

**TOWN OF SCITUATE**  
**ADVISORY COMMITTEE**



Report and Recommendations  
For

**SPECIAL TOWN MEETING**

**October 26, 2021**

**7:00 P.M.**

**HIGH SCHOOL GYMNASIUM**

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

## **TABLE OF CONTENTS**

|  |                |
|--|----------------|
| <b>Report of the Advisory Committee</b>  | <b>Page 3</b>  |
| <b>Town Meeting Rules and Definitions</b>  | <b>Page 4</b>  |
| <b>Municipal Finance Terms</b>   | <b>Page 6</b>  |
| <b>Special Town Meeting Articles</b>   | <b>Page 8</b>  |
| <b>Appendix A – Consent Agenda</b>   | <b>Page 22</b> |
| <b>Appendix B – Full text of local option statute M.G.L. c. 40, §42J (Art 7)</b> | <b>Page 26</b> |
| <b>Appendix C – Full text of local option statute M.G.L. c. 83, §16G (Art 8)</b> | <b>Page 27</b> |
| <b>Appendix D – Community Preservation Committee Project Information</b>         | <b>Page 28</b> |

## **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 26, 2021.

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 Select Board, other town boards, and citizens by petition will propose various warrant articles, expenditures, funding transfers, zoning changes, etc. The Special Town Meeting places before the voters a total of **eleven (11)** articles, for your consideration.

We, the Advisory Committee, will provide recommendations on each; but **ONLY YOU** decide which articles pass, and which ones do not.

### **YOU ARE THE LEGISLATIVE BODY OF SCITUATE.**

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

Respectfully submitted,

#### **SCITUATE ADVISORY COMMITTEE**

**James Gilmore, Chair**  
**Elise Russo, Vice Chair**  
**Lincoln Heineman**  
**Daniel McGuiggin**  
**Patrice Metro**  
**Lynda Ferguson**  
**Missy Seidel**  
**Jerry Kelly**  
**Michael 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. 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/notes 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 that can be used for:

1. Operating costs to offset the need to increase user charges.
2. To fund capital improvements.
3. 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 2½.

**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.

**TOWN OF SCITUATE  
SPECIAL TOWN MEETING  
OCTOBER 26, 2021  
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 Gymnasium at Scituate High School, 606 Chief Justice Cushing Highway on

**TUESDAY, OCTOBER 26, 2021 NEXT**

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

**WARRANT**

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

**TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER 2021 NEXT**

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

**ARTICLE 1. Unpaid Bills**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$6,519.41** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

*Sponsored by: Select Board*

**Comments:**

This article would use available funds for paying invoices presented after the close of prior fiscal years. A list of the invoices presented after the close of the fiscal year is provided below. Five Star Golf Cars experienced problems with their billing program resulting in the invoices never being issued. Likarr Maintenance was for trash bags and towels, William F Ford Co was cleaning supplies and Milton CAT was a part for piece of Transfer Station equipment.



| Department       | Vendor                     | Date       | Amount            | Funding Source                     |
|------------------|----------------------------|------------|-------------------|------------------------------------|
| DPW Highway      | Likarr Maintenance Systems | 6/7/2021   | \$ 3,203.28       | Free Cash                          |
| DPW Highway      | Likarr Maintenance Systems | 6/17/2021  | \$ 66.80          | Free Cash                          |
| Fire             | William F. Ford Co.        | 5/28/2021  | \$ 632.05         | Free Cash                          |
| Library          | Direct Energy              | 5/28/2021  | \$ 293.32         | Free Cash                          |
| Transfer Station | Milton CAT                 | 6/21/2021  | \$ 550.16         | Transfer Station Retained Earnings |
| Widows Walk      | Five Star Golf Cars        | 6/8/2020   | \$ 117.00         | Widows Walk Retained Earnings      |
| Widows Walk      | Five Star Golf Cars        | 9/2/2020   | \$ 508.15         | Widows Walk Retained Earnings      |
| Widows Walk      | Five Star Golf Cars        | 11/14/2020 | \$ 854.65         | Widows Walk Retained Earnings      |
| Widows Walk      | Five Star Golf Cars        | 5/27/2021  | \$ 294.00         | Widows Walk Retained Earnings      |
|                  | <b>Total</b>               |            | <b>\$6,519.41</b> |                                    |

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

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

## ARTICLE 2. Fiscal Year 2022 Budget Reconciliations

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$221,291.10** for the purpose of balancing the Fiscal Year 2022 Operating Budget pursuant to Articles 4, 6 and 8 of the April 12, 2021 Annual Town Meeting warrant; or take any other action relative thereto:

| TO   | AMOUNT      | REASON  |
|--|-------------|---|
| DPW Highway<br>1422540.543300 Roadway Maintenance                | \$584.10    | Town's share of ride share fees from Commonwealth.  |
| Widows Walk Enterprise<br>61661520.530900 Technical Services     | \$12,240.00 | FY22 budget is less than final actual costs for FY21  |
| Widows Walk Enterprise<br>61661520.524200 Repair & Maintenance   | \$25,000.00 | Electrical improvements to maintenance building   |
| Transfer Station Enterprise<br>63433520.527100 Hauling Contracts | \$90,000.00 | FY22 budget is less than final actual costs for FY21  |
| Town Accountant<br>1135520.530900 Technical Services             | \$27,300.00 | Software solutions to provide better transparency of financial data.  |
| Fire Department<br>1210580.585100 Equipment                      | \$16,167.00 | Town share grant match for portable radios of \$4,262; FEMA share is \$85,238; awarded July 2021 and Town share grant match for a new forest fire truck of \$11,905; FEMA share is \$238,095; awarded August 2021.  |
| Property & General Liability Insurance<br>1192570.574000         | \$50,000.00 | The insurance renewal was significantly higher than estimated resulting in an insufficient balance left for the remainder of the fiscal year. The Contributory Group Insurance line, 1914515.519900, has savings due to a premium holiday and funds will be transferred from this line. |

*Sponsored by: Select Board*

**Comments:**

This article rebalances the budget approved at the April 2021 annual town meeting.

