

TOWN OF SCITUATE
ADVISORY COMMITTEE



Report and Recommendations
For
SPECIAL TOWN MEETING

OCTOBER 19, 2016

7:00 P.M.

HIGH SCHOOL GYMNASIUM

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

REPORT OF THE ADVISORY COMMITTEE

To The Voters of Scituate:

In accordance with the Town of Scituate Bylaws, the Advisory Committee submits its Report to the voters. This report contains the complete warrant for the Special Town Meeting, which will convene on October 19, 2016.

Our forum is an Open Town Meeting, which has been described as the purest form of democracy. All registered voters are entitled to attend, ask questions, express their opinions, and vote on all matters.

This evening, the Board of Selectmen, and other town boards will propose FY2017 budget reconciliations, various expenditures, funding transfers, and adoption of FEMA flood maps. The 2016 Special Town Meeting places before the voters eight (8) articles for your consideration.

We, the Advisory Committee, recommend on each; but only you will decide which articles pass, and which ones do not.

The Advisory Committee urges you to become an active meeting member. Voice your opinion and seek any clarification necessary to make an informed vote on these articles.

Respectfully submitted,

The Scituate Advisory Committee

James Gilmore, Chairman
Lincoln Heineman, Vice Chairman
Anthony Antonello
Geoffrey Burns
Sean Delacy
Jerry Kelly
Mark Sandham
Mike Westort
David Capelle

TOWN MEETING RULES AND DEFINITIONS

1. The conduct of Scituate's Town Meeting is bound by state law, the Town's Charter and By-laws, local tradition and the publication entitled, "Town Meeting Time".
2. The Moderator presides over the Town Meeting, decides all questions of order and procedure, and announces the results of all votes. The results of all votes when announced by the Moderator shall be final except on a voice vote that may be questioned by seven (7) voters standing immediately after the announced results of a vote. In such a case, a teller-counted vote shall be taken without debate.
3. Non-voters will be seated in a special section unless permission is granted by the Town Meeting to be seated elsewhere. Non-voters may be allowed to address the Town Meeting with permission of the Moderator unless a majority of voters choose to deny such a privilege.
4. Articles in the Warrant give notice of the issues subject to discussion at a Town Meeting and establish the parameters of matters that can be debated and acted on. Amendments, motions and/or debate determined by the Moderator, with the advice of Town Counsel, to be "beyond the scope" of the articles may not be permitted.
5. In order for the Town Meeting to act on or discuss an article, a motion must be made and seconded. 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.

SPECIAL TOWN MEETING OCTOBER 19, 2016

ARTICLE 1. Fiscal Year 2017 Budget Reconciliations

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$1,033,600.00, or a greater or lesser sum, for the purpose of balancing the Fiscal Year 2017 Operating Budget pursuant to Articles 5, 8 and 10 of the April 14, 2016 Annual Town Meeting warrant, or take any other action relative thereto:

TO	FROM	AMOUNT	REASON
General Liability	Free Cash	\$ 14,000	Flood Insurance
Sewer Enterprise Expense	Sewer Retained Earnings	\$ 8,600	Flood Insurance
Water Expense	Water Retained Earnings	\$239,000	Well#22 Refurbishment Cash Match Reservoir Design Cohasset Water Connection
Capital Stabilization	Free Cash	\$487,000	Future reserves
Stabilization	Free Cash	\$285,000	FEMA reimbursements

Sponsored by: Board of Selectmen

Comments: Fiscal Year 2017 Budget Reconciliations - \$1,033,600

This article seeks to transfer available funds in the FY 17 budget for items not anticipated at the April 2016 annual town meeting. It is a routine article each fall town meeting

With the new flood maps and considerable recent investments in the Scituate Harbor Community Building and Sand Hills pump stations the Town believes it prudent to place flood insurance on these two facilities. The premium cost for the SHCB is \$14,000 and the cost for the Sand Hills Pump Station is \$8,600. The cost for SHCB would come from Free Cash while the Sand Hills Pump Station premium cost would be transferred from Sewer Retained Earnings.

