

Special Town Meeting  
November 13, 2014

**WARRANT**

ARTICLE 1.

To see if the Town will vote to hear or act upon any reports of town officers or committees, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**

ARTICLE 1.

Mr. Danehey

Mr. Moderator,

I move that the Town hear or act upon any reports of town officers or committees.

Quantum of Vote:

**VOTED** that the Town hear or act upon any reports of town officers or committees.

**VOTE-DECLARED UNANIMOUS**

Special Town Meeting  
November 13, 2014

**WARRANT**  
**ARTICLE 2.**

To see if the Town will vote to transfer the sum of \$772.03, or a greater or lesser sum, for the purpose of paying Fiscal Year 2014 and 2013 unpaid bills, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**

ARTICLE 2.

Mr. Danehey

I move that the Town transfer the sum of \$923.71 for the purpose of paying Fiscal Year 2014 and 2013 unpaid bills as follows:

<u>VENDOR FROM</u>	<u>DEPT</u>	<u>TO</u>	<u>AMOUNT</u>	<u>COMMENT</u>
Sprint/Nextel	DPW Highway (001.422.0520.5271	Unpaid Bills Acct	\$301.24	Disputed Amount
American Dry Goods	Widow's Walk (061.661.0540.5421)	Unpaid Bills Acct	\$470.79	Late Receipt
Eagle Flag	DPW-Public Grounds (001.429.0540.5423)	Unpaid Bills Acct	\$151.68	Late Receipt

Quantum of Vote:9/10

**VOTED** that the Town transfer the sum of \$923.71 for the purpose of paying Fiscal Year 2014 and 2013 unpaid bills as follows:

<u>VENDOR FROM</u>	<u>DEPT</u>	<u>TO</u>	<u>AMOUNT</u>	<u>COMMENT</u>
Sprint/Nextel	DPW Highway (001.422.0520.5271	Unpaid Bills Acct	\$301.24	Disputed Amount
American Dry Goods	Widow's Walk (061.661.0540.5421)	Unpaid Bills Acct	\$470.79	Late Receipt
Eagle Flag	DPW-Public Grounds (001.429.0540.5423)	Unpaid Bills Acct	\$151.68	Late Receipt

**VOTE- DECLARED UNANIMOUS**

Special Town Meeting  
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**WARRANT**  
**ARTICLE 3.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$104,000.00, or a greater or lesser sum, for the purpose of balancing the Fiscal Year 2015 budget pursuant to Article 6 of the April 14, 2014 Annual Town Meeting warrant, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
**ARTICLE 3.**

Mr. Danehey

Mr. Moderator,

I move that the Town transfer from available funds in the Treasury the sum of \$104,000.00, for the purpose of balancing the Fiscal Year 2015 budget pursuant to Article 6 of the April 14, 2014 Annual Town Meeting warrant as follows:

<b>Department</b>	<b>From</b>	<b>To</b>	<b>Amount</b>
Waste Water Treatment	Personal Services Sewer	Technical Services	\$70,000.00
Town Accountant	Non-Contributory Ret	Town Accountant Exp.	\$ 6,300.00
Town Clerk	Non-Contributory Ret	Town Clerk Expense	\$ 7,200.00
Board of Health	Personal Services	Technical Services	\$ 7,500.00
Library	Capital Outlay	Expenses	\$13,000.00

Quantum of Vote:Majority

**VOTED** that the Town transfer from available funds in the Treasury the sum of \$104,000.00, for the purpose of balancing the Fiscal Year 2015 budget pursuant to Article 6 of the April 14, 2014 Annual Town Meeting warrant as follows:

<b>Department</b>	<b>From</b>	<b>To</b>	<b>Amount</b>
Waste Water Treatment	Personal Services Sewer	Technical Services	\$70,000.00
Town Accountant	Non-Contributory Ret	Town Accountant Exp.	\$ 6,300.00
Town Clerk	Non-Contributory Ret	Town Clerk Expense	\$ 7,200.00
Board of Health	Personal Services	Technical Services	\$ 7,500.00
Library	Capital Outlay	Expenses	\$13,000.00

**VOTE- DECLARED UNANIMOUS**

Special Town Meeting  
November 13, 2014

**WARRANT**  
**ARTICLE 4.**

To see if the Town will vote to appropriate from available funds in the Treasury the sum of \$66,238.00 or a greater or lesser sum, for the purpose of paying the Town's required 25% cash match portion of funds to be received from the Federal Emergency Management Agency (FEMA) for roadway repair work associated with Hurricane Sandy on Glades Road, Oceanside Drive, and Central Avenue, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
**ARTICLE 4.**

Mr. O'Toole

Mr. Moderator,

I move that the Town appropriate from Free Cash the sum of \$66,238.00 for the purpose of paying the Town's required 25% cash match portion of funds to be received from the Federal Emergency Management Agency (FEMA) for roadway repair work associated with Hurricane Sandy on Glades Road, Rebecca Road, Oceanside Avenue, and Central Avenue.