1. Roadway Maintenance - \$584.10; The Town received a distribution of ride share revenue of \$584.10 which needs to be used towards roadway/transit uses and requires a town meeting appropriation in order to be spent. Funding already received from Commonwealth.
2. Widows Walk Enterprise Technical Services - \$12,240.00; This budget line includes funding for credit card fees, point of sale software and maintenance agreements. Due to the increase in sales volume, the FY21 actual costs were \$58,251 but the FY22 budget is only \$47,760. The additional amount would bring the FY22 budgeted amount to \$60,000. Funding from current year Widows Walk golf course receipts.
3. Widows Walk Enterprise Repair & Maintenance- \$25,000.00; For electrical upgrades to the maintenance building. Funding from current year Widows Walk golf course receipts.
4. Transfer Station Enterprise Hauling Contracts - \$90,000.00; This budget line includes funding for hauling costs for disposal of trash, construction debris and recyclables, the FY21 actual costs were \$865,272 but the FY22 budget is only \$780,000. The additional amount would bring the FY22 budgeted amount to \$870,000. Funding from current year Transfer Station receipts.
5. Town Accountant Technical Services - \$27,300.00; To provide better financial transparency, the Town Accountant's Office has looked at several software packages. A bidding process would still need to be conducted but \$27,300 was a quote provided by one vendor to provide open checkbook like functionality to the Town's website, a digital budget book and an electronic capital plan. There is an ongoing annual maintenance cost for each system that would need to be appropriated in the budget for FY23 and future years. Initial funding would be from Free Cash.
6. Fire Station Equipment - \$16,167.00; Town share grant match of \$4,262 for Aid to Assistance Firefighters grant from FEMA with a 95% FEMA share of \$85,238 for replacement of portable radios. Grant was received in July 2021. And Town share grant match of \$11,905 for Aid to Assistance Firefighters grant from FEMA with a 95% FEMA share of \$238,095 for replacement of forest fire truck (on capital plan for FY23). Grant was received in August 2021. Funding from Free Cash.
7. Property & General Liability Insurance - \$50,000.00; The FY22 budget increase estimate was 5% and the actual increase was over 20% and the new marina coverage is also significantly higher and that increase will be captured through the enterprise indirects. The FY22 insurance line has an available balance of \$17,130 as of 9/2/21. The Town has \$66,752 in expenses from September 2020 through June 2021 so an addition of \$50,000 is recommended to adjust the balance through the end of the fiscal year. The Contributory Group Insurance line of 1914515.519900 will have a significant surplus as the insurer is providing a one month premium holiday for active plans and the additional \$50,000 will be taken from this line.

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

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

### **ARTICLE 3. Transfers to Reserves**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$478,341.00** for the following purposes; or take any other action relative thereto:

| <u>TO</u>                               | <u>AMOUNT</u> | <u>REASON</u>                                |
|---|---------------|--|
| Widows Walk Capital Stabilization Fund  | \$100,000.00  | For future capital costs                     |
| Other Post Employment Benefit Liability | \$278,341.00  | To address Town's unfunded liability         |
| SPED Reserve Fund                       | \$100,000.00  | To set-aside funds for unbudgeted SPED costs |

*Sponsored by: Select Board*

#### **Comments:**

This article will transfer funds from Free Cash and the various enterprise fund retained earnings into reserves for future purposes.

| <u>TO</u>                                      | <u>AMOUNT</u> | <u>REASON</u>   |
|--|---------------|---|
| <b>Widows Walk Capital Stabilization Fund</b>  | \$100,000.00  | For future capital costs from Widows Walk retained earnings. The current balance in the fund is \$115,369.  |
| <b>Other Post Employment Benefit Liability</b> | \$278,341.00  | To address Town's unfunded liability which is currently \$129M of which 1.3% has been funded. This amount is the excess meals tax collections over estimate and the room occupancy tax collections in FY21. The current balance in the fund is \$1,623,042. |
| <b>SPED Reserve Fund</b>                       | \$100,000.00  | For unbudgeted special education (SPED) costs.  |

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

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

### **ARTICLE 4. Feasibility Study & Schematic Design for Hatherly Elementary School**

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Scituate Hatherly Elementary School Building Committee for the feasibility study and schematic design for the Hatherly Elementary School, located at 72 Ann Vinal Road, Scituate, MA for which the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or take any other action relative thereto.

*Sponsored by: School Committee*

**Comments:**

Both Hatherly School and Cushing School are approaching 50 years old having been built in 1963 and 1964. Each school is badly in need of updating and it is anticipated that the cost to renovate each school would be \$13,000,000 or a total of \$26,000,000 and this will not provide modern schools.

The Town currently has an application in with the Massachusetts School Building Authority (MSBA) to construct a combined new school to replace Hatherly and Cushing at a cost of \$85,000,000. If selected, MSBA would pay 43% of the cost of the new school or \$36,550,000 and the Town of Scituate would be responsible for \$48,450,000. The 43% reimbursement from the MSBA is based upon Scituate's average property value, per capita income and other factors.

Scituate has been approved for a Statement of Interest by the MSBA. Only 5% of the applying towns receive this. This Article would transfer funds from Free Cash and other available articles to fund a feasibility study and schematic design for Hatherly Elementary School. The cost for the study and design is \$1,000,000 to allow us to move to the eligibility phase. If successful it is anticipated that construction would commence in 2026 and the new school would open in 2027.

This is a fresh start application with no look back by the MSBA to the Gates Intermediate School grant. The 2019 demographic study will be updated to support the MSBA application.

The feasibility study would cost \$1.1M and would be funded by transfers from the following sources.

- **\$103,000.00** from STM 04/21, Art 21S3 COVID-19 Deficit,
- **\$60,332.09** from ATM 04/19, Art 3B Cudworth Cemetery,
- **\$450,000.00** from STM 11/20, Art 3 Hybrid Kindergarten 2020-2021,
- **\$2,660.00** from ATM 04/17, Art 3M Police Station Demolition,
- **\$230.27** from ATM 04/20, Art 3M Replace 2005 Admin Vehicle,
- **\$53.47** from ATM 04/20, Art 3N Ambulance,
- **\$1,500.00** from ATM 04/20, Art 3R Replace Carpeting High School,
- **\$1,668.00** from ATM 04/20, Art 3T Replace SPED Vans,
- **\$15.00** from STM 04/21, Art 1 FY21 Unpaid Bills Prior Year,
- **\$529.78** from STM 11/20, Art 1 Unpaid Prior Year Bills and
- **\$480,011.39** from Free Cash.

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

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

**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, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$3,782,250.00** 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. Widows Walk Maintenance Equipment   | \$240,000   |
| 2. Widows Walk Pump Station/Irrigation | \$175,000   |
| 3. Loader (Sewer)                      | \$135,000   |
| 4. Old Landfill Site Assessment        | \$92,250    |
| 5. Transfer Station Backhoe            | \$140,000   |
| 6. Water Mains                         | \$3,000,000 |

*Sponsored by: Select Board*

**Comments:**

**WIDOWS WALK:** Total \$415,000. Funding from WW retained earnings.

**Widows Walk Maintenance Equipment** - \$240,000: These funds would replace the wide area rough mower at an estimated cost of \$70,000, a fairway unit at an estimated cost of \$67,000, a heavy-duty utility vehicle at an estimated cost of \$25,000 and a bed knife and reel grinder set at an estimated cost of \$68,000. The course has approximately 30 pieces of maintenance equipment and these units were identified as most in need of replacement after an analysis of existing equipment was done by the Director of Golf Operations and International Golf Maintenance (IGM), the course maintenance contractor. The purchase would be funded with Widows Walk Enterprise retained earnings.

**Widows Walk Pump Station/Irrigation** - \$175,000: These funds would make improvements to the irrigation system to extend its useful life as a full replacement is several years in the future. The pump station is a key element of the irrigation system –the pond is filling in with organic matter and a permanent pump with a life of 15-20 years would resolve this problem. By authorizing the new pump station at this time of the year the work can be done off-season. The improvements would be funded with Widows Walk Enterprise retained earnings.

**SEWER:** Total: \$135,000. 86% funded from Sewer Retained Earnings with the balance from Reserve Premiums.

**Loader** - \$135,000: To provide a dedicated loader to the Wastewater Treatment plant for removal of residuals. The department is currently borrowing a loader from other divisions but needs use of one on a more regular basis with the new septage facility. The purchase would be funded with Sewer Enterprise retained earnings.