With the unanticipated water drought, the Town is looking at potential sources to increase water withdrawal while staying within the limits of the DEP withdrawal permit. One way to do this is to add a satellite well to Well #22 which will increase the available water supply at a cost of \$175,000 which will yield approximately 201,000 gallons per day. In addition, The Town already has a 30% design for expanding the reservoir and is now seeking a grant to bring that design to 60%. If awarded, the grant the cash match requirement is \$39,000. The anticipated 100% design and build out of the reservoir would cost approximately \$850,000, and would raise the reservoir between 18 and 24 inches.

Finally, the Town's Free Cash was certified by the Department of Revenue at \$3.2 million. This is largely as a result of reimbursements from FEMA for multiple storms which the Town previously funded 100%. As the storm mitigation costs came from the Stabilization Fund it makes sense to transfer these reimbursements back into Stabilization in keeping with our financial policies. Along these same lines, the Town received one time increased revenues from the three building projects because of investment income yields. As these funds are part of the

debt service for capital needs, it is recommended that these funds be transferred into the Capital Stabilization Fund as reserves for future capital.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (7-0) vote in support of this article.

ARTICLE 2. FEMA Flood Map Adoption

To see the Town will vote to ratify and support the Town of Scituate Wetlands Regulations that incorporated additional requirements of Paragraph 60.3(d) and (e) of the National Flood Insurance Protection (NFIP) regulations into the existing Wetlands Regulations, said regulations having been adopted by the Conservation Commission at a duly posted public hearing on September 7, 2016, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article culminates a three year process for our community to adopt new flood insurance maps. Because of inaccuracies and errors in the initial preliminary maps the Town appealed them. Two years later, with the Town prevailing, new revised maps were issued. Adoption of the maps is required in order for the Town to remain eligible for FEMA reimbursements from storms and natural disasters and more importantly, to keep its eligibility for participation in the National Flood Insurance Program (NFIP), which is required insurance for businesses and homeowners in flood areas. The new flood maps and regulations were adopted by the Conservation Commission at its meeting of September 27. The new maps are now part of the Town's Wetlands Regulations. Historically town meeting has approved the maps, followed by adoption of the Conservation Commission. However, because the Town must adopt the maps by November 4, 2016 the Conservation Commission was compelled to hold its public hearing on them prior to town meeting. This article ratifies and supports that action so that the maps have the greater authority of town meeting approval behind them.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (7-0) vote in support of this article.

ARTICLE 3. High School Foyer Repair

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$150,000.00, or a greater or lesser sum, for the purpose of repairing the foyer at Scituate High School or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This request was recommended in the FY17 capital budget and approved by both Advisory and the Capital Planning Committee. The Board asked that it be deferred until the fall town meeting as the middle school construction project had just started and it was not clear if the work in the area around the foyer would be completed for this repair work to commence. Now that construction work in this area of the school is complete, the much needed repair work on this

highly visible, public entry point can move forward.

The issues at this entrance stem from water draining into the foyer due to the sidewalk pitching toward the building damaging the floor tiles and deteriorating the metal on the storefront (snack/ticket booth). The sidewalk has already been repaired as part of the auditorium construction. In addition to the replacement of the foyer floor and storefront, the public restrooms are to be updated. Funding for this article will come from a transfer of available funds previously approved for the Cushing and Hatherly School Roofs. Quotes for both these roofs came in well under estimate of the \$280,000 appropriated. The surplus will be used to fund this project in its entirety. The School Department submitted this request.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (7-0) vote in support of this article.

ARTICLE 4. Well for Cushing and High School Fields Irrigation

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$100,000.00, or a greater or lesser sum, for the purpose of drilling a well with control panel and pipes and valves to connect Scituate High School and Cushing field irrigation systems, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This request will fund a well for irrigation purposes for both the Cushing School field and the Scituate High School field. The referenced fields have \$200,000 invested in them already. The fields require water during two growing seasons to ensure a vibrant and long lasting grass surface. As a result, it is necessary to dig a 600 foot well and irrigation system for the fields. The funding for the well will come from the surplus funds from the Cushing and Hatherly roofs 2016 ATM capital item and 2015 ATM Gates Fire Escape Project.

