

**TOWN OF SCITUATE  
SPECIAL TOWN MEETING  
SEPTEMBER 19, 2022  
WARRANT**

**COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS**

To either of the constables of the Town of Scituate, in said County

**GREETINGS:** In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town qualified to vote in Elections and Town Affairs therein, to meet at the Scituate High School Gymnasium, 606 Chief Justice Cushing Highway on

**MONDAY, THE NINETEENTH DAY OF SEPTEMBER 2022 NEXT**

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

**ARTICLE 1. Siting of New Water Treatment Plant**

To see if the Town will vote in accordance with Article 5 of the April 11, 2022 Special Town Meeting to authorize the Select Board, Department of Public Works, Water Division and their respective agents to site the new water treatment plant at 443-461 Chief Justice Cushing Highway and identified by the Town of Scituate Assessors' Office as Parcels 47-2-26A through 47-2-26J, also known as Stearns Meadow; or at some other site; or take any other action relative thereto.

*Sponsored by: Select Board*

**ARTICLE 2. Unpaid Prior Year Bills**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$18,000.00** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

*Sponsored by: Select Board*

**ARTICLE 3. Fiscal Year 2023 Budget Reconciliations**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$666,248.20** for the purpose of balancing the Fiscal Year 2023 Operating Budget pursuant to Articles 4, 7 and 9 of the April 11, 2022 Annual Town Meeting warrant; or take any other action relative thereto:

<u>TO</u>	<u>AMOUNT</u>	<u>REASON</u>
DPW Highway Roadway Maintenance 1422540.543300	\$552.20	Town's share of ride share fees from Commonwealth.
Facilities Fuels & Lubricants 1410540.548100	\$78,054.00	Escalating costs due to global factors
Facilities Electricity 1410540.5211	\$25,000.00	Escalating costs due to global factors
Historical Buildings Repair & Maintenance 1691520.524200	\$10,000.00	For securing of Mordecai Lincoln property recently acquired

School Department	\$216,142.00	Escalating electricity, fuel, bus lease and heating costs.
Sewer Enterprise Chemicals 64440540.550100	\$175,000.00	Average chemical increase for FY23 is 77.4%
Sewer Enterprise Fuel & Lubricants 64440540.548100	\$10,000.00	Escalating costs due to global factors
Sewer Enterprise Electricity 64440520.521100	\$38,000.00	Escalating costs due to global factors
Sewer Technical Services 65450520.530900	\$9,500.00	Regional alternative sewer plan with Cohasset analysis
Sewer Enterprise Natural Gas 64440520.521300	\$5,000.00	Escalating costs due to global factors
Sewer Enterprise Sludge Cake Disposal 64440520.527100	\$49,000.00	Escalating costs affecting new contract
Water Enterprise Debt Service 65450590.59200	\$50,000.00	Closing costs for Clean Water Trust loan for green sand filter facility at Well 17A

*Sponsored by: Select Board*

#### **ARTICLE 4. Transfers to Reserves**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$20,000.00** for the following purposes; or take any other action relative thereto:

<u>TO</u>	<u>AMOUNT</u>	<u>REASON</u>
SPED Reserve Fund	\$20,000.00	Set-aside funds for unbudgeted SPED expenses

*Sponsored by: Select Board*

#### **ARTICLE 5. Capital Improvement Plan**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, the following sums of money totaling **\$3,341,519.00** or any greater or lesser sums as may be necessary, for the purpose of funding the following capital project costs; or take any other action relative thereto:

- |                                                              |             |
|--------------------------------------------------------------|-------------|
| 1. Additional Funds for Cole Parkway Marina Dock Replacement | \$1,275,000 |
| 2. Jenkins School Roof                                       | \$1,235,000 |
| 3. Town Share of Grant for SAFE Boat (Police)                | \$145,800   |
| 4. Ambulance                                                 | \$435,719   |
| 5. Emergency Water Treatment Plant Repairs                   | \$250,000   |

*Sponsored by: Select Board*

## **ARTICLE 6. Community Preservation**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the “CPC”) on the Fiscal Year 2023 Community Preservation budget and pursuant to M.G.L. c. 44B (the “Act”) to appropriate and/or reserve the sums of money as indicated below (i) to meet the administrative expenses and all other necessary and proper expenses of the CPC for Fiscal Year 2023; (ii) for the acquisition, creation, and preservation of open space; (iii) for the acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; (iv) for the acquisition, preservation, rehabilitation, and restoration of historic resources; and (v) for the creation, acquisition, preservation and support of community housing. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, then appropriated from Community Preservation FY 2023 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds unless otherwise specified below. All such sums appropriated are further to be expended subject to all of the terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items; or take any other action relative thereto.