Quantum of Vote:Majority

**VOTED** that the Town appropriate from Free Cash the sum of \$66,238.00 for the purpose of paying the Town's required 25% cash match portion of funds to be received from the Federal Emergency Management Agency (FEMA) for roadway repair work associated with Hurricane Sandy on Glades Road, Rebecca Road, Oceanside Avenue, and Central Avenue.

**VOTE- DECLARED UNANIMOUS**

Special Town Meeting  
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**WARRANT**  
**ARTICLE 5.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$98,000.00, or a greater or lesser sum, for the purpose of fully funding the boiler replacement at Town Hall and for the purchase of two hybrid vehicles as part of the Town's receipt of funds from the Executive Office of Environmental Affairs, Green Communities Program, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
**ARTICLE 5.**

Mr. O'Toole

Mr. Moderator,

I move that the Town transfer from Energy Rebates received from National Grid for ESCO energy improvements the sum of \$98,000.00, for the purpose of fully funding the boiler replacement at Town Hall and for the purchase of two hybrid vehicles as part of the Town's receipt of funds from the Executive Office of Environmental Affairs, Green Communities Program.

Quantum of Vote:Majority

**VOTED** that the Town transfer from Energy Rebates received from National Grid for ESCO energy improvements the sum of \$98,000.00, for the purpose of fully funding the boiler replacement at Town Hall and for the purchase of two hybrid vehicles as part of the Town's receipt of funds from the Executive Office of Environmental Affairs, Green Communities Program.

**VOTE- DECLARED UNANIMOUS**

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**WARRANT**  
**ARTICLE 6.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$410,000.00, or a greater or lesser sum, for the purpose of retiring the debt for the cap on the landfill and construction of the bulky waste handling area located on the Driftway, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
Mr. Moderator,

Mr. O'Toole

I move that the Town transfer from Free Cash in the Treasury the sum of \$404,069.00, for the purpose of retiring the debt for the cap on the landfill and construction of the bulky waste handling area located on the Driftway.

Quantum of Vote:Majority

**VOTED** that the Town transfer from Free Cash in the Treasury the sum of \$404,069.00, for the purpose of retiring the debt for the cap on the landfill and construction of the bulky waste handling area located on the Driftway.

**VOTE- DECLARED UNANIMOUS**

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**WARRANT**  
**ARTICLE 7.**

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$400,000.00, or a greater or less sum, into the Capital Stabilization Fund, for the purpose of allocating reserves for future capital and/or debt service, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
**ARTICLE 7.**

Mr. Vegnani

Mr. Moderator,

I move that the Town transfer from Free Cash the sum of \$400,000.00, into the Capital Stabilization Fund, for the purpose of allocating reserves for future capital and/or debt service.

Quantum of Vote: 2/3

**VOTED** that the Town transfer from Free Cash the sum of \$400,000.00, into the Capital Stabilization Fund, for the purpose of allocating reserves for future capital and/or debt service.

**VOTE- DECLARED UNANIMOUS**

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**WARRANT**  
**ARTICLE 8.**

To see if the Town will vote to rescind the balances of the loans authorized and un-issued totaling \$786,578.00, pursuant to the following articles and town meeting approvals or take any other action relative thereto:

<b>Project Description</b>	<b>Authorization</b>	<b>Amount</b>
Highway Improvement - Ch 90 Temporary	Art 4A, ATM 04/2009	\$423,149
Sewer Extension	Art 4C, ATM 04/2009	\$311,000
Sewer Extension - Rosa's Lane	Art 4, STM 11/2009	\$27,429
Transfer Station Loader	Art 4E, ATM 04/2009	\$25,000
		\$786,578

*Sponsored by: Board of Selectmen*

**MOTION**  
**ARTICLE 8.**

Mr. Vegnani

Mr. Moderator,

I move that the Town rescind the balances of the loans authorized and un-issued totaling \$786,578.00, pursuant to the following articles and town meeting approvals:

<b>Project Description</b>	<b>Authorization</b>	<b>Amount</b>
Highway Improvement - Ch 90 Temporary	Art 4A, ATM 04/2009	\$423,149
Sewer Extension	Art 4C, ATM 04/2009	\$311,000
Sewer Extension - Rosa's Lane	Art 4, STM 11/2009	\$27,429
Transfer Station Loader	Art 4E, ATM 04/2009	\$25,000
		\$786,578

Quantum of Vote: Majority

**VOTED** that the Town rescind the balances of the loans authorized and un-issued totaling \$786,578.00, pursuant to the following articles and town meeting approvals:

<b>Project Description</b>	<b>Authorization</b>	<b>Amount</b>
Highway Improvement - Ch 90 Temporary	Art 4A, ATM 04/2009	\$423,149
Sewer Extension	Art 4C, ATM 04/2009	\$311,000
Sewer Extension - Rosa's Lane	Art 4, STM 11/2009	\$27,429
Transfer Station Loader	Art 4E, ATM 04/2009	\$25,000
		\$786,578

**VOTE- DECLARED UNANIMOUS**

Special Town Meeting  
November 13, 2014

**WARRANT**

ARTICLE 9.