Two years ago the Town adopted a policy that prohibits the connection of irrigation systems to our public drinking supply. As a result, irrigation wells are required for new fields. This summer the Town, along with 150 other communities, experienced a severe drought, the conditions of which still exist. A full water ban was instituted by the Board of Selectman in August. The School Department has been working with the Water Resources Committee to investigate capturing roof water runoff as an additional source of water to minimize the use of well here.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (7-0) vote in support of this article.

ARTICLE 5. Grant Cash Match Repair and Replacement of Pilings Scituate Harbor

To see if the Town will vote to transfer from available funds in the Waterways Enterprise Fund the sum of \$90,500.00, or a greater or less sum, as part of its cash match for funds to be received from the Seaport Economic Development Council for the repair and replacement of pilings in Scituate Harbor, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This project will allow for the repair and replacement of the existing “chain/anchor” system in place at the Cole Parkway side of Scituate Harbor. It will involve a permanent piling system, including the removal and replacement of the existing pier that joins the docks. These improvements will reduce long-term operating and maintenance cost by eliminating the use of components such as chain & hardware subject to wear. The current pier is nearly 30 years old, and reaching the end of its useful life. In terms of benefits, the new pile-support system will provide economic benefits during the seasonal launch and removal of the dock. In addition, it will offer greater stability and safety during storm events, and be less costly for any future dredging projects.

While this project has been on the Town’s Capital Plan for a number of years, it lacked enough funding to proceed. At the 2013 ATM (Article 3N), the Town allocated \$50,000 in funds toward the project. The Town anticipates receiving a \$560,000 grant from the *Seaport Economic Council*, which will cover 80% of the total cost. To cover the remainder, this article seeks to transfer an additional \$90,500 funds from the Waterways Enterprise Fund’s Retained Earnings.

If this article is approved, the Waterways Enterprise Fund Retained Earnings balance will be \$576,888. (As of July 1, 2016 valuation; the retained earnings balance was \$667,388).

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (7-0) vote in support of this article.

ARTICLE 6. Purchase of Property – 0 Edward Foster Road

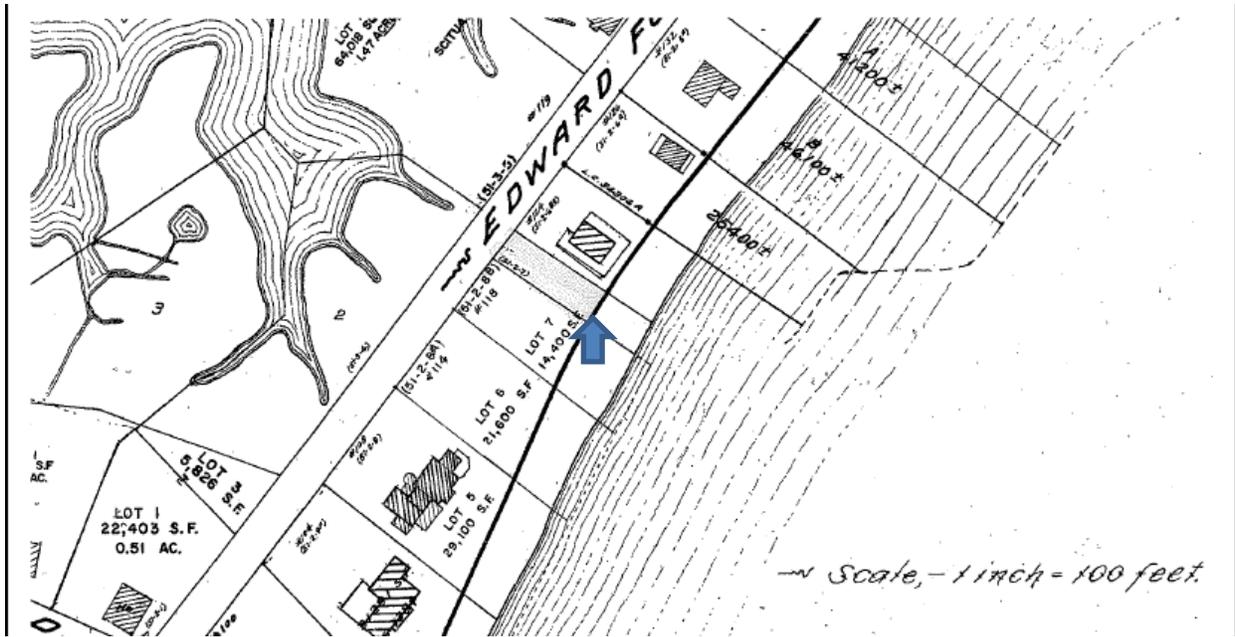
To see if the Town will vote to authorize the Board of Selectmen to purchase the property at 0 Edward Foster Road, and identified by the Town of Scituate Assessor’s Office as Map 51, Block 2, Lot 7 and by Deed recorded at the Plymouth Registry of Deeds in Book 47238, page 187, for the sum of \$7,500.00, or a greater or lesser sum, as the Board of Selectmen deems to be in the best interests of the Town, and to execute such instruments, agreements and documents and to take such actions as may be necessary or appropriate to effectuate the purpose of this article, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments:

