

TOWN OF SCITUATE
ADVISORY COMMITTEE



Report and Recommendations
For
SPECIAL TOWN MEETING

November 14, 2017

7:00 P.M.

Center for the Performing Arts
Scituate High School

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 November 14, 2017.

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

This evening, the Board of Selectmen and other town boards will propose FY2018 budget reconciliations, various expenditures, funding transfers, and local option statutes. The 2017 Special Town Meeting places before the voters twelve (**12**) 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

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

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 November 14, 2017

ARTICLE 1. Unpaid Bills

To see if the Town will vote to transfer the sum of \$275.51, or a greater or lesser sum, for the purpose of paying Fiscal Year 2016 and 2017 unpaid bills, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article would allow the Finance Department to pay three bills totaling \$275.51 from the Fiscal Year ending June 30, 2017, and a prior Fiscal Year, which were not able to be paid previously because they were received after the Town's accounts payable period had closed. It is a routine article which comes before most fall Town Meetings.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.

ARTICLE 2. Fiscal Year 2018 Budget Reconciliations

To see if the Town will vote to transfer from available funds in the Treasury the sum of \$120,000, or a greater or lesser sum, for the purpose of balancing the Fiscal Year 2018 Operating Budget pursuant to Articles 4 and 9 of the April 26, 2017 Annual Town Meeting warrant, or take any other action relative thereto:

<u>TO</u>	<u>AMOUNT</u>	<u>REASON</u>
Street Lighting	\$60,000	To cover costs while awaiting credit for LED conversion.
Water Enterprise Technical Services	\$60,000	For design and engineering of repairs to chemical holding tanks.

Sponsored by: Board of Selectmen

Comments: This is a routine article at each fall Town Meeting to rebalance the budget. This article seeks to transfer money from available funds in the treasury in order to balance the FY18 budget.

The Street Lighting account had been reduced in the FY18 budget because the town purchased street lights and converted the lights to LED through the energy service company (ESCO) project. Although the utility has retroactively applied credit for the change to the rent, it has yet to apply the credit for the LED conversion. The budget needs to be increased to cover that cost until the credit is received. The funding for this item would come from the available levy limit that the Town did not appropriate at the April annual Town Meeting.

After the April 2017 annual Town Meeting, a leak was discovered at the Water Treatment Plant behind one of the large chemical holding tanks. An evaluation has determined that the tanks

cannot be repaired. A masonry wall needs to be removed before replacement of the tanks, and therefore design and engineering of holding tanks is required first. This process will provide a scope of work and estimate of the construction cost needed for inclusion in the capital plan for consideration in the spring. The funding for this item would come from Water Enterprise Retained Earnings.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) in support of this article.

ARTICLE 3. Fiscal Year 2018 Enterprise Fund Reconciliation

To see if the Town will vote to amend the transfer of Widows Walk Enterprise fund receipts into the Widows Walk Capital Stabilization vote taken as Article 3 of the April 26, 2017 town meeting by reducing it from \$185,000 to \$15,000, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: In January 2017, the Town issued its final debt service payment (\$382,000) for construction of the Widow's Walk Golf Course, and looked forward to allocating those funds toward other purposes (e.g. capital projects, course improvements, etc.). Therefore, at the April 2017 annual Town Meeting (Article #3), the Town voted to establish a *Golf Enterprise Capital Stabilization Fund*, and agreed to transfer \$185,000 from its estimated FY18 receipts into this new Fund.

Unfortunately, last year's drought negatively impacted the Widow's Walk Golf Course revenues, resulting in a year end deficit of approximately \$135,000. In addition, the course restaurant revenue (\$49,500) was less than prior years, and was partially pre-paid in FY 2017.

Therefore, the recommendation is to reduce the April 2017 annual Town Meeting set-aside to the Widow's Walk Capital Stabilization Fund from \$185,000 to \$15,000. This will cover the deficit and the reduced revenue expectation.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.

ARTICLE 4. Assessors Property Revaluation

To see if the Town will vote to appropriate the sum of \$75,000 from available funds for the cyclical revaluation of property; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This is a housekeeping article to set-aside funds for the Assessors' required revaluation of the Town as required by the state Department of Revenue every four years. The funding for the article would be from Free Cash.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.

ARTICLE 5. Community Preservation Act Reconciliations

To see if the Town will vote to rescind the balance of funds authorized but unexpended from prior Community Preservation projects, totaling \$273,319.55, and transfer said funds into the Community Preservation Committee reserve or General Fund Balance from which they were originally appropriated as the case may be, in accordance with the Community Preservation Act as follows:

Description/Project	ATM Authorization	Amount
Crosbie Land Acquisition	2011	\$216,787.05
Higgins McAllister Land Acquisition	2012	\$ 2,000.00
Bates Lane Parking	2012	\$ 43,500.50
Damon Preserve Acquisition	2014	<u>\$ 11,032.00</u>
		Total: \$273,319.55

Sponsored by: Board of Selectmen

Comments: This article would seek to rescind the balances on the listed articles for prior land acquisitions or parking allocations made with Community Preservation funds that have not been spent.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.