To see if the Town will vote to accept Massachusetts General Laws Chapter 41, Section 41B relative to direct deposit of employee paychecks, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**

ARTICLE 9.

Mr. Vegnani

Mr. Moderator,

I move that the Town accept Massachusetts General Laws Chapter 41, Section 41B relative to direct deposit of employee paychecks.

Quantum of Vote: Majority

**VOTED** that the Town accept Massachusetts General Laws Chapter 41, Section 41B relative to direct deposit of employee paychecks.

**VOTE- DECLARED UNANIMOUS**

**WARRANT**

ARTICLE 10.

To see if the Town will authorize the Board of Selectmen to execute and deliver a release of easements to the Appleton Field, so-called, described in a deed from William L. Litchfield to Elise W. Carter dated October 26, 1914, recorded with the Plymouth County Registry of Deeds in Book 1192, Page 519, and shown as dotted lines on Land Court Plan No. 5122A filed with said Registry and/or in any relocated location on the subject property; or take any action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**

ARTICLE 10.

Mr. Harris

Mr. Moderator,

I move that that Town authorize the Board of Selectmen to execute and deliver a release of easements to the Appleton Field, so-called, described in a deed from William L. Litchfield to Elise W. Carter dated October 26, 1914, recorded with the Plymouth County Registry of Deeds in Book 1192, Page 519, and shown as dotted lines on Land Court Plan No. 5122A filed with said Registry and/or in any relocated location on the subject property.

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Quantum of Vote: 2/3

**VOTED** that that Town authorize the Board of Selectmen to execute and deliver a release of easements to the Appleton Field, so-called, described in a deed from William L. Litchfield to Elise W. Carter dated October 26, 1914, recorded with the Plymouth County Registry of Deeds in Book 1192, Page 519, and shown as dotted lines on Land Court Plan No. 5122A filed with said Registry and/or in any relocated location on the subject property.

**VOTE- DECLARED 2/3 VOTE**

Special Town Meeting  
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**WARRANT**  
**ARTICLE 11.**

To see if the Town will authorize the Board of Selectmen to exchange a portion of Town-owned land at 169 Jericho Road for an adjacent parcel at said location owned by William J. Donlon, Trustee of the 169 Jericho Road Realty Trust or take any action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
**ARTICLE 11**

Mr. Harris

Mr. Moderator,

I move that the Town authorize the Board of Selectmen to convey the parcel of land as described in the deed of E. Wilson Blake to the Town of Scituate recorded in the Plymouth County Registry of Deeds at Pages 512 of Book 1916 to William J. Donlon as Trustee of the 169 Jericho Road Realty Trust and to accept in consideration thereof the parcel as described in the deed of the Town of Scituate to E. Wilson Blake recorded in the Plymouth County Registry of Deeds at Page 512 of Book 1916.

Quantum of Vote:2/3

**VOTED** that the Town authorize the Board of Selectmen to convey the parcel of land as described in the deed of E. Wilson Blake to the Town of Scituate recorded in the Plymouth County Registry of Deeds at Pages 512 of Book 1916 to William J. Donlon as Trustee of the 169 Jericho Road Realty Trust and to accept in consideration thereof the parcel as described in the deed of the Town of Scituate to E. Wilson Blake recorded in the Plymouth County Registry of Deeds at Page 512 of Book 1916.

**VOTE-DECLARED UNANIMOUS**

Special Town Meeting  
November 13, 2014

**WARRANT**  
**ARTICLE 12.**

To see if the Town will authorize the Board of Selectmen to (1) convey a portion of Town owned land located on Chief Justice Cushing Highway; (2) accept as compensation for such conveyance another parcel located off of Clapp Road or some other parcel; and (3) file legislation, as may be necessary to authorize such exchange including the release of restrictions on the use of the Town owned land or take any action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
**ARTICLE 12.**

Mr. Moderator,

Mr. Danehey

I move that this article be indefinitely postponed.

Quantum of Vote: Majority

**VOTED** that this article be indefinitely postponed.

**VOTE-DECLARED UNANIMOUS**

Special Town Meeting  
November 13, 2014

**WARRANT**  
ARTICLE 13.

To see if the Town will vote to amend its General Bylaws, Section 20140, "Time of Meeting" by striking the first paragraph: "The Annual Meeting shall be held on the second Monday in April and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on succeeding Monday and Wednesdays, legal holidays excepted" and replace it with:

"The Annual Meeting shall be held on the second Monday in April and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on any other day that is in the best interest of the business of the Town whenever the needs of the Town require" or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
ARTICLE 13.

