REVOLVING FUND – BOARD OF HEALTH

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53 E 1/2 to establish a revolving fund to which will be credited food establishment inspection program funds to be expended under the direction of the Director of the Health Department for outside contractors to perform inspections and for educational programs, with the total amount to be expended in the ensuing fiscal year not to exceed \$15,000; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Advisory Committee supports this article the purpose of which is to allow the acceptance by the Health Department of inspection fees and use of same to pay for and track separately all expenses made related to health inspections and the provision of educational programs related to Public Health. This fund does not pay for any Town salaried personnel and is capped at \$15,000.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

Article 17
COLLECTIVE BARGAINING AGREEMENTS

To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money to implement the collective bargaining contracts, to be apportioned by the Town Accountant to the applicable line items voted under Article 5; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This Article sets asides funds for the Town Administrator to use in negotiating pay increases in Union Contracts. Outstanding at this point are the contracts for Police and Fire Personnel. The Board of Selectmen are asking for \$210,000. This is an Annual Article that complements Article 5. After the new contracts are settled the new pay rates are used in building the next fiscal year's budget.

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

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

Article 18
COMMUNITY PRESERVATION

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation Budget and to appropriate a sum of money to meet the administrative expenses, rehabilitation of historic resources and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2007; and further to reserve for future appropriation the following amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of money for the creation, preservation and support of community housing:

| | |
|------------------------------------|-------------|
| Administrative Funds | \$65,000 |
| A. Local Historic Survey | 6,000 |
| B. Restoration of Mossing Shed | 20,300 |
| C. Burial Site Survey | 22,500 |
| D. Cudworth House HVAC | 26,500 |
| E. Life Saving Station Restoration | 45,500 |
| F. GAR Hall Restoration | 132,500 |
| G. Community Housing | 100,000 |
| H. Cushing Playground | 44,800 |
| I. Community Basketball Courts | 120,000 |
| J. Library Grounds | 30,000 |
| K. Public Access Plan | 60,000 |
| L. Curtis Property Study | [withdrawn] |
| M. Purchase of Litchfield Property | 595,000 |

or take any other action relative thereto.

Sponsored By: Community Preservation Committee

Administrative Funds

Comments: The Community Preservation Committee manages \$1.3 million of Community Preservation Act funds (\$650,000 from Town assessment matched by an equal amount from the Commonwealth of Massachusetts). Each fiscal year the Town may appropriate funds that it deem necessary for the administration and operating expenses of the Community Preservation Committee. These expenses are not to exceed 5% of the annual revenues in the Community Preservation Fund. This year's appropriation is 5% and will be used for supplies, appraisals, secretarial services and printing. All unused funds are returned to the CPA General Fund.

Recommendation: The Advisory Committee recommends approval of this item.

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

Item A. Local Historic Survey

Comments: This is the fourth request for funds for Historical Surveys. This phase requests \$6,000 and pertains to the Lawson Tower and the GAR Hall. Prior requests for this multi-phase project total \$72,000.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote (8-0) in support of this item.

Item B. Restoration of Mossing Shed

Comments: This request is for \$20,300 to repair one of the only remaining mossing sheds in the area which the Historical Society states is of historical significance. This shed is located on the Scituate Marine Park and is in desperate need of repair.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Six votes in support of this item, one vote opposed, and one abstention.

Item C. Burial Site Survey

Comments: This is the next step in a long-term plan to document and preserve burial sites in the Town, to which little attention has been paid over the years. There are grants available to help restore such sites, but they must be documented and on the National Register of Historic Places in order for the Town to apply for these funds. These funds will be used for the next step toward that goal.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote (8-0) in support of this item.

Item D. Cudworth House HVAC

Comments: In accordance with preservation requirements for collections in historic buildings, the Scituate Historical Society wishes to install in the Cudworth House a minimal heating and air conditioning system (HVAC). This includes a gas furnace, air conditioning coil and condensing unit, ductwork, carpentry, concrete pad, electrical support and the repair and painting of ceilings. Restoration work to the building and replacement of the gate and post at the cattle pound, funded by CPA and MBTA mitigation funds, was completed in May 2004.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote (8-0) in support of this item.

Item E. Life Saving Station Restoration

Comments: This request is for \$45,500 to repair one of two remaining Life Saving Stations. This station is located on the Scituate Marine Park. When repaired this historical structure will be used for the Town’s sailing program and other educational programs.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Seven votes in support of this item, and one vote opposed.

Item F. GAR Hall Restoration

Comments: The Grand Army of the Republic Hall (GAR Hall) is the oldest public building in Scituate. Ownership of the Hall was transferred to the Historical Society by the Town in 1996 as the building’s poor condition led Town officials to consider demolishing it. Since that time the Historical Society has renovated the roof, floor, joists, sills, and balcony, and painted the exterior. This year the Historical Society seeks CPA funding to complete the kitchen, three bathrooms, HVAC, fire alarm, insulation and plaster as well as septic engineering and installation and associated Town fees. The Historical Society looks forward to completing work on the building and returning it to public use.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote (8-0) in support of this item.

Item G. Community Housing

Comments: This is a request by the Scituate Housing Partnership to respond to the Town’s Affordable Housing Plan adopted in 2002 by developing three to five units of affordability-restricted home ownership units upon a parcel of land owned by the Town on Stockbridge Road. This is a staged request designed to cover predevelopment of the property for sale and development by a Community Development Corporation (CDC). The CDC will implement the Housing Partnership’s goals including meeting grant selection criteria for the Commonwealth of Massachusetts for the award of various “Housing Stabilization” state grants and other state and federal funding. The Housing Partnership seeks CPA Community Housing funding for a six stage predevelopment plan:

1. Legal Determination of Sale of Public Parcel
[Only if legal determination is made will the Partnership proceed to stage two.]
2. Site Survey
3. Determination of Unit Count and Draft RFP
4. Issuance of RFP
5. Response review
6. Site Engineering and Preparation

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote (8-0) in support of this item.

Item H. Cushing Playground

Comments: This request is for \$44,800 to assist in building a new playground adjacent to the existing playground at Cushing Elementary School. The total cost of this project is expected to be \$106,000 of which the PTO has already raised above \$40,000 and will raise the remaining funds prior to commencement of the project.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote (8-0) in support of this item.

Item I. Community Basketball Courts

Comments: This request is for \$120,000 to assist in building two new fenced-in basketball courts with lights at Scituate High School. The total cost of this project is \$220,000 and the Scituate Basketball Association, Inc. has committed to raising the other \$100,000 to complete this project. This project will be located adjacent to the existing court at the High School and includes \$20,000 to repair the existing court. The Scituate Basketball Association, Inc. has committed to maintaining these courts and has obtained the assistance of the Scituate Police Department to monitor surveillance equipment included in the project.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote (8-0) in support of this item.