**TRANSFER STATION:** Total: \$232,250. 99%+ funded from Retained Earnings

**Landfill Site Assessment** - \$92,250: To conduct a supplemental comprehensive site assessment for the old Stockbridge landfill as mandated by MA Department of Environmental Protection. After completion of the study, we will know if any remediation will be required. The study would be funded with Transfer Station Enterprise retained earnings.

**Backhoe** - \$140,000: The backhoe is on the five-year capital plan for FY23 but due to imminent failure and long lead times for equipment, it is being moved up to the fall STM.

**WATER:** Total: \$3,000,000. 100% funded from borrowings to be serviced from Water Enterprise receipts.

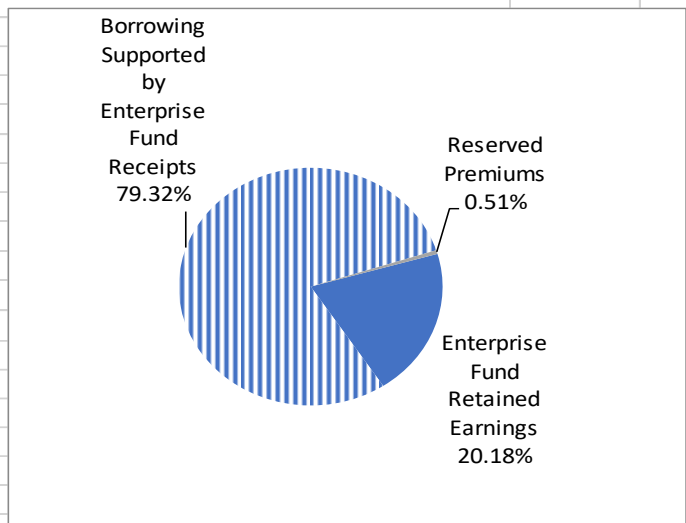
**Water Mains - \$3,000,000:** To provide funds to continue the water main replacement throughout town.

As a review, there are approximately 110-114 miles of water lines throughout the town, made of three different materials, most of which need replacing. This has been an ongoing project (see below) and roughly 28.3 miles have been completed. There were no funds requested at the annual town meeting for this project, although the plan has been for \$2,000,000 per year, assuming \$1,000,000 per mile. There are currently no unallocated water main construction funds available for further design, engineering or construction, hence this request.

**FROM APRIL 2020 ADVISORY BOOK**

**Water Main replacements:** \$2,000,000. This project would replace about 2.39 miles of the oldest and/or most problematic water mains in town; the strategy is to replace a portion of the 115 miles of line in the ground over time. It is expected that we will continue to field requests for funding at approximately this level in subsequent years as we replace the oldest mains. This is expected to be funded by debt.

| Funding Source                                | Fund          | Amount              |               | Funding Source                                  | Amount              | %             |
|---|---------------|---------------------|---------------|---|---------------------|---------------|
| Borrowing                                     | WTR           | \$ 3,000,000        |               | Enterprise Fund Retained Earnings               | \$ 763,088          | 20.2%         |
| <b>Total Water Enterprise</b>                 | <b>WTR</b>    | <b>\$ 3,000,000</b> | <b>79.3%</b>  | Borrowing Supported by Enterprise Fund Receipts | \$ 3,000,000        | 79.3%         |
| Retained Earnings                             | SWR           | \$ 116,079          |               | Reserved Premiums                               | \$ 19,162           | 0.5%          |
| Reserved Premiums                             | SWR           | \$ 18,921           |               | <b>Grand Total</b>                              | <b>\$ 3,782,250</b> | <b>100.0%</b> |
| <b>Total Sewer Enterprise</b>                 | <b>SWR</b>    | <b>\$ 135,000</b>   | <b>3.6%</b>   |   |                     |               |
| Retained Earnings                             | TRFSTN        | \$ 232,166          |               |   |                     |               |
| Reserved Premiums                             | TRFSTN        | \$ 84               |               |   |                     |               |
| <b>Total Transfer Station Enterprise</b>      | <b>TRFSTN</b> | <b>\$ 232,250</b>   | <b>6.1%</b>   |   |                     |               |
| Reserved Premiums                             | WWALK         | \$ 158              |               |   |                     |               |
| Retained Earnings                             | WWALK         | \$ 414,842          |               |   |                     |               |
| <b>Total Widows Walk Enterprise</b>           | <b>WWALK</b>  | <b>\$ 415,000</b>   | <b>11.0%</b>  |   |                     |               |
| <b>Grand Total</b>                            |               | <b>\$ 3,782,250</b> | <b>100.0%</b> |   |                     |               |
| <b>Projected Balance in Retained Earnings</b> |               |                     |               |   |                     |               |
| <i>If all articles pass as proposed</i>       |               |                     |               |   |                     |               |
| Water Enterprise                              |               | \$ 1,977,967        |               |   |                     |               |
| Transfer Station Enterprise                   |               | \$ 241,745          |               |   |                     |               |
| Sewer Enterprise                              |               | \$ 793,541          |               |   |                     |               |
| Widows Walk Enterprise                        |               | \$ 214,509          |               |   |                     |               |



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

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

**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 2022 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 2022; (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 2022 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. Bailey Ellis House Restoration                              | \$8,000     |
| 2. Appleton Field Community Garden                             | \$46,754    |
| 3. Teak Sherman Community Garden                               | \$52,649    |
| 4. Town Archives Document Preservation                         | \$10,000    |
| 5. Historic Preservation of Gaelic-English Journal             | \$2,100     |
| 6. 90 Foot Baseball Field Design                               | \$75,000    |
| 7. Land Acquisition (East Field) 0 Border Street, parcel 6-1-3 | \$2,015,000 |
- (\$2,000,000 toward purchase price of \$2,350,000 and \$15,000 toward closing and conservation restriction costs); and further, to aid in the funding of the purchase of said parcel, a sum of (\$350,000) must be donated to and received by the Town by November 2, 2021 in a gift fund established for that purpose.

*Sponsored By: Community Preservation Committee*

**Please see detail provided by Community Preservation Committee in Appendix D.**

**Comments:**

**Bailey Ellis House Restoration - \$8,000 (Historic)**

The Scituate Arts Association has been restoring the historic Bailey-Ellis House since 2013. Recently, heavy rains created extreme water leaking/flooding through the rock foundation and into the main basement of the house. Although previously recommended by consultants on prior projects, interior perimeter drainage was not implemented due to cost overruns on the previous project. The interior drain was eliminated from that plan at that time. At present basement water has caused damp air to circulate through the house creating ceiling issues within the common areas of the house. This project is to complete the missing elements from the original basement work that remains unfinished. Improving the basement drainage will help to preserve the rest of the building which has already undergone extensive restoration work. This is spelled out in the 2013 Bailey-Ellis House Roof and Site Drainage Improvement Project application.