The Town was approached by the owners of this property to purchase a small parcel of land located on Edward Foster Road. The lot is not developable and would provide much needed access to this section of Peggotty Beach that the Town had previously had difficulties accessing. The total square footage is 5,000 square feet and the owner has agreed to a purchase price of \$7,500.

(see map on next page)



Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (7-0) vote in support of this article.

ARTICLE 7. Sale of Land – Greenbush MBTA Parking Lot

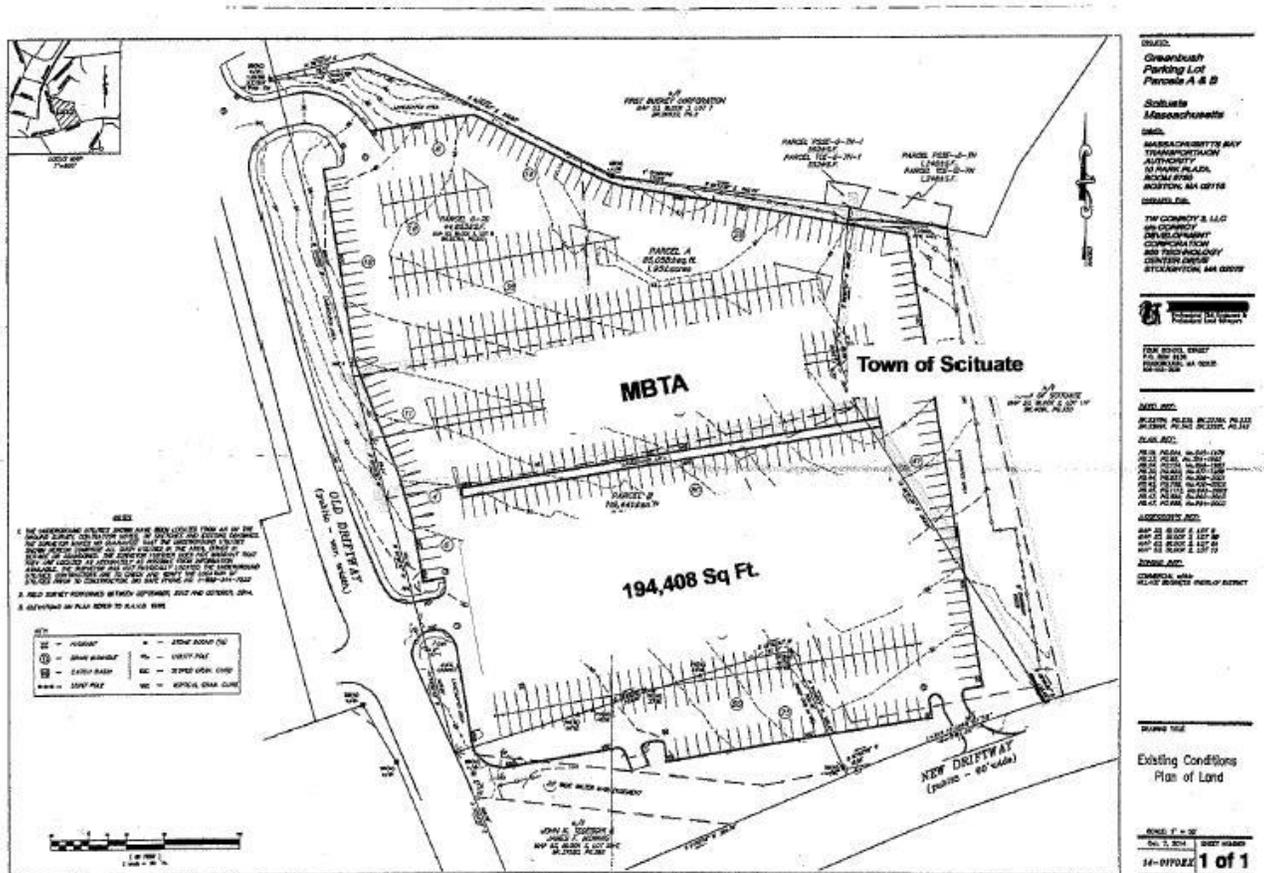
To see if the Town will vote: (1) pursuant to Massachusetts General Laws Chapter 40, Section 15A, to transfer the care, custody, management and control of the property located on 280 New Driftway more formerly described on the Town of Scituate Assessor’s Map 53, Block 2, Lot 11-F, containing approximately 29,000 square feet more or less, from the Board of Selectmen for the purposes for which such land is currently held to the Board of Selectmen for the purpose of conveyance; and (2) pursuant to Massachusetts General Laws Chapter 30B and Massachusetts General Laws Chapter 40, Sections 3, 4 and 15, to authorize the Board of Selectmen to convey said property for the amount of \$225,000.00 or a greater or lesser sum, and on such terms and conditions, and for such consideration, as the Board of Selectmen deems to be in the best interests of the Town, and to execute such instruments, agreements and documents and to take such actions as may be necessary or appropriate to effectuate the purpose of this article, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article would allow the Selectmen to sell a 29,000 square foot (2/3rds of an acre) parcel of Town-owned land located between the MBTA-owned Greenbush commuter rail station parking lot and the Transfer Station. The MBTA has selected a company to develop most of the parking lot it owns east of New Driftway and believes the addition of this portion of town-owned land makes the property more attractive. While at the time of this writing many details remain to be determined, the MBTA has selected its preferred developer, Drew & Company. Drew & Company proposes to develop 70 rental housing units (25% affordable) with retail and