Item J. Library Grounds

Comments: The Advisory Committee was generally very supportive of this effort to improve the park that is located in front of the Library. The Community Preservation Committee and others in Town had suggested that the proponents look beyond renovation of the small park alone to work that could connect the park to the adjacent senior housing and the proposed new Senior Center, which would also be next door if built as proposed. With questions about the future of the Senior Center, however, the Advisory Committee felt it would be worthwhile to wait until the next Special or Annual Town Meeting to appropriate these funds. By that time much more information is likely to be available regarding the location and scope of the Senior Center and plans for this park can be designed more appropriately. In the interim, the Community Preservation Committee has the ability to use administrative funds for some of the initial site survey work to move this project along. The

Advisory Committee felt overall that this was a good proposal which, through no fault of the Library, was presented at the wrong time.

Recommendation: The Advisory Committee recommends against approval of this item

Advisory Committee Vote: Seven votes opposed to this item and one vote in favor.

Item K. Public Access Plan

Comments: This application addresses Stage I of a five year plan to create pedestrian and bicycle access from Greenbush and Scituate Harbor to many of Scituate's natural and historic resources as well as creating a non-motorized connector from the Harbor to the Greenbush MBTA Station and nearby residential and business zones.

The proposal also includes:

- A. A beach management/access plan and boardwalk construction designed to protect dunes and salt marsh areas.
- B. A pathway linking the Driftway Park to the Chief Justice Cushing State Park across 3A
- C. Redesign and rehabilitation of Driftway Park and boat ramp
- D. A pathway from Driftway Park to Scituate Harbor
- E. A pathway to link Driftway Park to the old rail bed including construction of a pedestrian structure over Herring River

This application addresses Stage I: Feasibility study, design and permitting of rehabilitation of Driftway Park and boat ramp as well as a beach management/access plan and construction of a boardwalk from Moorland Rd to the Spit., and to research and apply for available grants to subsidize the long term project.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Six votes in support of this item and two votes opposed.

Item M. Purchase of Litchfield Property

Comments: The 40 acre Litchfield property proposal is part of a plan to protect 450 acres of the largest remaining unfragmented forest in Scituate. The purchase of this property by the Town will bring the total protected area to 220 acres. In order to preserve the land, the Maxwell Conservation Trust purchased the property using borrowed funds in 2004 and seeks CPA open space funding for its transfer to the Town. The land is not protected until it is fully paid for and has a Conservation Restriction placed on it. A portion of the land (although located in Scituate) is within the Cohasset watershed boundary. The Cohasset Water Commission has expressed their desire to protect the watershed by making a financial commitment of \$100,000 towards the purchase of the land and a Conservation Restriction to be held jointly by the Cohasset Water Commission and the Maxwell Trust with management control of the property to be the sole responsibility of the Scituate Conservation Commission. The proposal sites easy public access from the Mount Hope Improvement

Society parking area across Clapp Road onto the parcel to afford passive recreational opportunities, nature walks, outdoor educational classrooms, etc. for the Town. Two appraisals—one with its basis that the parcel is developable, one with its basis that it is not developable—presents a valuation range of \$595,000 (originally \$475,000, recently resubmitted after considering adjacent land sales) to \$1.8 million to the Town. Similar, nearby parcels have sold for \$15,000 to \$20,000 per acre. The \$595,000 proposed figure (half of which is matched by state funding) sets the price at under \$15,000 per acre to the Town for 40 acres of publicly accessible, open space property.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous vote (8-0) to support this item.

Article 19 Para-transit

To see if the Town will vote to raise and appropriate \$18,000 to fund the Para-transit program in the Town of Scituate, or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This program provides two types of transportation for disabled Scituate residents. The Scituate Council on Aging schedules rides door-to-door for those with MBTA medical certification. This service is provided through a vendor, South Shore Community Action Council of Plymouth. Residents with non-medical needs are provided transportation from Cohasset through the MBTA's "Ride" program. The MBTA reimburses the town for 50% of the costs through the State's reimbursement system. This request is an increase of \$6,000 from last year's \$12,000 budget. The demand on the program makes this amount necessary to help out our residents both young and old.

Recommendation: The Advisory Committee recommends approval of this article.

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

Article 20 Street Acceptance

To see if the Town will vote to accept Arrowwood Drive as laid out by the Board of Selectmen as a public way, and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, easements for the public way and any appurtenant utilities or drainage; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This petition requests the Town to consider acceptance of Arrowwood Drive as a public way. The Street Acceptance Committee reviewed the way and with the support of the Town Engineering Department recommends acceptance of this street. It should be noted that this

acceptance is for the first 1000 feet of Arrowwood Drive and that the remaining way is a deed restricted private way.

Recommendation: The Advisory Committee recommends approval of this article.

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

Article 21

VILLAGE BUSINESS OVERLAY DISTRICT

To see if the Town will vote to amend various sections of the Zoning Bylaw as noted below to create a Village Business Overlay District for the Scituate Harbor, Greenbush, and North Scituate Business Districts, by taking the following actions listed below:

1. Amend Section 200, Definitions, by adding the following new definition for a Mixed Use Building and adding the new language highlighted in bold to the definition of Multi-Family Dwelling:

MIXED USE BUILDING

A building containing residential dwelling units and any of the other uses allowed by right in the Business District except a showroom for building supplies, or accessory uses of industry or light manufacturing.

MULTI-FAMILY DWELLING

A building containing more than two (2) dwelling units, exclusive of accessory dwellings, and not classified as a one or two-family dwelling, and containing only residential uses and uses accessory to them.

2. Amend Section 310, Types of Districts, by adding a new District, VBOD “Village Business Overlay District.”

3. Amend Section 340, Definition of Zoning Districts, by adding a final paragraph as follows:

VILLAGE BUSINESS OVERLAY DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 560.

4. Amend the Scituate Zoning Bylaw by adding the new Section 560, Village Business Overlay District, as follows:

560. VILLAGE BUSINESS OVERLAY DISTRICT

560.1 Purpose.

The purpose of the Village Business Overlay District is to promote opportunities for local, small-scale businesses; encourage alternative modes of transportation such as public transit, bicycling, and walking; provide for higher density mixed use and multifamily housing in village areas; provide for a variety in residential housing development patterns and which reflect the unique characteristics of each subarea; increase the production of housing affordable to low and moderate income households; and encourage efficient provision of necessary utilities and community services. The Village Business Overlay District will not change the zoning of the underlying district which can continue to be applied except where an applicant voluntarily wishes to use the provisions of this Section 560.

560.2 Permitted Uses.

In the Village Business Overlay District, all of the uses permitted in the underlying Zoning District(s) shall be permitted as of right.

560.3 Uses Permissible by Special Permit.

The following uses may be permitted by Special Permit in the Village Business Overlay District:

- A. Any use permitted by Special Permit in the underlying Zoning District in accordance with the provisions of that district.
- B. A mixed use building provided that a Special Permit is obtained from the Planning Board in accordance with the provisions of Section 560 of this bylaw.