**This item was unanimously approved by Advisory 7 - 0**

**2. Appleton Community Garden - \$46,754 (Recreation/Undesignated)**

Appleton Field was approved for community gardening by the Select Board and this project will provide funds for fencing and accessible plots that will improve the space to be used for personal gardening, food pantry support and education. This project will allow citizens to grow their own organic produce, grow produce for the Scituate Food Pantry, create outdoor recreation opportunities focused on gardening and ecology and create a hands-on learning space for citizens of all ages and ability. This project would provide funding for the key start-up costs of the community garden at Appleton Field including permanent fence installation and installation of ADA compliant paths and raised garden beds. Start-up efforts began in spring 2021 and a grant from the Scituate Education Foundation allowed for the purchase of compost and soil amendments to begin preparation of the growing area, the cost of basic supplies, and temporary repair of a decaying fence that exists on the property. Individual donations from plot holders also contributed to this start-up effort. This request includes approximately \$42K for fence procurement and installation, \$3k for wheelchair accessible garden plots, and \$1K for accessible pathway construction.

**This item was unanimously approved by Advisory 7 - 0**

**3. Teak Sherman Community Garden - \$52,649 (Recreation/Undesignated)**

This application sponsored by Sustainable Scituate is to improve the existing Teak Sherman Community Garden and provide handicap parking and access to the garden. The proposal includes installing a permanent fence surrounding the garden (\$30K) to replace an existing fence beyond its useful life, approximately \$4.5K for landscaping, tree and vegetation removal, and preparation for accessible parking from First Parish Road, \$1K for replacement of a yard hydrant, \$2.5K to rebuild the bridge from the existing parking lot on Route 3A, and a 15% contingency (\$6.8K). This project will greatly improve the existing garden, allow for expansion, as well as provide ADA access to the site.

**This item was unanimously approved by Advisory 7 - 0**

**4. Scituate Town Archives - \$10,000 (Historic)**

Sponsored by Scituate Town Archives, this request is to provide funds to digitize and preserve historic Scituate documents. Specifically, the funding will allow the town to digitize approximately 11,000 death records from 1877 – 2002 and 9,500 marriage records from 1848-1997. This project is part of a continuing project to preserve non-digital town records that include paper, video and other media. These records are currently stored in the basement of Town Hall where protection for their longevity is limited.

**This item was unanimously approved by Advisory 7 - 0**

**5. Historic preservation of Gaelic-English Journal - \$2,100 (Historic)**

The Scituate Historical Society is proposing to preserve the journal of Patrick O’Keefe, which is on display at the Scituate Historical Society and has been deemed of historic value. The proposed project is to 1) have a book/paper conservator evaluate the document, repair as necessary and construct a preservation storage box and 2) have a high-quality digitization of the entire document to put on the Society’s website to be available to scholars and the public. The journal is an important artifact for the Irish Heritage Trail and is of particular interest to scholar in both the U.S. and Ireland. The estimated cost of preserving this 80-page journal is \$2,400, of which the Society will fund \$300 while requesting \$2,100 in CPC funding.

**This item was unanimously approved by Advisory 7 - 0**



**6. 90 Foot Baseball Field - \$75,000 (Recreation/Undesignated)**

Scituate Little League is proposing the re-establishment of a 90 foot baseball field (commonly known as the JV Baseball field) at the current site of the Recreation Field (behind the former Gates Middle School). The intention is for that site to be multi-purpose, allowing use by various sports including lacrosse, field hockey, and baseball with retention of the current “46/60” diamond in its current location (will not be able to be used concurrently with JV baseball). When the High School field project was constructed 3 years ago, a Varsity Softball field was constructed at the site of the JV Baseball field and no replacement for the JV Baseball Field was proposed. This resulted in over 150 players: High School (3 teams), Little League (7 teams), Adult Baseball (at least 2 teams) and Legion teams (2 teams), with only one field to **practice and play on**. The first and most obvious benefit is that it addresses a Title IX issue whereby Girls High School Softball has both a Varsity and a separate Junior Varsity field, whereas Boys High School Baseball currently has only a Varsity field. Furthermore, the construction of an athletic field is directly aligned with the stated intention of the Community Preservation Act which provides for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use. The Select Board on 11/19/2019 voted to locate this field in the area behind the former Gates Middle School. Previously, the town was given \$400k to go toward recreation fields from the Toll Brothers as part of an agreement reached during the negotiation of the Seaside at Scituate development. The request is asking for CPC funds for a feasibility study to address siting, design, cost estimates and conduct public hearings.

**This item was unanimously approved by Advisory 9 - 0**

\* After the Advisory meeting the SLL and CPC decided to amend this request for funds to cover the cost of a study and bid documents for the baseball project and not request funds for construction. SLL plans to come back at next town meeting for the additional funds to build the field.

**7. Land Acquisition on Border Street - \$2,015,000 (Open Space)**

The Gulf Association Inc. has applied to CPC for funding the acquisition of the East Field (portion of Bleakie Property) along Border Street (Parcel 6-1-3) consisting of 17.81 acres. This property is assessed at \$792K but has been valued at \$2.35M by a Chapter 61A proposal for purchase. The \$2.35M value has been accepted by the town as the current and acceptable appraised value of the land, which represents the value of an offer from a builder who intends to construct six single family houses on the land if his purchase is successful. The application is currently for \$2.015M from CPC and additionally includes \$350K of private donations. Additionally; one abutter has offered an easement to the Hubble Preserve land at no additional expense as long as no houses are constructed on the filed portion of the property. This parcel is comprised of a bucolic open field and stone walls along Border Street. The rear of the property (east side) is wooded and contains wetlands.

\*After the initial advisory meeting the developer sent a letter to the CPC advising them that he is willing to limit the build to 6 homes on the property that will provide approximately \$100k a year in taxes, plus all permitting fees. The developer has also stated he will give 7 acres, the unbuildable wetlands portion of the property, back to the town at no additional cost and will build a parking lot for access at no cost to the town. CPC would be able to allocate the \$2.3m to another project still get 7 acres of land, the parking lot \$100k a year in revenue going forward. There is no access to the Hubble Preserve in this offer.

**This item was approved by Advisory 6 - 3**

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

**Advisory Committee Vote:** Unanimous vote (7-0) in support of Items 1-5 of this article. Unanimous vote (9-0) in support of Item 6 of this article. Majority vote (6-3) in support of Item 7.

#### **ARTICLE 7. Local Option Acceptance –Deferral of Water Charges**

To see if the Town will vote to accept M.G.L. c. 40, §42J to allow taxpayers eligible to defer their property taxes to also defer their water usage fees; or take any other action relative thereto.

*Sponsored By: Select Board*

**Please see full text of this local option statute in Appendix B.**

#### **Comments:**

This article would allow qualified lower-income senior citizen homeowners to defer the payment of their Town water bills until their home is sold or otherwise changes ownership. This is similar to the already-existing provision allowing these senior citizens to defer payment of their real estate taxes in the same way. Interest would accrue on deferred water charges until they are paid.

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

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

#### **ARTICLE 8. Local Option Acceptance –Deferral of Sewer Charges**

To see if the Town will vote to accept M.G.L. c. 83, §16G to allow taxpayers eligible to defer their property taxes to also defer their sewer usage fees or take any other action relative thereto.

*Sponsored By: Select Board*

**Please see full text of this local option statute in Appendix C.**

#### **Comments:**

Similar to Article 7, this article would allow qualified lower-income senior citizen homeowners to defer the payment of their Town sewer bills until their home is sold or otherwise changes ownership. Interest would accrue on deferred sewer charges until they are paid.