Mr. Harris

Mr. Moderator,

I move that the Town amend its General Bylaws, Section 20140, "Time of Meeting" by striking the first paragraph: "The Annual Meeting shall be held on the second Monday in April and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on succeeding Monday and Wednesdays, legal holidays excepted" and replace it with:

"The Annual Meeting shall be held on the second Monday in April and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on any other day that is in the best interest of the business of the Town whenever the needs of the Town require"

Quantum of Vote: Majority

**VOTED** that the Town amend its General Bylaws, Section 20140, "Time of Meeting" by striking the first paragraph: "The Annual Meeting shall be held on the second Monday in April and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on succeeding Monday and Wednesdays, legal holidays excepted" and replace it with:

"The Annual Meeting shall be held on the second Monday in April and further sessions of said meeting as required to complete action on matters covered by the warrant thereof shall be held on any other day that is in the best interest of the business of the Town whenever the needs of the Town require"

**VOTE- DECLARED UNANIMOUS**

Special Town Meeting  
November 13, 2014

## **WARRANT**

### ARTICLE 14.

To see if the Town will vote to amend its General Bylaws, Section 20110: “Manner of Calling the Meeting” by striking the word “fifteen” in the first sentence, third line and inserting the word and “**fourteen**” and in Section 20140: “Time of Meeting” by striking the word “fifteen” in the second paragraph, last sentence, and inserting the word “**fourteen**” or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

## **MOTION**

### ARTICLE 14.

Mr. O’Toole

Mr. Moderator,

I move that the Town amend its General Bylaws, Section 20110: “Manner of Calling the Meeting” by striking the word “fifteen” in the first sentence, third line and inserting the word and “**fourteen**” and in Section 20140: “Time of Meeting” by striking the word “fifteen” in the second paragraph, last sentence, and inserting the word “**fourteen.**”

Quantum of Vote: Majority

**VOTED** that the Town amend its General Bylaws, Section 20110: “Manner of Calling the Meeting” by striking the word “fifteen” in the first sentence, third line and inserting the word and “**fourteen**” and in Section 20140: “Time of Meeting” by striking the word “fifteen” in the second paragraph, last sentence, and inserting the word “**fourteen.**”

**VOTE- DECLARED UNANIMOUS**

Special Town Meeting  
November 13, 2014

**WARRANT**  
**ARTICLE 15.**

To see if the Town will vote to authorize the Treasurer to borrow, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 44, or any other applicable law, a sum of money in the form of a low interest loan from the Commonwealth's Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, to fund the replacement of a portion of the seawall at Oceanside Drive, approximately 760 linear feet, or take any other action relative thereto.

*Sponsored by: Board of Selectmen*

**MOTION**  
**ARTICLE 15.**

Ms. Curran

Mr. Moderator,

I move that the Town authorize the Treasurer to borrow, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 44, or any other applicable law, the sum of \$2,000,000.00, in the form of a low interest loan from the Commonwealth's Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, to fund the replacement of a portion of the seawall at Oceanside Drive, approximately 760 linear feet.

Quantum of Vote: 2/3

**VOTED** that the Town authorize the Treasurer to borrow, with the approval of the Board of Selectmen, pursuant to Massachusetts General Laws Chapter 44, or any other applicable law, the sum of \$2,000,000.00, in the form of a low interest loan from the Commonwealth's Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, to fund the replacement of a portion of the seawall at Oceanside Drive, approximately 760 linear feet.

**VOTE-DECLARED UNANIMOUS**

Special Town Meeting  
November 13, 2014

**WARRANT**  
**ARTICLE 16.**

To mandate that the Town of Scituate, by its Board of Selectmen, will take any and all appropriate steps or actions needed to sell, in an open market, the property known at "Pier 44" located at 44 Jericho Road, Scituate, Massachusetts. It shall be sold for its fair market value as defined by the Superior Court of the Commonwealth of Massachusetts and as reported by two independent, qualified, and licensed real estate appraisers, neither of which appraisers have performed any work for the Town of Scituate, or take any other action relative thereto.

By Petition

**MOTION**

As printed in the warrant.

Quantum of Vote: 2/3 to Authorize

**MOTION made by Ann Burbine to move the question.**

**Seconded by Chris Mirarchi.**

**UNANIMOUSLY VOTED TO MOVE THE QUESTION.**

**VOTE-THIS ARTICLE WAS DEFEATED BY DECLARED MAJORITY**

*I hereby certify the foregoing to be a True Copy Attest.*

*Kathleen A. Curran*  
*Town Clerk*