560.4 Requirements for Mixed Use Buildings.

The Planning Board may issue a Special Permit for a mixed use building in the Village Business Overlay District, subject to the following conditions:

- A. The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with any requirements of this bylaw.
- B. In the opinion of the Planning Board, the project meets the Design Review Standards of Section 560.8.
- C. Fifteen (15) percent of the total number of dwelling units must be affordable to low- and moderate-income households as defined in Section 560.7 B, Affordability Standards, Rental or Sales Price.
- D. In order to concentrate retail uses in the center of each village, so they can better be supported by pedestrian activity, on Front St., Booth Hill Rd., all of Country Way in Greenbush, Country Way, south of the Bound Brook, the Driftway, and Gannett Rd. the first floor shall be occupied by retail uses.
- E. All new mixed use buildings must meet the following dimensional requirements:

| | |
|---|--|
| Minimum Lot Area Per Dwelling Unit | <p>The number of units permitted shall be equivalent of up to 16 units per 40,000 sq. ft. <i>or</i></p> <p>The equivalent of 17 to 20 units per 40,000 sq. ft. may be authorized if significant public benefits are provided¹ <i>or</i></p> <p>Due to the higher residential densities already existing in that village, the equivalent of up to 36 units per 40,000 sq. ft. may be authorized in Scituate Harbor if parking is located underground <i>and</i> significant public benefits are provided¹</p> |
| Open Space | 20% of lot area ² |

¹ See Section 560.5, Bonus Density Requirements, below.

² Open space shall not include land set aside for buildings, driveways or parking uses. This requirement may be waived by the Planning Board in the case of re-use of existing buildings for mixed use.

Where dimensional requirements are not specified, construction must meet the requirements of the underlying Zoning District.

560.5 Bonus Density Requirements.

The Planning Board may, at its discretion, permit density up to the equivalent of 20 units per 40,000 sq. ft. of lot area in Greenbush or North Scituate, or up to the equivalent of 36 units per 40,000 sq. ft. in Scituate Harbor if parking is provided under the mixed use structure, provided the Board makes a written finding that the developer will provide significant improvements providing a public benefit, in addition to those improvements necessary to meet the requirements of this bylaw.

These improvements shall include off-site infrastructure serving a public purpose, such as sidewalks; land suitable for a public way; upgrades to drainage or water distribution systems where these are desired by the Town; off-site drainage improvements to mitigate impacts of stormwater on Old Oaken Bucket Pond; open space in desirable locations, with public access, in addition to the open space required by this Section 560; land or infrastructure for neighborhood wastewater treatment or other community infrastructure; additional affordable units above the number required, or other improvements deemed of significant value by the Planning Board. All infrastructure used for the density bonus shall have been recommended in the Master Plan or other plans approved or used by the Town of Scituate Board of Selectmen, DPW, Board of Health, Conservation Commission or Planning Board. In order to make this determination, the following are required:

- A. The applicant shall provide a written description of the intended improvements with the public benefit of each and its significance to the Town, and a sketch plan showing the location and type of improvements and their size or extent.

- B. The Planning Board may require a bond to cover the cost of any improvements that will be constructed, or a binding agreement approved by Town Counsel, to remain in place until the improvements are completed to the satisfaction of the town.
- C. The applicant shall provide adequate parking on site, in total or in part, as indicated in Section 560.6, Parking Requirements for Mixed Use Buildings, below for all proposed housing units.
- D. A specific time frame for the completion of all required off-site infrastructure improvements shall be incorporated as a condition of approval of the Planning Board.

560.6 Parking Requirements for Mixed Use Buildings.

Parking shall be provided for all uses according to the requirements of Section 760, Parking Requirements, except that it may be reduced by the Planning Board as described below.

- A. Due to the proximity of transit service, the Planning Board may authorize the number of required parking spaces indicated in the table below for office or retail uses in mixed use buildings:

| Use | Number of Spaces Required |
|--|--|
| Office or Retail in Mixed Use Buildings in Scituate Harbor or North Scituate | 1 space per 300 square feet within 400 feet of a Town Public Parking Lot, or within 400 feet of an MBTA Parking Lot if parking is available during the hours of operation of the retail or office use. |

- B. The Planning Board may waive the parking requirements of this Section for office and retail uses in all villages if the applicant can demonstrate that sufficient on-street parking (public or private) exists that may adequately fulfill, in part or in whole, the parking needs of the applicant, or that special circumstances exist, such as the shared use of a parking lot by activities having different peak demand times.
- C. In Greenbush and North Scituate, due to the proximity of transit, the Planning Board may reduce required parking for residential units in a mixed use building from standard requirements, as follows:

| Use | Number of Spaces Required |
|----------------------------|---------------------------|
| One bedroom unit | 1 space |
| Two bedroom unit | 1.5 spaces |
| Three or more bedroom unit | 2 spaces |

560.7 Affordability Standards.

All affordable housing units required to meet the special density standards of this section shall meet the following criteria.

A. Applicability.

Applications requesting seven or fewer dwelling units are exempt from this requirement. The Planning Board may waive this requirement if housing units are entirely within an existing historic structure either on the National Register of Historic Places, the State Register of Historic Places or on a list of historic structures maintained by the Scituate Historical Society.

B. Rental or Sales Price.

The initial rental or sales price shall be affordable to low- and moderate-income households with income at or below eighty (80) percent of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U.S. Department of Housing and Urban Development (HUD).

C. Deed Restriction.

The subsequent rent or sales prices or rents shall be controlled through a deed rider or an affordable housing restriction as defined by G.L. c.184, Section 31, recorded at the Plymouth County Registry of Deeds, and shall be in force in perpetuity or as long a period as legally possible.

D. Location of Units.

All affordable housing units shall be distributed throughout the remaining proposed housing units. The number of one-, two- and three-bedroom units shall be in the same proportion as that of the market rate units. The affordable units shall be designed so the exteriors are comparable in general design and appearance to those of the market rate units.

E. Off-site Units.

At the discretion of the Planning Board, the applicant may substitute off-site affordable housing units which are priced and deed-restricted as required under this Section. The number of affordable units provided must be at least the number required by this Section. In considering whether to accept these units, the Planning Board shall consider the geographic distribution of affordable housing throughout the town and avoid concentration in any one particular area of Scituate.

F. Compliance with LIP Program.

As required for affordable housing to count towards the Town of Scituate's Housing Inventory, the applicant must comply with low- or moderate-income housing regulations and guidelines of the Local Initiative Program (LIP), 760 CMR 45.00, or another similar state-approved program in effect on the date of application. Evidence must be provided to the Planning Board of a recorded deed restriction on resale, designation of a monitoring agent acceptable to the Planning Board, and an affirmative marketing plan prior to issuance of the first occupancy permit.

G. Number of Affordable Units.

The number of affordable housing units required shall be equal to fifteen per cent (15%) of the total of proposed housing units, rounded to the nearest whole number, except that fractions up to and including .5 units shall be rounded down to the next lower whole number. The requirements for affordable units are thus as follows:

| Total Housing Units | Required Affordable Units |
|----------------------------|--|
| 8-10 | 1 |
| 11-16 | 2 |
| 17-23 | 3 |
| 24-30 | 4 |
| 31-36 | 5 |
| 37-40 | 6 |
| Above 40 | 15% of total, calculated according to Paragraph G. above |

560.8 Design Review Standards.

In reviewing an application for a Special Permit for development within the Village Business Overlay District, the Planning Board shall consider the extent to which the application satisfies the general standards enumerated in Section 950 and the Design Review Standards detailed below.