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

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

## **ARTICLE 9. Endorsement of Master Plan**

To see if the Town will vote to endorse the Master Plan as recommended and approved by the Planning Board or take any other action relative thereto.

*Sponsored By: Planning Board*

### **Comments:**

This article would seek endorsement of the revised Master Plan as approved and recommended by the Planning Board by the citizens of the Town. Please use the following link to find more documents and information on the Town's website [Master Plan \(2020 update\) | Scituate MA](#)

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

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

## **ARTICLE 10. Petition Article – Special Legislation for Marijuana Establishments**

To see if the Town will vote to petition the Legislature for special legislation in a similar form to the following, with legislative amendments allowed to achieve the central purpose thereof, or take any other action relative thereto:

"Notwithstanding the provisions of any law to the contrary, up to three marijuana establishments as defined in G.L. c. 94G, s.1 may be located in the Town of Scituate. Such marijuana establishments shall otherwise be subject to the provisions of G.L. c. 94G and regulations promulgated thereunder."

*Sponsored by Petition*

### **Comments:**

This petition article would seek voter approval to request special legislation from the Legislature for up to three marijuana establishments in Scituate.

The petitioner estimated that the 3% tax on retail cannabis could provide around \$88,000 in annual revenue to the town. He specified that his intention was to remove the current ban on marijuana businesses in Scituate.

Advisory Committee members queried the reason for seeking special legislation from the Legislature. After a lengthy discussion, the committee advised that seeking special legislation would not meet the petitioner's intent and instead advised, with the concurrence of the petitioner, that the petition should instead ask Scituate voters to eliminate the ban in the general bylaws. The petitioner will suggest an amendment to the petition to the moderator to see if it would be considered in scope and therefore presentable.

No changes were brought to the next Advisory Committee meeting, and so the committee voted not to approve the article.

Subsequently, another meeting was scheduled. The petitioner attended, explained that he had submitted one amendment which the moderator had rejected, and then re-wrote it again. He had not heard back from the moderator by the time of the meeting.

As no new information was provided, the Advisory Committee did not take another vote.

**Recommendation:** The Advisory Committee does not recommend approval of this article.

**Advisory Committee Vote:** Majority vote (1-6) against this article.

## **ARTICLE 11. Petition Article - Amend Zoning Bylaw – Marijuana Dispensaries/Establishments**

To see if the Town will vote to amend the Town of Scituate Zoning Bylaws as follows, or take any other action relative thereto:

1. Insert into SECTION 200-DEFINITIONS those definitions currently located in SECTION 491.1 B “Definitions”.
2. Amend SECTION 420 TABLE OF USE REGULATIONS, USE CATEGORY GG Marijuana Establishment as follows:  
COMMERCIAL DISTRICT B: change “N” to “SP”  
VILLAGE CENTER & NEIGHBORHOOD DISTRICTS: change “N” to “SP” in districts GVC, GWB, NDTV, NRN, DBO, VC and OV.
3. Amend by adding to the title of SECTION 440.2 the phrase “AND MARIJUANA ESTABLISHMENTS”, and amend the prefatory sentence thereafter by adding the words “and Marijuana Establishments”, after the word “Dispensaries”.
4. Amend SECTION 440.2 A by adding the words “and recreation” after the word “health”.
5. Amend SECTION 440.2: A, C: (1)(d) and (1)(h)(ii), 2, 3, 4(b) and 5-12 by replacing the phrase “Registered Marijuana Dispensary” whenever it therein appears with the phrase “Registered Marijuana Dispensary and/or Marijuana Establishment”.
6. Amend SECTION 440.2 B by deleting all of the first paragraph as is appears after the phrase “except as permitted under this section and by placing a period at the end of that phrase. Delete the second paragraph. The existing third paragraph shall become the new second paragraph.
7. Amend SECTION 440.2 C (1)(c) by beginning the clause with the words: “In the case of a Registered Marijuana Dispensary...”, and change the existing first word from upper case “A” to lower case “a”.
8. Delete SECTION 491 – TEMPORARY MORATORIA and SECTION 492 – PROHIBITION OF MARIJUANA ESTABLISHMENTS in their entirety.

*Sponsored by Petition*

### **Comments:**

This petition article would seek to amend the zoning bylaws relevant to marijuana dispensaries/marijuana establishments in Scituate.

The petitioner had written to the Advisory Committee that he would be withdrawing Article 11 from a vote until at least April 2022. Therefore the committee had voted not to approve the article.

At a subsequent meeting, the petitioner confirmed this intention. As no new information was provided, the Advisory Committee did not take another vote.

**Recommendation:** The Advisory Committee does not recommend approval of this article.

**Advisory Committee Vote:** Majority vote (1-6) against this article.

## APPENDIX A

# CONSENT AGENDA-SPECIAL TOWN MEETING

Warrant Articles on a Consent Agenda (permitted by Robert's Rules) are exceptions to the general process of Town Meeting. The Town Administrator, Select Board, and Moderator identify, for Town Meeting consideration, those articles they believe should generate no controversy and can be properly voted without debate. These articles are put on the Consent Agenda to allow motions under these articles to be acted upon as one unit and to be passed without debate. A 2/3rds vote of Town Meeting Members is required by Scituate Town by-law (Section 20120 (B)) to permit a Consent Agenda to be used since Articles will, as a result of the process, be taken out of order.

At the call of the Consent Agenda, the Moderator will read out the numbers of the articles, one by one. If one or more voters object to any particular article being included in the Consent Agenda, they say "Hold" in a loud voice when the number is called. The article will then be removed automatically from the Consent Agenda and restored to its original place in the Warrant, to be debated and voted upon in the usual manner. After the calling of the individual items in the Consent Agenda, the Moderator will ask for a motion that the voters pass all items remaining AS A UNIT on one vote. Use of the Consent Agenda process makes the Town Meeting more efficient by speeding up the handling of non-controversial items.

**THE CONSENT AGENDA WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF THE SPECIAL TOWN MEETING ON TUESDAY, OCTOBER 26, 2021.**

### CONSENT AGENDA MOTION

**MOTION:** *I move that the Town vote to take Articles*

*1 – Unpaid Bills,*

*2 – Fiscal Year 2022 Budget Reconciliations,*

*3 – Transfers to Reserves,*

*7 – Local Option Acceptance M.G.L. c. 40 §42J – Deferral of Water Charges,*

*8 – Local Option Acceptance M.G.L. c. 83 §16G – Deferral of Sewer Charges,*

*out of order and that they be "Passed by Consent" in accordance with the Motions shown on the Consent Agenda distributed this evening.*

**2/3 VOTE REQUIRED; SINGLE EXCEPTION WILL REMOVE ARTICLE FROM CONSENT AGENDA**

Please review the list of articles and motions proposed for each Consent Item which follows.

**ARTICLE 1. Unpaid Bills**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$6,519.41** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

*Sponsored by: Select Board*

**MOTION ARTICLE 1. Unpaid Bills**

I move that the Town appropriate the sum of **\$6,519.41** for the purpose of paying prior year unpaid bills and to fund such appropriation transfer **\$4,195.45** from Free Cash, transfer **\$550.16** from Transfer Station Enterprise retained earnings and transfer **\$1,773.80** from Widows Walk Enterprise retained earnings.