1. 90 Foot Baseball Field Construction Phase - Recreation - \$993,520
2. Cushing Trail Restoration – Recreation - \$150,000
3. Beach Commission – Mobi-Mats – Recreation - \$13,052
4. Historic Preservation Study – Historic - \$60,000
5. Damon Access & Picnic Area – Open Space - \$105,700
6. Crosby & Bates Picnic Area – Open Space - \$107,500
7. Bailey Ellis House Windows, Tower & Door Restoration – Historic - \$89,526

*Sponsored By: Community Preservation Committee*

## **ARTICLE 7. Amend Zoning Bylaws – Section 750 Design Review for Business, Commercial, Mixed Use and Multi-Family Development – Setback, Stepback & Street Enclosure**

To see if the Town will vote to amend Section 750 – Design Review for Business, Commercial, Mixed Use and Multi-Family Development by deleting the existing Figure 6 – Building Setback, Stepback, and Street Enclosure in Section 750.5 A. and replacing it with a new Figure 6 to clarify building height as shown in documents on file with the Town Clerk’s Office and at [www.scituatema.gov](http://www.scituatema.gov); or take any other action relative thereto.

*Sponsored By: Planning Board*

## **ARTICLE 8. Amend Zoning Bylaws – Section 750 Design Review for Business, Commercial, Mixed Use and Multi-Family Development – Penthouses**

To see if the Town will vote to amend Section 750 – Design Review for Business, Commercial, Mixed Use and Multi-Family Development in the following manner;

- A. Delete Section 750.5 A. 2. c. Penthouse in its entirety. Renumber existing section d. Building Height Exceptions: to c.; and e. Ground Floor Elevation: to d. and

B. Delete Section 750.6 B. Special Dwelling Unit Types in its entirety (Penthouses).

As shown in documents on file in the Town Clerk's Office and available at [www.scituatema.gov](http://www.scituatema.gov); or take any other action relative thereto.

*Sponsored By: Planning Board*

#### **ARTICLE 9. Charter Review Recommendations**

To see if the Town will vote to approve changes to the Town Charter as recommended by the Select Board; and as shown in the documents on file with the Town Clerk's Office and available at [www.scituatema.gov](http://www.scituatema.gov); or take any other action relative thereto.

*Sponsored By: Select Board*

#### **ARTICLE 10. Amend General Bylaws Section 10260 – Revolving Funds**

To see if the Town will vote to amend the Senior Food Service Fund to allow for non-senior catered events; or take any other action relative thereto.

*Sponsored By: Select Board*

#### **ARTICLE 11. Local Option Acceptance –MGL c. 32B, §20 OPEB Trust Fund**

To see if the Town will vote to re-accept M.G.L. c. 32B, §20 relevant to Other Post Employment Benefits (OPEB) Trust Fund; or take any other action relative thereto.

*Sponsored By: Select Board*

#### **ARTICLE 12. Acceptance of Easement – 27 Brook Street**

To see if the Town will vote to authorize the Select Board to accept a general access easement from 27 Brook LLC, the owner of the land at 27 Brook Street, Scituate, Massachusetts, over the access road shown on a plan entitled "Plan of Land at Off Brook Street," dated May 30, 2008, prepared by Mr. Surveying, Inc. to provide access from First Parish Road to the property known as 0 Rear First Parish Road, Scituate, Massachusetts, shown as "Parcel Number 50-6-15R" on the Town of Scituate Assessor's Maps, a copy of the easement Plan is available for inspection in the Town Clerk's office and [www.scituatema.gov](http://www.scituatema.gov); or take any other action related thereto.