A. Roofs.

1. Roofs shall be pitched to center ridge, except that in Greenbush, mansard roofs shall be allowed as this is a distinguishing architectural characteristic of this village.
2. Dormers within pitched roofs shall be encouraged, but no more than twenty (20) feet in width. Dormers shall be exempt from roof pitch requirements.
3. Sloped or pitched roofs with a minimum of 8:12 slope shall be required, except as provided in paragraph D., below.
4. To allow design variation, up to twenty (20) percent of the roof area may be flat or of other design than a sloped or pitched roof.

B. Façade treatment.

1. The use of awnings or canopies over windows of first floor commercial uses shall be encouraged.
2. A minimum of fifty (50) percent of ground floor building façades and thirty (30) percent of second floor building façades facing public ways shall be glazed.

C. Front Yard Setbacks.

1. To reflect the different intensities of existing development in the individual villages, while encouraging development close to the street to promote shopping and walkability, the following front yard setbacks shall be established in the Village Business Overlay District:

| | | | | |
|---------------------|---|--------------------------------|----------------|-----------------|
| Location: | Country Way and the Driftway in Greenbush | All Other Streets in Greenbush | North Scituate | Scituate Harbor |
| Minimum Front Yard: | 5' | 10' | None | None |
| Maximum Front Yard: | 15' | 25' | 10' | 10' |

The Planning Board may waive the maximum front yard setback on corner lots for existing buildings which are intended to be converted to mixed use.

2. In order to prevent a “canyon” effect caused by the taller buildings needed to accommodate higher densities, in any building or lot located on Front St. in Scituate Harbor containing more than two (2) stories, the third story and above shall be set back a minimum of seven (7) feet behind the first story. In these cases, the roof over the first two stories shall be exempt from Section 560.8 A, **Roofs**, above.

3. Parking areas are prohibited within the front yard setbacks in North Scituate and in Greenbush on Country Way and the Driftway to preserve green space in the town’s least densely developed villages. The Planning Board may waive this requirement at their discretion where existing buildings are redeveloped for mixed use.

D. Side and Rear Yard Setbacks.

In the Village Business Overlay District, rear yard setbacks shall be as follows:

| | | | |
|--------------------|-----------|----------------|-----------------|
| Location: | Greenbush | North Scituate | Scituate Harbor |
| Minimum Rear Yard: | 8' | 8' | 15' |

Where a property is adjacent to a Residential Zoning District or a residential use, the minimum side or rear yard setback shall be twenty (20) feet in Greenbush or North Scituate and 30’ in Scituate Harbor. Larger setbacks are required in Scituate Harbor as a buffer for abutting properties and nearby small scale neighborhood housing.

E. Special Setbacks - Scituate Harbor.

In order to protect views of the water that give the harbor its special character, and to provide a buffer for nearby small scale neighborhood housing, the height of mixed use buildings shall be limited within key setback areas in Scituate Harbor. In Scituate Harbor, within 50’ of the water’s edge, or within 50’ of an adjacent residential Zoning District the maximum height for new mixed use buildings shall be 35’.

F. Greenbush Design Standards.

To encourage new development on large parcels while visually maintaining the smaller residential scale characteristic of the area, the following limitations shall apply to mixed use buildings in Greenbush:

1. No building structure shall be longer than one hundred twenty (120) feet measured along any side of the building which faces the street.
2. Front building facades shall be no longer than fifty (50) feet without articulation.

G. Parking and Landscaping.

1. Driveways shall be no greater than twenty-four (24) feet in width. Shared access to parking lots by two or more businesses is to be encouraged wherever possible.
2. A Landscape Plan shall be required for all submissions, except where waived by the Planning Board. The Planning Board may adopt specific regulations for landscaping in the Water Resource Protection District and other areas.
3. **Special Standards for the Water Resource Protection District.** In order to protect water quality in the town’s Reservoir and groundwater drinking water supplies, the following special standards for landscaping and stormwater management apply to development under this Section 560 within in the Water Resource Protection District:
 - a. **On-Site Recharge.** To the greatest extent possible, all stormwater shall be recharged on site and design techniques shall be used to reduce the generation of stormwater and non-point source pollution by limiting impervious surfaces, treating stormwater, maximizing open space and minimizing disturbance of natural areas.
 - b. **Minimization of Impervious Surface.** Impervious surface shall be minimized by: providing only as much parking as required by the Zoning Bylaw, particularly within the buffer described in Section 510.4; using short and narrow driveways, permeable paving, green rooftop systems, and low impact development techniques as described in references such as the Massachusetts Executive Office of Environmental Affairs LID homepage (<http://www.mass.gov/envir/lid/default.htm>) in current versions wherever possible.
 - c. **Treatment of Front Yards.** All front yards shall be landscaped, but new lawn area shall be minimized and the use of fertilizer in general shall be discouraged. Front yards shall not include impervious surfaces except for a driveway, walkways, or paved outdoor dining patios, which shall constitute no more than twenty-five (25) percent of the front yard to the greatest extent possible.
 - d. **Use of Best Management Practices.** At a minimum, drainage shall be handled through Best Management Practices as described in the current version of the Massachusetts Department of Environmental Protection Stormwater Management, Vol. II: Stormwater Technical Handbook.
4. New landscaping shall not include invasive plants, as identified on a list provided by the Planning Department, and to the greatest extent possible, existing invasive plants will be removed. Native plants shall be used in landscaping wherever possible.

5. **Screening.** All buildings and parking areas within 50' of an adjacent Residential Zoning District shall be screened on each side adjoining residential premises, except where screening is already provided by an existing fence, wall, hedge or natural terrain feature. Said screening shall be maintained in good condition and no advertising shall be placed thereon, and shall be designed so as not to obstruct vehicle sight distances at entrances, exits or street intersections. Screening provisions may be modified or waived by the Planning Board for good cause.

560.9 Special Permit Review Procedure.

A. **Pre-Application Meeting.** A pre-application meeting with the Town Planner prior to the submittal of a Special Permit application is strongly encouraged. A preliminary concept plan should be provided at this meeting. The preliminary concept plans shall be at a scale of 1" = 40', unless the applicant and Town Planner agree on a more appropriate scale.

B. **Review Process.** The application requirements, standard of review, project completion requirements and applicability of approval requirements described in Section 770 shall also apply to this Section.

5. Amend the Zoning Map to establish the location of the Village Business Overlay District on the Zoning Map as an overlay of the Harbor Business Zoning District in Scituate Harbor and the General Business Zoning District in North Scituate and Greenbush. The new district is shown on three maps entitled "Village Business Overlay District – Scituate Harbor," "Village Business Overlay District – North Scituate," and "Village Business Overlay District – Greenbush," all dated 12/13/05 and available at the Town Clerk's Office and the Office of the Planning Board. These areas shall be shown on the Zoning Map as the Village Business Overlay District.