**ARTICLE 2. Fiscal Year 2022 Budget Reconciliations**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$221,291.10** for the purpose of balancing the Fiscal Year 2022 Operating Budget pursuant to Articles 4, 6 and 8 of the April 12, 2021 Annual Town Meeting warrant; or take any other action relative thereto:

| <u>TO</u>  | <u>AMOUNT</u> | <u>REASON</u>   |
|--|---------------|---|
| DPW Highway<br>1422540.543300 Roadway Maintenance                | \$584.10      | Town’s share of ride share fees from Commonwealth.  |
| Widows Walk Enterprise<br>61661520.530900 Technical Services     | \$12,240.00   | FY22 budget is less than final actual costs for FY21  |
| Widows Walk Enterprise<br>61661520.524200 Repair & Maintenance   | \$25,000.00   | Electrical improvements to maintenance building   |
| Transfer Station Enterprise<br>63433520.527100 Hauling Contracts | \$90,000.00   | FY22 budget is less than final actual costs for FY21  |
| Town Accountant<br>1135520.530900 Technical Services             | \$27,300.00   | Software solutions to provide better transparency of financial data.  |
| Fire Department<br>1210580.585100 Equipment                      | \$16,167.00   | Town share grant match for portable radios of 4,262; FEMA share is \$85,238; awarded July 2021 and Town share grant match for a new forest fire truck of \$11,905; FEMA share is \$238,095; awarded August 2021.  |
| Property & General Liability Insurance<br>1192570.574000         | \$50,000.00   | The insurance renewal was significantly higher than estimated resulting in an insufficient balance left for the remainder of the fiscal year. The Contributory Group Insurance line, 1914515.519900, has savings due to a premium holiday and funds will be transferred from this line. |

*Sponsored by: Select Board*

**MOTION ARTICLE 2. Fiscal Year 2022 Budget Reconciliations**

I move that the Town appropriate the sum of **\$221,291.10** for the purpose of balancing the Fiscal Year 2022 Operating Budget pursuant to Articles 4, 6 and 8 of the April 12, 2021 Annual Town Meeting warrant as printed in the warrant and to fund such appropriation raise and appropriate **\$37,240.00** from Widows Walk Enterprise receipts and transfer **\$90,000.00** from Transfer Station Enterprise retained earnings, transfer **\$584.10** from Ride Share Funds Reserved for Appropriation, transfer **\$43,467.00** from Free Cash and transfer **\$50,000.00** from the FY22 Contributory Group Insurance budget line 1914515.519900.

| <u>TO</u>  | <u>AMOUNT</u> | <u>REASON</u>   |
|--|---------------|---|
| DPW Highway<br>1422540.543300 Roadway Maintenance                | \$584.10      | Town’s share of ride share fees from Commonwealth.  |
| Widows Walk Enterprise<br>61661520.530900 Technical Services     | \$12,240.00   | FY22 budget is less than final actual costs for FY21  |
| Widows Walk Enterprise<br>61661520.524200 Repair & Maintenance   | \$25,000.00   | Electrical improvements to maintenance building   |
| Transfer Station Enterprise<br>63433520.527100 Hauling Contracts | \$90,000.00   | FY22 budget is less than final actual costs for FY21  |
| Town Accountant<br>1135520.530900 Technical Services             | \$27,300.00   | Software solutions to provide better transparency of financial data.  |
| Fire Department<br>1210580.585100 Equipment                      | \$16,167.00   | Town share grant match for portable radios of 4,262; FEMA share is \$85,238; awarded July 2021 and Town share grant match for a new forest fire truck of \$11,905; FEMA share is \$238,095; awarded August 2021.  |
| Property & General Liability Insurance<br>1192570.574000         | \$50,000.00   | The insurance renewal was significantly higher than estimated resulting in an insufficient balance left for the remainder of the fiscal year. The Contributory Group Insurance line, 1914515.519900, has savings due to a premium holiday and funds will be transferred from this line. |

**ARTICLE 3. Transfers to Reserves**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$478,341.00** for the following purposes; or take any other action relative thereto:

| <u>TO</u>                               | <u>AMOUNT</u> | <u>REASON</u>                                |
|---|---------------|--|
| Widows Walk Capital Stabilization Fund  | \$100,000.00  | For future capital costs                     |
| Other Post Employment Benefit Liability | \$278,341.00  | To address Town’s unfunded liability         |
| SPED Reserve Fund                       | \$100,000.00  | To set-aside funds for unbudgeted SPED costs |

*Sponsored by: Select Board*



**MOTION ARTICLE 3. Transfers to Reserves**

I move that the Town appropriate the sum of **\$478,341.00** to the reserve funds as printed in the warrant and to fund such appropriation transfer **\$378,341.00** from Free Cash and **\$100,000.00** from Widows Walk Enterprise Retained Earnings.

| <u>TO</u>                               | <u>AMOUNT</u> | <u>REASON</u>                                |
|---|---------------|--|
| Widows Walk Capital Stabilization Fund  | \$100,000.00  | For future capital costs                     |
| Other Post Employment Benefit Liability | \$278,341.00  | To address Town’s unfunded liability         |
| SPED Reserve Fund                       | \$100,000.00  | To set-aside funds for unbudgeted SPED costs |

**ARTICLE 7. Local Option Acceptance –Deferral of Water Charges**

To see if the Town will vote to accept M.G.L. c. 40, §42J to allow taxpayers eligible to defer their property taxes to also defer their water usage fees; or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 7. Local Option Acceptance –Deferral of Water Charges**

I move that the Town accept M.G.L. c. 40, §42J to allow taxpayers eligible to defer their property taxes to also defer their water usage fees.

**ARTICLE 8. Local Option Acceptance –Deferral of Sewer Charges**

To see if the Town will vote to accept M.G.L. c. 83, §16G to allow taxpayers eligible to defer their property taxes to also defer their sewer usage fees or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 8. Local Option Acceptance –Deferral of Sewer Charges**

I move that the Town accept M.G.L. c. 83, §16G to allow taxpayers eligible to defer their property taxes to also defer their sewer usage fees.

## **APPENDIX B – M.G.L. Chapter 40, §42J: Deferral of charges**

In a city, town or district which accepts the provisions of this section, the board responsible for assessing charges for the use of water under section sixty-nine B of chapter forty-one or any other provision of law, shall, upon the application of the owner of the real property to which the water is supplied, if such owner is receiving an exemption from property taxes under clause Forty-first A of section five of chapter fifty-nine with respect to such property, defer charges for water supplied to such property. An application for deferral may be filed with said board within the time limit established for the filing of an application for exemption under said clause Forty-first A.

The board that imposes such charges shall notify the board of assessors of any deferral granted under the provisions of this section, and shall annually thereafter notify said board of assessors of any unpaid water rates and charges to be added to the tax bill. Such charges shall be committed by the assessors along with the real estate taxes for each fiscal year, and secured by the statement of lien executed pursuant to said clause Forty-first A. Upon such qualification for deferral, no further application under this section need be filed in order to qualify for deferral of water charges in subsequent years. No additional notice or statement of lien need be recorded or registered with respect to such deferred water charges, but the amount of such deferred charges shall be listed on any certificate of liens issued under section twenty-three, twenty-three A or twenty-three B of chapter sixty. Whenever a person who has received an exemption under said clause Forty-first A ceases to receive such exemption, the board of assessors shall cease deferring water rates and charges added to the tax bill, and shall notify the board responsible for the assessment of such charges of the discontinuance of such deferral of said charges.