office space. The purchase price for the Town’s parcel is \$225,000 or 13.34% of the gross purchase price—whichever is greater. Proponents of the article will argue that this parcel’s inclusion in a mixed-use development would be the best use for it, and that the sale will realize a monetary benefit to the Town. Opponents to the Town’s sale of its land note that while the proposal would retain sufficient parking spaces for existing demand at the Greenbush station, it would potentially cause insufficient parking for commuters in the future, especially if residential growth continues not only in Scituate but also in Marshfield, Norwell, and farther afield. When weighing this article, note that the development proposal itself is not under direct consideration here, and rather just the potential sale of the Town’s portion of the land. Further, the MBTA is free to dispose of its property as it sees fit regardless of Town Meeting action, subject to permitting decisions that the Town will make at a later time.

(refer to map area indicated as area “Town of Scituate”)



Recommendation: The Advisory Committee will make its recommendation on this article at Town Meeting.

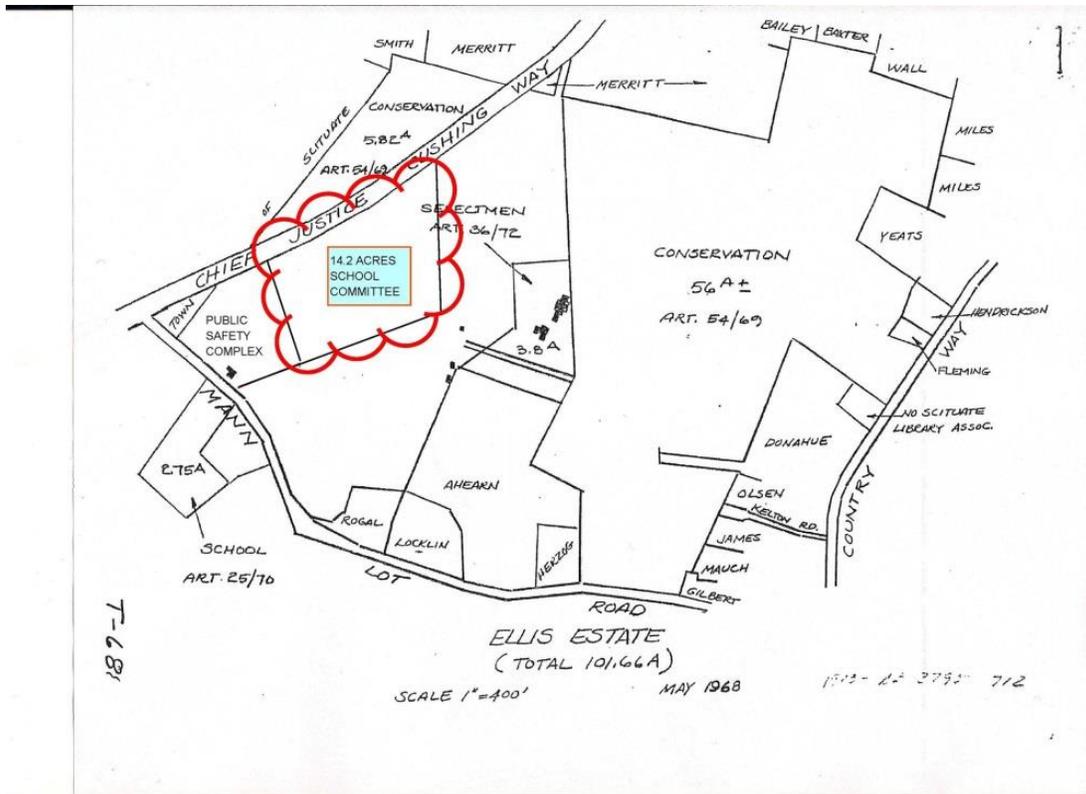
ARTICLE 8. Transfer of Ellis Land to Conservation

To see if the Town will vote to transfer to the care, custody, management and control of the Scituate conservation commission from the School Committee for conservation purpose exclusively, with appropriate conservation restrictions complying with article 97 of the Amendments to the Massachusetts Constitution, in perpetuity, a parcel of land consisting of 14.2 acres more or less, being a portion of Lot 1A on Assessor's Map 19 shown on a plan entitled "Division of Ellis Property 1969" on file in the Town