Sponsored By: Planning Board

Comments: This Article seeks to amend various Scituate Zoning Bylaws to create a Village Business Overlay District for the Scituate Harbor, Greenbush, and North Scituate Business Districts. These changes will help promote opportunities for local, small-scale businesses; encourage alternative modes of transportation such as public transit, bicycling, and walking; provide for higher density mixed use and multifamily housing in village areas; provide for a variety in residential housing development patterns and which reflect the unique characteristics of each sub-area. The new Bylaws will also increase the production of housing affordable to low- and moderate-income households by requiring fifteen (15) percent of the total number of dwelling units to be affordable to low- and moderate-income households. The Bylaws will be directed toward mixed use building and multi-family dwellings.

This Village Business Overlay District is an overlay of the Harbor Business Zoning District in Scituate Harbor and the General Business Zoning Districts in North Scituate and Greenbush. There are no changes proposed for the underlying business districts.

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

Advisory Committee Vote: Eight votes in support of this article and one abstention.

Article 22
SITE PLAN DESIGN GUIDELINES

950. Design Review for Business, Commercial, Mixed Use and Multi-family Development

A. Applicability. In order to preserve and enhance the aesthetic quality of Scituate's built environment and to conserve the value of its land and buildings, this section will establish a process of design review for construction of new buildings or expansion of existing buildings which are required by this Zoning Bylaw to follow the procedures or standards of Section 770, Site Plan Special Permits. This Section shall not apply to approval of the following: Flood Plain Special Permits, Common Driveway Special Permits, or Special Permits for accessory dwellings except where these are proposed above businesses.

Nothing in this section shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature which does not involve a change in design, material, color or the outward appearance of a building, or to prevent meeting requirements by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the adoption of this section. Single and two-family houses shall be exempt from this Section. The Planning Board may waive this process where, in their opinion, it is not needed because projects are minor, or for other good cause.

B. Design Review Committee. A Design Review Committee shall be appointed by the Planning Board to perform the review under this Section. It shall consist of three members, preferably with training and experience in architecture or related professions. If possible, one member shall have training or experience in historic preservation or shall be knowledgeable with regard to historic architectural styles. Each member shall have a term of three years. Appointments shall be subject to the terms of General Bylaws Section 10310. There shall be no limit on the number of terms a member can serve.

C. Review Process. The Design Review Committee shall, upon written request of the Planning Board, meet with the applicant following receipt of an application by the Planning Board. The Design Review Committee shall provide written findings and recommendations to the Planning Board during the process of the Public Hearings on the proposal.

D. Application Materials. The Design Review Committee requires a site plan showing the existing conditions of a site as well as the proposed changes, a roof plan showing locations of mechanical equipment, and all other exterior equipment and structures mounted on the roof; and four exterior building elevations, whether or not they will be changed. All drawings should have dimensions and notes to indicate specific materials and finishes and be clearly marked as new or existing to

remain, whether or not materials are proposed for modification. The Design Review Committee may request additional materials to illustrate exterior materials, finishes or details.

E. Design Guidelines. The Design Review Committee shall review new buildings and substantial improvements with professional judgment, and with reference to general guidelines that the proposed development shall relate harmoniously to the nature and context of existing buildings in the vicinity.

The following list addresses some of the elements by which the suitability of proposed designs are evaluated:

1. **Scale of the Building:** The scale of a building depends on its overall size and mass, its relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building “presence”; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.
2. **Height:** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street and sometimes create a canyon-like effect. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.
3. **Proportion of Building’s Front Façade:** The “first impression” a building gives is that of its front façade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front façade should be visually compatible with that of its neighbors.
4. **Rhythm of Solids to Voids in Front Facades:** When you look at any façade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front façade of a new or altered building should be visually compatible with that of its neighbors.
5. **Proportions of Opening within the Facility:** Windows and doors come in a variety of shapes and sizes; even rectangular window and door opening can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.
6. **Roof Shapes:** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible

with the architectural style of the building and with those of neighboring buildings.

7. Relationship of Façade Materials: The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their color and texture. Many different materials are used on facades – clapboards, shingles, patterned siding, brick or other masonry unit – depending on the architectural style of the building. The facades of a building, particularly the front façade, and those facades occurring on corner lots, should be visually compatible with those of other buildings around it.

8. Historic or traditional architecture. Historic elements reflect Scituate’s rich architectural traditions. Historic, traditional or significant structures or architectural elements should be preserved to the extent possible.

9. Site Features: The size, placement and materials of landscaping, walks, walls, fences, signs, lighting, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings. Invasive species, as indicated on a list available from the Planning Department, shall not be used in new landscaping. Unique or attractive natural features, which may include rocks, outcroppings, existing vegetation and specimen trees, shall be incorporated in the proposed landscaping.

or take any other action relative thereto.

Sponsored By: Planning Board

Comments: This article seeks to establish a series of guidelines to help streamline the design review process for business, commercial, mixed use, and multi-family development. This is strictly a formal adoption of already established community standards, and addresses issues often raised by concerned townspeople.

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

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

Article 23 MAXIMUM RESIDENTIAL HEIGHT

To see if the Town will vote to amend Scituate Zoning Bylaw Section 200, Definitions, and Section 620.1, Building Heights, as follows below:

Amend **Section 200, Definitions** by adding the following language at the end of the definition of height:

except that in Residential Zoning Districts, there shall also be a maximum height measured from the average finished grade to the ridge for buildings with a gable, hip or gambrel roof.

Amend **Section 620.1, Building Heights**, by adding the following new final paragraph:

Notwithstanding the regulation of building height in Section 620.1 and allowed height projections in Section 620.2, no building with a gable, hip or gambrel roof in the Residential A1, A2 or A3 Districts shall exceed 40', measured vertically from the average finished grade of the ground adjoining such building to the highest point of any roof.

Sponsored By: Planning Board

Comments: This article seeks to amend Scituate Zoning Bylaw Section 200, Definitions, and Section 620.1, Building Heights. The change will clarify the interpretation of the residential height limits imposed by the Zoning Bylaw and ensure that structures in residential zones can no longer exceed 40 feet.

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

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

Article 24 GENERAL BYLAW -- STORAGE TRAILERS

To see if the Town will vote to amend Town of Scituate General Bylaws 30200, Property, by adding a new Section 30260, Temporary Storage Trailers, as follows below:

Section 30260, Temporary Storage Trailers.

A building permit shall be required for all temporary storage trailers. No person shall maintain a temporary storage trailer in the public view on any residential property for more than six months. The Building Commissioner shall be charged with the interpretation and enforcement of this bylaw. Anyone found in violation shall be liable for a fine of \$25.00 each day the violation persists.

or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This article sets to amend Scituate General Bylaw 30200. The change will impose a six month time limit for anyone maintaining a temporary storage trailer in the public view on any residential property.