Interest shall be charged upon deferred water charges at the same rate as interest on taxes deferred under said clause Forty-first A. The deferred charges, together with accrued interest shall be due and collectible at the same time and upon the same terms and conditions as taxes deferred under said clause Forty-first A.

The amount of water charges deferred under this section, plus accrued interest, shall not be used in determining whether a taxpayer continues to be eligible for exemption under said clause Forty-first A.

## **APPENDIX C – M.G.L. Chapter 83, §16G: Deferral of charges**

In a city, town or district which accepts the provisions of this section, the board responsible for assessing charges for the use of the common sewers under section sixteen of chapter eighty-three or any other provision of law, shall, upon the application of the owner of the real property served by the common sewers, if such owner is receiving an exemption from property taxes under clause Forty-first A of section five of chapter fifty-nine with respect to such property, defer charges for said use of the common sewers. An application for deferral may be filed with said board within the time limit established for the filing of an application for exemption under said clause Forty-first A.

The board that imposes such charges shall notify the board of assessors of any deferral granted under the provisions of this section, and shall annually thereafter notify said board of assessors of any unpaid sewer charges to be added to the tax bill. Such charges shall be committed by the assessors along with the real estate taxes for each fiscal year, and abated along with such taxes, and secured by the statement of lien executed pursuant to said clause Forty-first A. Upon such qualification for deferral, no further application under this section need be filed in order to qualify for deferral of sewer charges in subsequent years. No additional notice or statement of lien need be recorded or registered with respect to such deferred sewer use charges, but the amount of such deferred charges shall be listed on any certificate of liens issued under section twenty-three, twenty-three A or twenty-three B of chapter sixty. Whenever a person who has received an exemption under said clause Forty-first A is no longer eligible for such exemption, the board of assessors shall cease deferring sewer use charges added to the tax bill, and shall notify the board responsible for the assessment of such charges of the discontinuance of such deferral of said charges.

Interest shall be charged upon deferred sewer use charges at the same rate as interest on taxes deferred under said clause Forty-first A. The deferred charges, together with accrued interest shall be due and collectible at the same time and upon the same terms and conditions as taxes deferred under said clause Forty-first A.

The amount of sewer use charges deferred under this section, plus accrued interest, shall not be used in determining whether a taxpayer continues to be eligible for exemption under said clause Forty-first A.

## **APPENDIX D - Report from the Community Preservation Committee**

### **October 26, 2021 Town Meeting Proposed Projects**

1. **Bailey Ellis House Restoration** - \$8,000 (Historic)

The Scituate Arts Association has been restoring the historic Bailey-Ellis House since 2013. Recently, heavy rains created extreme water leaking/flooding through the rock foundation and into the main basement of the house. Although previously recommended by consultants on prior projects, interior perimeter drainage was not implemented due to cost overruns on the previous project. The interior drain was eliminated from that plan at that time. At present basement water has caused damp air to circulate through the house creating ceiling issues within the common areas of the house. This project is to complete the missing elements from the original basement work that remains unfinished. Improving the basement drainage will help to preserve the rest of the building which has already undergone extensive restoration work. This is spelled out in the 2013 Bailey-Ellis House Roof and Site Drainage Improvement Project application

Additionally, as a conservation measure, the SAA plans to incorporate 4 rain barrels into the exterior drainage system to collect rain water for use in the gardens and other outdoor watering needs.

*The Community Preservation Committee voted unanimously to approve this request.*

2. **Appleton Community Garden** - \$46,754 (Recreation/Undesignated)

Appleton Field was approved for community gardening by the Select Board and this project will provide funds for fencing and accessible plots that will improve the space to be used for personal gardening, food pantry support and education. This project will allow citizens to grow their own organic produce, grow produce for the Scituate Food Pantry, create outdoor recreation opportunities focused on gardening and ecology and create a hands-on learning space for citizens of all ages and ability. This project would provide funding for the key start-up costs of the community garden at Appleton Field including permanent fence installation and installation of ADA compliant paths and raised garden beds. Start-up efforts began in spring 2021 and a grant from the Scituate Education Foundation allowed for the purchase of compost and soil amendments to begin preparation of the growing area, the cost of basic supplies, and temporary repair of a decaying fence that exists on the property. Individual donations from plot holders also contributed to this start-up effort. This request includes approximately \$42K for fence procurement and installation, \$3k for wheelchair accessible garden plots, and \$1K for accessible pathway construction.

This funding from CPC would make the garden accessible to people of all abilities and construct a permanent fence - the key step to allow full growing efforts with plots protected from animal browse. Additional funding will be pursued in the future for well-

installation, but water storage tanks will provide adequate water for early growing seasons.

*The Community Preservation Committee voted unanimously to approve this request.*

3. **Teak Sherman Community Garden - \$52,649** (Recreation/Undesignated)

This application sponsored by Sustainable Scituate is to improve the existing Teak Sherman Community Garden and provide handicap parking and access to the garden. The proposal includes installing a permanent fence surrounding the garden (\$30K) to replace an existing fence beyond its useful life, approximately \$4.5K for landscaping, tree and vegetation removal, and preparation for accessible parking from First Parish Road, \$1K for replacement of a yard hydrant, \$2.5K to rebuild the bridge from the existing parking lot on Route 3A, and a 15% contingency (\$6.8K). This project will greatly improve the existing garden, allow for expansion, as well as provide ADA access to the site. The applicant walked the site with the Conservation Agent and is working with the Conservation Commission on tree removal for the garden's expansion.

*The Community Preservation Committee voted unanimously to approve this request.*

4. **Scituate Town Archives - \$10,000** (Historic)

Sponsored by Scituate Town Archives, this request is to provide funds to digitize and preserve historic Scituate documents. Specifically, the funding will allow the town to digitize approximately 11,000 death records from 1877 – 2002 and 9,500 marriage records from 1848-1997. This project is part of a continuing project to preserve non-digital town records that include paper, video and other media. These records are currently stored in the basement of Town Hall where protection for their longevity is limited.

*The Community Preservation Committee voted unanimously to approve this request.*

5. **Historic preservation of Gaelic-English Journal - \$2,100** (Historic)

The Scituate Historical Society is proposing to preserve the journal of Patrick O'Keefe, which is on display at the Scituate Historical Society and has been deemed of historic value. The proposed project is to 1) have a book/paper conservator evaluate the document, repair as necessary and construct a preservation storage box and 2) have a high-quality digitization of the entire document to put on the Society's website to be available to scholars and the public. The journal is an important artifact for the Irish Heritage Trail and is of particular interest to scholar in both the U.S. and Ireland. The estimated cost of preserving this 80-page journal is \$2,400, of which the Society will fund \$300 while requesting \$2,100 in CPC funding.