ARTICLE 6. Community Preservation Act

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, with any excess to be appropriated from Community Preservation unreserved funds. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

1. \$197,814.50 From Community Housing: Central Park Housing Window Replacement
2. \$ 79,850.50 From Unreserved Funds: Central Park Housing Window Replacement
3. \$528,500.00 From Open Space: Parking and Access to CPC-acquired land
4. \$ 52,000.00 From Open Space: Mapping, Trails and signage for CPC and Town Conservation land

Sponsored by: Board of Selectmen

Comments:

Item 1: \$197,814.50 From Community Housing: Central Park Housing Window Replacement

Item 2: \$ 79,850.50 From Unreserved Funds: Central Park Housing Window Replacement

When the Advisory Committee Report was due for printing and distribution, the Committee was awaiting additional information necessary to render a vote on these 2 CPA/Central Park Housing items. The Committee will be reviewing and voting this article prior to the Special Town Meeting, and will present its recommendations during Town Meeting.

Recommendation: The Advisory Committee will make its recommendation on these two items of Article 6 at Town Meeting.

Comments:

Item 3: \$528,500.00 From Open Space: Parking and Access to CPC-acquired land

This article seeks funding of \$528,500 to construct access roads and parking areas at the CPC funded land acquisitions listed below.

This project will include ADA-compliant parking, 2 trails that will be ADA-compliant, and necessary signage and a kiosk at each site. The construction of these access roads and parking is consistent with both the Scituate Master Plan and the Open Space Plan, and will allow all citizens to have access to previously-purchased open space in the Town of Scituate.

The scope of the project includes engineering services and construction of driveway and parking lots so as to provide “Public Access”. All the driveways and parking lots will include a 2’ gravel shoulder and a woodchip mulch covering extending from the driveways/parking lot shoulder to the limits of the clearing required for each site. The specifics of each site are as follows:

- Bates Lane Complex – (Several acres on Bates Lane, off Clapp Road)
 - Construction of a 200’ by 12’ wide gravel sub-base recycled asphalt (rap) surfaced driveway with an 11 space parking lot.
 - Construct approximately 5’ x 400’ handicapped access path leading to the Litchfield Trail.
 - Parking lot will be located approximately 1100’ up Bates Lane from Clapp Road.
 - Wooden kiosk for trail maps.
 - DCR access gate and signage indicating “Bates Lane Trail Network”.
- Higgins-McAllister Property – (Approx. 31 acres on Holly Crest Road, off Booth Hill Road)
 - Construction of a 400’ by 12’ wide gravel sub-based and rap surfaced driveway with a 9 space parking lot, approximately 1,000’ from Booth Hill Road.
 - Wooden kiosk for trail maps.
 - DCR access gate and signage indicating “Higgins-McAllister Trail Network”.

- Damon Memorial Property – (Approx. 37.7 acres; located on Clapp Road)
 - Construction of a 375’ by 12’ wide gravel sub-based and rap surfaced driveway with an 11 space parking lot.
 - Construct a 5’ by 200’ handicapped access path.
 - Wooden kiosk for trail maps.
 - DCR access gate and signage indicating the “Damon Preserve Trail Network”.

- Crosbie Property – (Approx. 41 acres; located on Clapp Road)
 - Construction of a 1,475’ by 12’ wide gravel sub-based and rap surfaced driveway with an 11 space parking lot.
 - Driveway includes approximately 200’ of a wetland crossing with associated drainage and approximately 5,100 square feet of wetland replication.
 - Wooden kiosk for trail maps.
 - DCR access gate and signage indicating “Crosbie Trail Network”.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Majority (4-2) vote in support of this item.

Comments:

Item 4: \$52,000.00 From Open Space: Mapping, Trails and signage for CPC and Town Conservation land

This project seeks to develop and promote Scituate conservation property trails by mapping new and existing trails using GIS/GPS technology, designing informational signage, printing paper maps, and preparing and installing trail markers. This project would strongly complement the project to provide parking and kiosks on conservation lands.

The seven properties included in this proposal are the Bates Lane complex of trails, Damon Memorial Preserve, Higgins/McAllister Property, Crosbie/Appleton Property, Hubbell Property, Ellis Property, and the Driftway Park.

The actual cost of the project has since been reduced to \$38,490.

Recommendation: The Advisory Committee recommends approval of this item.

Advisory Committee Vote: Unanimous (6-0) vote in support of this item.

ARTICLE 7. Acceptance of Loan – Seawall Repairs Oceanside Drive

To see if the Town will 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, \$500,000.00, or a greater or lesser sum, 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, or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: In November 2016, the Town received its third consecutive award from the Commonwealth of Massachusetts Dam & Seawall Repair Fund for replacement of an additional section of the Oceanside Drive seawall. This particular award provided a \$2,500,000 grant and a low interest \$500,000 loan. The \$500,000 loan has never been authorized by Town Meeting and this article is seeking to remedy that issue. The additional \$500,000 will be combined with the balance of the \$2,500,000 grant to finish the seawall replacement project in this area.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.