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

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

Article 25
WATER RESOURCE PROTECTION MAP

To see if the Town will vote to amend Water Resource Protection District Zoning Protection Bylaw Section 510.3 as follows:

510.3 Water Resources Protection District

The Water Resources Protection District, as shown on a map entitled “Proposed Scituate Water Resources Protection District Map” dated 12/15/05 shall be considered superimposed over any other district established in this Bylaw. The requirements enumerated hereafter for the Water Resource Protection District shall be in addition to, rather than in place of, the requirements for the underlying district. Where the boundary line of the Water Resources Protection District divides any lot existing at the time such line is established, the regulations established hereunder shall not apply to any portion of such lot located within the Water resources Protection District, provided such lot does not extend more than twenty-five feet within the Water Resources Protection District. This provision shall not apply to the Buffer Zone boundaries established in Section 510.5 below; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: Currently there is regulatory language in the Water Resources Protection District (WRPD) Zoning Bylaw protecting tributaries from certain land use and activities but there is neither a map nor a definition of “tributary” to clarify this language. In the process of re-applying for the Town’s Water Withdrawal Permit, the state Department of Environmental Protection (DEP) has requested that the Town reference a Water Resources Protection Map in the Bylaw. The proposed Water Resources Protection District Map, dated January 9, 2006, is based upon official information from the DEP. It shows existing tributaries and their respective buffers that are referenced in the Water Resources Protection District Zoning Bylaw Sections 510.4 and 510.5. The WRPD boundary shown on the proposed map surrounds the land area that drains into surface and groundwater public drinking supply sources as determined by the DEP. Attaching this map to the existing Bylaw in no way imposes any new restrictions on property owners. All property owners are always subject to DEP definitions and restrictions. Approving this article will bring us one step closer to getting a new Water Withdrawal Permit for the Town. The discussion of this article has highlighted some potential areas of concern within this Bylaw. The Town should continue to review this, and all its Bylaws, to make certain that they reflect the intentions of all the Town boards and committees.

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

Advisory Committee Vote: Six votes in support of this article, one vote opposed, and two abstentions.

Article 26
DEFINITION OF A TRIBUTARY

To see if the Town will vote to amend Section 200, “Definitions” of the Scituate Zoning Bylaws by adding the following language:

Tributary

A Tributary is any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and ultimately flows into Old Oaken Bucket Pond, Tack Factory Pond, or the Reservoir, which is also called Tack Factory Pond Reservoir. Tributaries are shown on the “Proposed Scituate Water Resources Protection District Map” dated 12/15/05 as referenced in the Water Resource Protection District Bylaw Section 510.3 and are protected under state law and the Scituate Water Resource Protection District Bylaw Sections 510.4 and 510.5. A tributary not shown on this map can be verified in the field by a professional hydro geologist and the Scituate Conservation Commission.

or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: As with Article 25, this article is related to the current efforts by the Town to get a new Water Withdrawal Permit from the Department of Environmental Protection. The DEP has requested that the Town adopt as part of its Bylaw the definition used by the DEP for a tributary. The proposed definition of “tributary” comes directly from DEP “Drinking Water” regulations 310 CMR 22.00. Language from 310 CMR 22.00 was added to the WRPD Zoning Bylaw by Town Meeting in 2004 to be in compliance with state law, therefore it is logical to include the definition of tributary from the same source. The Town and its residents are already legally bound by this definition; adding the definition to our existing Bylaw does not impose any new restrictions on the Town or its residents.

Recommendation: The Advisory Committee recommends the approval of this item.

Advisory Committee Vote: Six votes in support of this article and three abstentions.

Article 27
DEFINITION OF A TRIBUTARY

To see if the Town will vote to amend its Zoning Bylaws Section 200 Definitions by adding the following language:

Tributary

A tributary is any body of running or intermittently running water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and ultimately flows into Old Oaken Bucket Pond, Tack Factory Pond, or the Reservoir, which is also called Tack Factory Pond Reservoir. Tributaries are shown on maps created by the

Massachusetts Department of Environmental Protection that are available in the Scituate Water Division Office and are protected by state law and by Scituate Water Resource Protection District Bylaw Sections 510.4 and 510.5. A tributary not shown on a map can be verified in the field by a professional hydrologist and the Scituate Conservation Commission.

Sponsored By: Ten Registered Voters

Comments: This article has been withdrawn by its sponsors.

Article 28
GENERAL BYLAW - EMINENT DOMAIN

To see if the Town will vote to amend its General Bylaws by adding a new section 10420F:

The authority of the Town of Scituate and its agencies of local government, as reserved to localities under Chapter 79 of Massachusetts General Law, to seize privately owned parcels against the expressed will of the owner through the use of Eminent domain procedures, shall, in light of Kelo vs. New London, be specifically further limited as follows:

- 1a.) To only those proposed taking actions incorporating the transfer of a private parcel(s) to the Town of Scituate or any of its authorized agencies of local government and under no circumstances to another private party, and;
- 2a.) To only those proposed taking actions whose purpose is the creation of a facility for actual public use and ownership *to include public open spaces, parks, and watershed protection districts* and never for the purposes of economic development or the enhancement of the local tax base.

Nothing in this bylaw shall limit the authority of the Town of Scituate or its authorized agencies of local government to seize property that is endangering the health and safety of its residents or which could otherwise be seized or foreclosed upon for tax delinquency in accordance with the provisions of Chapter 60 of Massachusetts General Law.

Sponsored By: Ten Registered Voters

Comments: This article was proposed in response to a decision by the United States Supreme Court which allowed the City of New London, Connecticut to take a number of private homes by eminent domain in order to sell the properties to private developers to encourage economic development in the area. In that decision, the Supreme Court made provision for local governments to adopt stricter standards for the use of eminent domain to prevent such takings for economic purposes. This new Bylaw would prohibit the Town of Scituate from taking private property to encourage economic development. It would not, however, prohibit any takings which are necessary for public health and safety reasons, and it would continue to allow takings to acquire open space and parks or to protect the water supply.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

Article 29
MGL CHAPTER 41 SECTION 19K

To see if the Town will vote to accept the provisions of Chapter 41 Section 19K additional compensation of the Town Clerk who have been awarded the certification of Massachusetts Municipal Clerk and also the provisions of Chapter 41 Section 108P additional compensation of Treasurer/Collectors for certification as Massachusetts Municipal Treasurer/Collector and to raise and appropriate the sum of \$2000 therefore, or take any other action relative thereto.

Sponsored by: Town Clerk/Treasurer/Collector

Comments: The purpose of this article is to allocate funds to potentially compensate the Town's Clerk and Treasurer/Collector an additional \$1,000 each if they obtain additional certifications associated with their positions as outlined under Massachusetts General Laws. This is consistent with existing compensation practices for other Town employees.

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

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

Article 30
HABITAT FOR HUMANITY LAND TRANSFER

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of selling, and authorize the Board of Selectmen to sell on such terms and conditions as it deems in the best interests of the Town a portion of Town property, Lot 31-2-11B as shown on the Scituate Assessors Maps, consisting of 40,000 square feet +/- and further shown on a plan entitled "Compiled Plan of Land in the Town of Scituate, Massachusetts, dated January 18, 2006, prepared by the Engineering Division, Department of Public Works and on file in the Office of the Town Clerk; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: Habitat for Humanity is a non-profit organization with a mission to provide simple, decent and affordable housing to help eliminate poverty housing and homelessness around the world. To date the Habitat has built more than 200,000 houses, providing more than 1,000,000 people in more than 3,000 communities with safe, decent, affordable shelter. The purpose of this article is to transfer a single lot of land that is currently under the Board of Selectmen's control to Habitat for Humanity for a token payment of \$1. Habitat will then build one single-family home that will be sold to an eligible Scituate family. The House is sold with an affordable no-interest loan. The proceeds

from the mortgage are used to build the next home. In addition to being responsible for the down payment and the mortgage, the family that purchases the home must then invest hundreds of hours of “sweat equity” into their Habitat house and the houses of others.