*The Community Preservation Committee voted unanimously to approve this request.*

6. **90 Foot Baseball Field Design - \$75,000**

(Recreation/Undesignated)

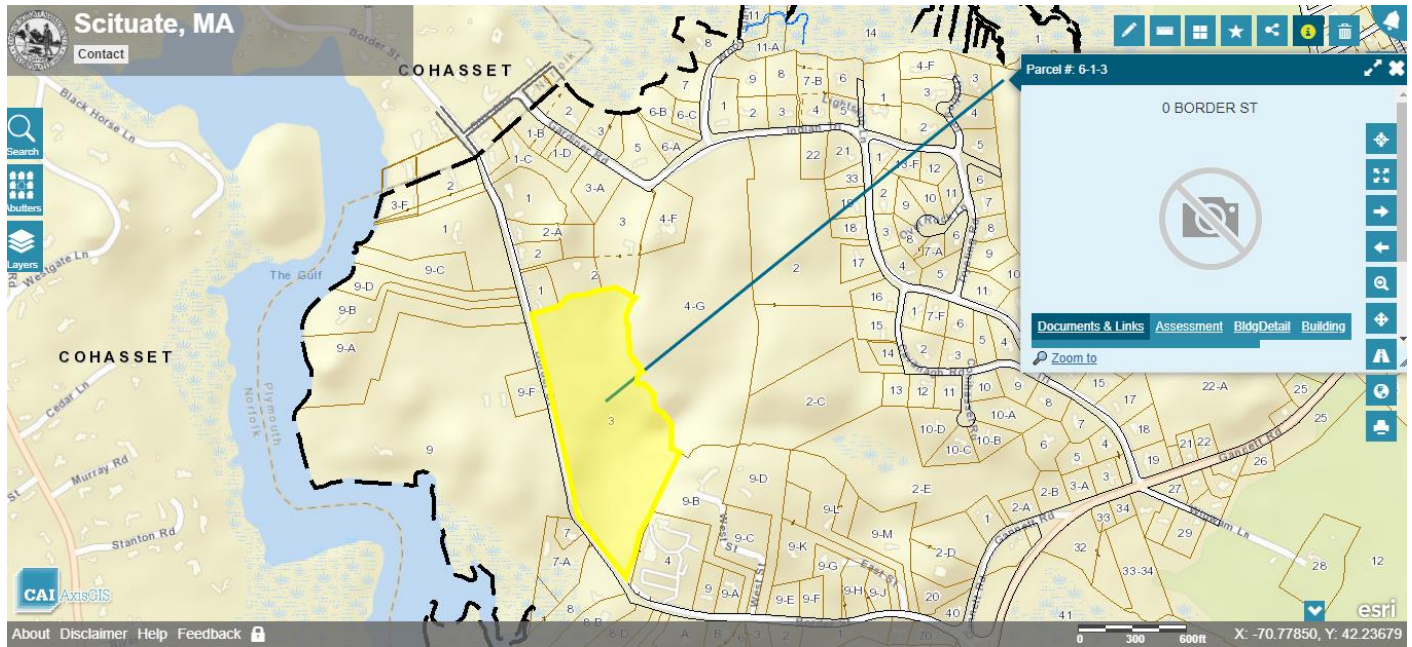
SLL is requesting funds to help re-establish a second “60/90” (60’ pitchers’ plate distance, 90’ basepaths) baseball field in Scituate. This effort should be accomplished in two phases, beginning with a full design study including community engagement to determine the appropriate field location, impacts to other sports, residents, and abutters, and to produce the final field design and estimated construction cost. The second phase will involve a future application seeking funds for the actual field construction. The goal is for this project to be complete and the field ready for play by Spring 2023. This request is consistent with the town’s recreation plan for playing fields and will provide a replacement for the 60/90 foot field that was lost to the High School field project which included a Varsity Girls Softball field.

*The Community Preservation Committee voted unanimously to approve this request.*

7. **Land Acquisition on Border Street - \$2,015,000**

(Open Space)

The Gulf Association Inc. has applied to CPC for funding the acquisition of the East Field (portion of Bleakie Property) along Border Street (Parcel 6-1-3) consisting of 17.81 acres. Due to the Chapter 61A nature of this property, the value of the property has been determined to be \$2.35M by a Chapter 61A proposal for purchase. The \$2.35M value has been accepted by the town as the current and acceptable appraised value of the land, which represents the value of an offer from a builder who intends to construct six single family houses on the land if his purchase is successful. The application is currently for \$2.015M from CPC and additionally includes \$350K of private donations. The acquisition of this parcel will protect and preserve this property whose beauty and wildlife are enjoyed by many residents. The CPC has funded the town’s acquisition of hundreds of acres of land in the West End, but rarely does undeveloped land become available for purchase east of 3A. This parcel is comprised of a bucolic open field and stone walls along Border Street. The rear of the property (east side) is wooded and contains wetlands. The Gulf Association has also been in discussions with the east side abutters with the potential to create an easement between the Border Street property and the town’s Hubbell Preserve, thereby allowing additional access to town-owned conservation land. The CPC has received numerous emails and letters of support from residents requesting the town’s acquisition of this property. The Gulf Association is committing \$350K to be put in escrow for the purchase of the property, provided by private fundraising. \$15K is included in the request to cover closing and conservation restriction costs.



The Community Preservation Committee has voted 6-2 to approve this application.

| <b>COMMUNITY PRESERVATION FUND - RECOMMENDED FUNDING</b> |                         |                           |                             |                                  |                                   |                     |
|--|-------------------------|---------------------------|-----------------------------|----------------------------------|-----------------------------------|---------------------|
|  | <b>Historic Reserve</b> | <b>Open Space Reserve</b> | <b>Comm Housing Reserve</b> | <b>Undesignated Fund Balance</b> | <b>FY 2022 Estimated Receipts</b> | <b>Total</b>        |
| <b>Starting Balance</b>                                  | <b>\$ 581,948</b>       | <b>\$ 762,663</b>         | <b>\$ 704,213</b>           | <b>\$ 1,882,666</b>              | <b>\$ 981,806</b>                 | <b>\$ 4,913,296</b> |
| <i>October 26, 2021 STM Proposed:</i>                    |                         |                           |                             |                                  |                                   | \$0                 |
|  |                         |                           |                             |                                  |                                   | \$0                 |
| Appleton Community Garden                                |                         |                           |                             |                                  | (\$46,754)                        | (\$46,754)          |
| Teak Sherman Community Garden                            |                         |                           |                             |                                  | (\$52,649)                        | (\$52,649)          |
| Scituate Town Archives                                   | (\$10,000)              |                           |                             |                                  |                                   | (\$10,000)          |
| Bailey Ellis House Restoration                           | (\$8,000)               |                           |                             |                                  |                                   | (\$8,000)           |
| Historic Preservation of Gaelic-English Journal          | (\$2,100)               |                           |                             |                                  |                                   | (\$2,100)           |
| Border Street Land Acquisition                           |                         | (\$762,663)               |                             | (\$369,934)                      | (\$882,403)                       | (\$2,015,000)       |
| 90 Baseball Foot Field Design                            |                         |                           |                             | (\$75,000)                       |                                   | (\$75,000)          |
|  |                         |                           |                             |                                  |                                   | \$0                 |
| <b>Projected Available Balance</b>                       | <b>\$ 561,848</b>       | <b>\$ 0</b>               | <b>\$ 704,213</b>           | <b>\$ 1,437,732</b>              | <b>\$ -</b>                       | <b>\$ 2,703,793</b> |