Hall at the Engineering Office, being a portion of the premise conveyed to the Town of Scituate by Henry W. Keyes, Trustee under the will of J. Bailey Ellis, by deed dates June 12, 1969 and recorded at the Plymouth Registry of Deeds, Book 3528, Page 768, excepting for the 16 acre parcel transferred to the Scituate conservation Commission as described in Article 124 of the March 1994 Annual Town Meeting and further excepting the 3.8 acre parcel transferred to the Scituate Arts association as described in Article 16 of the March 1994 Annual Town Meeting and further excepting the 6 acre parcel shown (a/k/a "Public Safety Center) transferred to the Board of Selectmen as described in Article 1 of the December 3, 2014 Special Town Meeting or taken any other action relative thereto.

BY PETITION

Comments: This petition article endeavors to transfer the remaining land at Ellis currently under the care and custody of the School Committee (14.2 acres) back to conservation and place a permanent conservation restriction on it. In order to transfer this acreage back to the Conservation Commission a two- step process is required: a) the School Committee must vote that the land is no longer needed for school purposes and b) the Town Meeting must vote by a two thirds majority to transfer the land. The School Committee has not voted on this article as of the date of this report but in the past has not supported reverting the land back, noting it must be in reserve for future potential school uses which is the original intent. Returning this land to the Conservation Commission has been previously proposed but did not get town meeting approval.

(see map on next page)



Recommendation: The Advisory Committee will make its recommendation on this article at Town Meeting.