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

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

Article 31 REVOLVING FUND -- SCHOOL BUS TRANSPORTATION

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2 to establish a revolving fund to which will be credited only school bus transportation fees received by the School Department, which may be expended solely for expenses associated with the transportation of students. The School Department shall be authorized to initiate expenditures from this fund for these purposes, with the total amount to be expended in the ensuing fiscal year not to exceed \$300,000; or take any other action relative thereto.

Sponsored By: School Committee

Comments: This article establishes a \$300,000 Revolving Fund for the School Department to use into which they can deposit transportation fees and out of which they can pay for the busing program. These fees pay for approximately 40% of the total cost of busing our children to and from school. The \$300,000 in fees is paid by the parents of elementary school students who live within two miles of their school and ride the bus and by all those students who ride the bus to Gates or the High School.

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

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

Article 32 PUBLIC HEALTH MUTUAL AID AGREEMENT

To see if the Town will vote to authorize the Board of Health, in accordance with G.L. Chapter 40, Section 4A, to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: Passage of this article will allow Scituate's Board of Health to enter into inter-municipal agreements with other communities much like our Fire and Police departments already have. This Public Health Mutual Aid Agreement is designed to permit communities to request support from each other for events that overwhelm local capacity. This is a voluntary support program and its guidelines are similar to the Fire and Police mutual aid agreements.

Recommendation: The Advisory Committee recommends approval of this article.

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

INSERT CAPITAL PLAN HERE

INSERT COMMUNITY PRESERVATION ACTIVITY SPREADSHEET HERE

COMMITTEE, COMMISSION, BOARD AND COUNCIL APPLICATION

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.

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)

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?

4. What do you see as the main goals or purposes of this Committee, Commission, Board or Council?

Name

Street Address

Date

Telephone Number

**TOWN OF SCITUATE
CAPITAL PLAN 2007
December, 2006**

| | | | | FUNDING | |
|---|--|---|---------------------|------------------|--|
| 1. Highway Department | | | | | |
| | HW-4 10 yr roadway improvement program | chapter 90 state aid | \$ 343,000 | temporary borrow | |
| 2. Drainage | | | | | |
| | DR 2A - Jericho Road outfall pipe | Additional funds needed to complete project (\$107k FY04) | \$ 115,000 | Bond | |
| | DR3 A - Old Oaken Bucket/Rt 123 intersection | Additional funds needed to complete project (\$140k FY05) | \$ 110,000 | Bond | |
| 3. Athletic Fields | | | | | |
| | | None | \$ - | | |
| 4. Schools | | | | | |
| | Buildings | Phase- 3 School Building Restoration Projects Wamputuck School | \$ 1,450,000 | Bond | |
| | Vehicles | School Buses One New Bus | \$ 66,000 | Bond | |
| | | Service Vehicle/Passenger Vans | \$ 25,000 | | |
| 5. DPW - equipment/vehicles | | | | | |
| | | Highway & Public Grounds Vehicles | \$ 157,000 | Bond | |
| | | HW Pickup 102 \$25k, HW Sidewalk plow/blower-new \$72k, HW Pickup 1-8 \$35k; Engineering Van 42 \$25k | | | |
| 6. SEAWALLS/FORESHORE PROTECTION | | | | | |
| | | Stone revetment repair- Sand Hills/Shore Acres, Peggotty Breach, Minot Beach, Edward Foster Road. Concrete headwall repair 11th Avenue. Repair barrier mound - Musquashuot Pond | \$ 300,000 | Bond | |
| | | Replace railing - Cole Parkway Seawall | \$ 100,000 | Bond | |
| 7. Fire Department | | | | | |
| | | Replace 1994 Ambulance and Refurbish 2000 Ambulance | 185,000 | Cash | |
| | | Replace Windows Station 1 | 50,000 | Cash | |
| 8. Police Department | | | | | |
| | | Install new laptops and software into 6 cruisers. Direct connection into Criminal Justice Information System (CJIS) | \$ 78,000 | Cash | |
| 9. Public Works | | | | | |
| | | | \$ - | Bond | |
| Sub-Total NON-ENTERPRISE FUND CAPITAL PLAN | | | \$ 2,979,000 | | |
| Sources of funding: | | | | | |
| | | cash | \$ 313,000 | | |
| | | temporary borrow | \$ 343,000 | | |
| | | Bond | \$ 2,323,000 | | |

TOWN OF SCITUATE

CAPITAL PLAN 2007

December, 2006

| | | | | |
|---|---|----------------------------|-------------------|-----------------|
| ENTERPRISE FUND CAPITAL PLAN: | | | | |
| 1. WATER DEPARTMENT | | | | |
| | WA - Equipment Replacement | Pick-up Truck no. 3-7 (WA) | \$ 30,000 | Enterprise Cash |
| | WA - 36 Inner Harbor Road water main | | \$ - | Enterprise Cash |
| | | sub-total water | \$ 30,000 | Enterprise Cash |
| 2. WATERWAYS | | | | |
| 3. SEWER DEPARTMENT | | | | |
| | Infiltration-Kent Street 4k gallons per day | | \$ 400,000 | bond |
| Sub-Total ENTERPRISE FUND CAPITAL PLAN | | | \$ 430,000 | |
| Sources of funding: | | | | |
| | | Enterprise fund cash | \$ 30,000 | |
| | | Bond | \$ 400,000 | |
| | | | | |
| | | | | |
| | | | | |

COMMUNITY PRESEVATION ACTIVITY

SOURCES

| | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 |
|---------------------------------|----------------------|------------------------|------------------------|----------------------|-----------------------------|
| Town contribution | \$ 605,225.42 | \$ 684,394.33 | \$ 726,358.96 | | |
| State Contribution (prior year) | | \$ 632,644.00 | \$ 686,222.00 | \$ 721,362.00 | |
| Other | \$ 5,225.09 | \$ 18,264.75 | \$ 22,758.83 | | |
| TOTAL SOURCES | \$ 610,450.51 | \$ 1,335,303.08 | \$ 1,435,339.79 | \$ 721,362.00 | \$ - \$ 4,102,455.38 |

| | | | | | |
|-------------------|----------------------|------------------------|----------------------|---------------------|-----------------------------|
| TOTAL USES | \$ 255,771.00 | \$ 2,118,684.00 | \$ 521,250.00 | \$ 63,750.00 | \$ - \$ 2,959,455.00 |
|-------------------|----------------------|------------------------|----------------------|---------------------|-----------------------------|