*Sponsored By: Select Board*

### **ARTICLE 13. Acceptance of Easement – Border Street**

To see if the Town will vote to authorize the Select Board to accept a general access easement from Michael J. Gavin Jr. and Jessica E. Gavin of 54 Border Street, Scituate, MA and Gregory D. Johnson and Lauren D. Johnson of 50 Border Street, Scituate, MA, as shown as “10’ Wide Access Easement” on a plan entitled “Easement Sketch Plan Border Street – Scituate, Massachusetts, Scale 1”= 60”” dated, prepared by Merrill Engineers and Land Surveyors, to provide access to existing Town Conservation Land, a copy of said easement Plan is available for inspection in the Town Clerk’s office and on the Town’s website; or take any other action related thereto.

*Sponsored By: Select Board*

### **ARTICLE 14. Special Legislation for Home Rule Legislation for Appointment of Retired Police Officers**

To see if the Town will vote to petition the General Court to adopt the following Legislation which the Legislature may vary inform and substance within the scope of the general public objectives of this petition, as set forth below, to allow retired police officers to work police details; or take any action related thereto.

## **AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF SCITUATE**

**SECTION 1.** The Town Administrator of the Town of Scituate may appoint, as he/she deems necessary, retired Scituate Police Officers as Special Police Officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, regardless of whether or not related to the detail work. The Special Police Officers appointed pursuant to this act shall not be subject to the maximum age restriction applied to regular police officers pursuant to chapter 32 of the General Laws or section 2 of chapter 415 of the acts of 1987, but shall be subject to a maximum age restriction of 70 years of age. A Special Police Officer must pass a medical examination, by a physician or other certified professional chosen by the town, to determine that he/she is capable of performing the essential duties of a Special Police Officer, the cost of which shall be borne by the Special Police Officer, prior to performing police details.

**SECTION 2.** Special Police Officers appointed under this act shall not be subject to chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

**SECTION 3.** Special Police Officers shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as do regular police officers of the Town of Scituate.

**SECTION 4.** Special Police Officers shall be appointed for an indefinite term, subject to removal by the Town Administrator at any time with 14 days written notice. Upon request, the Town Administrator shall provide the reasons for removal in writing.

**SECTION 5.** Special Police Officers shall also be subject to the rules and regulations, policies and

procedures and requirements of the Town Administrator and the Chief of Police of the Town of Scituate, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniforms and equipment. Special Police Officers shall not be subject to section 96B of chapter 41 of the General Laws.

**SECTION 6.** Special Police Officers shall be sworn before the Town Clerk of the Town of Scituate who shall keep a record of all such appointments.

**SECTION 7.** Special Police Officers appointed under this act shall be subject to section 100 and section 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a Special Police Officer working police details, or averaged over such lesser period of time for any officer designated as Special Police Officers less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate when a Special Police Officer reaches the age of 65. Special Police Officers appointed under this act shall not be subject to section 85H of said chapter 32, nor eligible for any benefits pursuant thereto.

**SECTION 8.** Appointment as a Special Police Officer shall entitle any individual appointed as such to assignment to any detail.

**SECTION 9.** Retired Scituate police officers, serving as Special Police Officers under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

**SECTION 10.** This act shall take effect upon its passage.

*Sponsored by Select Board*

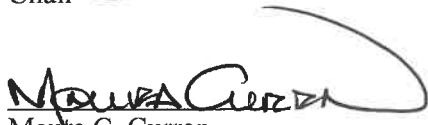
And you are directed to serve this Warrant by posting attested copies thereof, one at each of the Post Offices in Town and one at Town Hall fourteen (14) days at least before holding said meeting.

HEREOF fail not and make due return of the Warrant with your doings thereon unto the Town Clerk, on or before the time of holding said meeting

Given under our hands this 9th day of August 2022

  
Anthony V. Vegnani  
Chair

  
Andrew W. Goodrich  
Vice-Chair

  
Maura C. Curran  
Clerk

  
Karen B. Canfield  
Member

  
Karen E. Connolly  
Member

**SELECT BOARD  
TOWN OF SCITUATE**