ARTICLE 8. Supplement prior borrowing votes to permit the application of sale premium to pay project costs

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Sponsored by: Board of Selectmen

Comments:

In August 2016, the State of Massachusetts passed the Municipal Modernization Act into Law, which became effective in November 2016. The bill was signed into law to help provide efficiencies to municipalities. As a result of the new law, the treatment of debt sale premiums has changed, and municipalities are now required to apply premiums to the corresponding debt service of financed projects or pay down the principal of financed projects upon issuance. This article will allow the Board of Selectman and bond counsel to follow this new law, and also helps create efficiencies as they would now be able to designate the treatment of the premium (i.e. for debt service payments or towards principal repayment) for projects at the time of award.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.

ARTICLE 9. Amend General Bylaws – Waterways

To see if the Town will amend the General By-Laws of the Town under Waterways at Section 31000 by replacing the current section as follows:

“Whoever violates any provision of this chapter, any rule or regulation adopted under Section 30920C hereof or any applicable General Law or Federal Law, or regulations thereunder, and

whoever fails to obey the lawful and reasonable orders of the harbormaster or resists him in the execution of his duties shall be fined one hundred dollars and/or may have their mooring dockage or commercial privileges revoked. This chapter shall be enforced by the harbormaster or his designees.”

Sponsored by: Board of Selectmen

Comments: The Harbormaster is requesting that the state and federal laws applicable to the Waterways be incorporated into the General Bylaws so that enforcement actions may be done in a civil setting rather than issuing citations that need to be forwarded to the State. This would enable the fines generated from the citations to be wholly retained by the Waterways Enterprise Fund and not split with the Town. It would also enable the Harbormaster to work with individuals prior to seeking court action which now occurs automatically as the citations are sent directly to the State. This process is both easier for individuals being cited, as the ticket is resolved locally, as well as beneficial for the Town as it would now retain all ticket proceeds. If the individual should ignore the citation, it can/will be forwarded to the State for further action. Other towns that have successfully implemented this policy include Chatham and Mashpee.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.

ARTICLE 10. Local Option Acceptance – Building Rental Revolving Funds

To see if the Town will accept MGL Chapter 40 Section 3 to establish revolving funds for the rental of town and school buildings and to further allow those funds to carry forward to the following fiscal year; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article would allow the Town to collect revenue from the rental of buildings such as the old Gates School gym and place these funds in a revolving fund to directly support the maintenance of the rented areas.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.

ARTICLE 11. Conservation Land

To see if the Town will authorize the Board of Selectmen (1) to designate presently owned real estate for conservation purposes, and (2) to impose a conservation restriction on such property; and raise and appropriate a sum of money for such purposes; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: The Acting Town Administrator is looking at ten potential land parcels to meet the requirements of the Massachusetts Attorney General’s recent enforcement letter regarding use of a portion of the Ellis Property to build the Public Safety Building, and will present his findings, if ready, to the Board of Selectmen at their November 7, 2017 meeting.

Recommendation: The Advisory Committee will consider this article after the Board of Selectmen identifies the parcel they would like to impose a conservation restriction on, and will make its recommendation at Town Meeting.

ARTICLE 12. Public Consumption of Marijuana or Tetrahydrocannabinol (THC) Bylaw

To see if the Town will amend the General Bylaws by adding a new Section 30190 as follows:

PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL (THC)

No person shall consume marijuana or tetrahydrocannabinol (THC) as defined in MGL 94C, s. 1, as amended, while upon any public property owned by, under the control of, or maintained, by the town of Scituate, including, but not limited to, streets, sidewalks, public ways, footways, passageways, stairs, bridges, parks, playgrounds, recreation areas, boat landings, public buildings, schoolhouses, school grounds, cemeteries, parking lots, beaches and sand spits. This bylaw may be enforced pursuant to MGL c. 40, s. 21 and s. 21D and punishable by a fine of \$300.00 for each offense.

Or take any action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article would prohibit the consumption of marijuana and other tetrahydrocannabinol (THC) substances in public places, mirroring the current Town bylaw prohibiting the public consumption of alcoholic beverages. “Public places” are defined as those owned, maintained, or under the control of the Town, including streets, sidewalks, public ways, footways, passageways, stairs, bridges, parks, playgrounds, public parking lots, recreation areas, boat landings, public buildings, schoolhouses, school grounds, cemeteries, beaches, and sand spits. Violations would be punished with a \$300.00 fine. On a separate but related matter, this past spring Town Meeting temporarily banned, until November 30, 2018, the sale and distribution of recreational marijuana in Scituate.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous (6-0) vote in support of this article.