General Fund \$ 1,143,000.38

USES

Administrative Expenses

| | | | | <u>Appropriated</u> | <u>Expended</u> | <u>Remaining</u> |
|---------------|-----------|---------------------|---------------------|---------------------|------------------|---|
| Expenses | 3/23/2002 | \$ 25,000.00 | | \$ 25,000.00 | \$ 7,877.00 | \$ 17,123.00 |
| Expenses | 3/3/2003 | \$ 50,000.00 | | \$ 50,000.00 | \$ 6,827.26 | \$ 43,172.74 |
| Expenses | 3/13/2004 | | \$ 46,300.00 | \$ 46,300.00 | \$ 21,968.86 | \$ 24,331.14 |
| Expenses | 6/21/2004 | | \$ 14,700.00 | \$ 14,700.00 | \$ - | \$ 14,700.00 |
| Expenses | 3/5/2005 | | \$ 55,000.00 | \$ 55,000.00 | \$ 7,681.70 | \$ 47,318.30 |
| TOTAL: | | \$ 75,000.00 | \$ 61,000.00 | \$ 55,000.00 | \$ - \$ - | \$ 191,000.00 \$ 44,354.82 \$ 146,645.18 |

Historical Resources

| | | | | <u>Appropriated</u> | <u>Expended</u> | <u>Remaining</u> |
|-------------------|-----------|---------------------|----------------------|----------------------|------------------|--|
| Reserve | 3/23/2002 | \$ 60,257.00 | \$ (60,257.00) | \$ - | \$ - | \$ - |
| Historical Survey | 9/29/2003 | | \$ 24,000.00 | \$ 24,000.00 | \$ 24,000.00 | \$ - |
| Burial Survey | 9/29/2003 | | \$ 40,000.00 | \$ 40,000.00 | \$ 21,700.36 | \$ 18,299.64 |
| Cudworth Barn | 9/29/2003 | | \$ 17,100.00 | \$ 17,100.00 | \$ 17,100.00 | \$ - |
| Lawson Tower | 9/29/2003 | * | \$ 120,000.00 | \$ 120,000.00 | \$ 106,000.60 | \$ 13,999.40 |
| Stockbridge Mill | 3/13/2004 | | \$ 91,500.00 | \$ 91,500.00 | \$ 67,951.58 | \$ 23,548.42 |
| Historical Survey | 3/13/2004 | | \$ 24,000.00 | \$ 24,000.00 | \$ 24,000.00 | \$ - |
| Reserve | 6/21/2004 | | \$ 6,500.00 | \$ 6,500.00 | \$ - | \$ 6,500.00 |
| Cudworth House | 3/5/2005 | | \$ 42,500.00 | \$ 42,500.00 | \$ 25,775.00 | \$ 16,725.00 |
| Historical Survey | 3/5/2005 | | \$ 24,000.00 | \$ 24,000.00 | \$ 8,000.00 | \$ 16,000.00 |
| Reserve | 3/5/2005 | | \$ 63,500.00 | \$ 63,500.00 | \$ - | \$ 63,500.00 |
| TOTAL: | | \$ 60,257.00 | \$ 262,843.00 | \$ 130,000.00 | \$ - \$ - | \$ 453,100.00 \$ 294,527.54 \$ 158,572.46 |

Open Space

| | | | | <u>Appropriated</u> | <u>Expended</u> | <u>Remaining</u> |
|---------------------|-----------|---------------------|------------------------|----------------------|------------------|--|
| Reserve | 3/23/2002 | \$ 60,257.00 | \$ (60,257.00) | \$ - | \$ - | \$ - |
| Fish Ladder | 9/29/2003 | | \$ 4,200.00 | \$ 4,200.00 | \$ 4,200.00 | \$ - |
| South Swamp | 9/29/2003 | * | \$ 178,000.00 | \$ 178,000.00 | \$ 54,950.47 | \$ 123,049.53 |
| Appleton Property | 9/29/2003 | | \$ 150,000.00 | \$ 150,000.00 | \$ 150,000.00 | \$ - |
| Clapp Road Property | 9/29/2003 | | \$ 760,585.00 | \$ 760,585.00 | \$ 760,585.00 | \$ - |
| Cedar Street Land | 3/13/2004 | | \$ 167,000.00 | \$ 167,000.00 | \$ 167,000.00 | \$ - |
| Reserve | 3/5/2005 | | \$ 130,000.00 | \$ 130,000.00 | \$ - | \$ 130,000.00 |
| TOTAL: | | \$ 60,257.00 | \$ 1,199,528.00 | \$ 130,000.00 | \$ - \$ - | \$ 1,389,785.00 \$ 1,136,735.47 \$ 253,049.53 |

Recreation

| | | | | <u>Appropriated</u> | <u>Expended</u> | <u>Remaining</u> |
|-------------------------|------------|-------------|----------------------|---------------------|--------------------------|---|
| Rail with Trail | 9/29/2003 | | \$ 24,000.00 | \$ 24,000.00 | \$ 23,980.00 | \$ 20.00 |
| Hatherly Field | 3/13/2004 | | \$ 200,000.00 | \$ 200,000.00 | \$ 23,943.95 | \$ 176,056.05 |
| Marine Park Landscaping | 3/5/2005 | | \$ 41,250.00 | \$ 41,250.00 | \$ 13,624.93 | \$ 27,625.07 |
| Hatherly Playground | 3/5/2005 | | \$ 35,000.00 | \$ 35,000.00 | \$ 35,000.00 | \$ - |
| Marine Park Trail | 10/17/2005 | | | \$ 63,750.00 | \$ - | \$ 63,750.00 |
| TOTAL: | | \$ - | \$ 224,000.00 | \$ 76,250.00 | \$ 63,750.00 \$ - | \$ 364,000.00 \$ 96,548.88 \$ 267,451.12 |

Community Housing

| | | | | <u>Appropriated</u> | <u>Expended</u> | <u>Remaining</u> |
|---------------------------|-----------|---------------------|----------------------|----------------------|------------------|---|
| Reserve | 3/23/2002 | \$ 60,257.00 | | \$ 60,257.00 | \$ - | \$ 60,257.00 |
| Local Housing Partnership | 9/29/2003 | | \$ 40,000.00 | \$ 40,000.00 | \$ 16,600.00 | \$ 23,400.00 |
| Reserve | 9/29/2003 | | \$ 209,313.00 | \$ 209,313.00 | \$ - | \$ 209,313.00 |
| Reserve | 3/13/2004 | | \$ 92,600.00 | \$ 92,600.00 | \$ - | \$ 92,600.00 |
| Reserve | 6/21/2004 | | \$ 29,400.00 | \$ 29,400.00 | \$ - | \$ 29,400.00 |
| Reserve | 3/5/2005 | | \$ 130,000.00 | \$ 130,000.00 | \$ - | \$ 130,000.00 |
| TOTAL: | | \$ 60,257.00 | \$ 371,313.00 | \$ 130,000.00 | \$ - \$ - | \$ 561,570.00 \$ 16,600.00 \$ 544,970.00 |

| | | | | | | |
|---------------------|----------------------|------------------------|----------------------|---------------------|------------------|--|
| GRAND TOTAL: | \$ 255,771.00 | \$ 2,118,684.00 | \$ 521,250.00 | \$ 63,750.00 | \$ - \$ - | \$ 2,959,455.00 \$ 1,588,766.71 \$ 1,370,688.29 |
|---------------------|----------------------|------------------------|----------------------|---------------------|------------------|--|