

TOWN OF SCITUATE
ADVISORY COMMITTEE



Report and Recommendations
For

SPECIAL TOWN MEETING

September 19, 2022

7:00 P.M.

HIGH SCHOOL GYMNASIUM

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

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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 September 19, 2022.

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 **fourteen (14)** 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

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.

**LISTING OF ARTICLES
SPECIAL TOWN MEETING
SEPTEMBER 19, 2022**

ARTICLE 1. Siting of New Water Treatment Plant

ARTICLE 2. Unpaid Prior Year Bills

ARTICLE 3. FY 23 Budget Reconciliations

ARTICLE 4. Transfers to Reserves

ARTICLE 5. Capital Improvement Plan

ARTICLE 6. Community Preservation

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

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

ARTICLE 9. Charter Review Recommendations

ARTICLE 10. Amend General Bylaws Section 10260 – Revolving Funds

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

ARTICLE 12. Acceptance of Easement – 27 Brook Street

ARTICLE 13. Acceptance of Easement – Border Street

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

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

COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS

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

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

MONDAY, THE NINETEENTH DAY OF SEPTEMBER 2022 NEXT

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

ARTICLE 1. Siting of New Water Treatment Plant

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

Sponsored by: Select Board

Comments:

This Article 1 addresses the siting of the proposed new water treatment plant. The Town has received presentations from eight engineering firms relating to the design and technology of the proposed plant. The selected solution will be located on the town owned Stearns Meadow land on Chief Justice Cushing Highway. The Town reviewed other potentials town owned land to site the new plant and none of them were deemed to be satisfactory.

There have been three community outreach meetings with residents of the Old Forge Road neighborhood. As result of these meetings, made changes to the location of the new water treatment plant on the property, increased the buffer zone with neighbors and now expects to cut down many fewer trees on the property.

A Select Board meeting was held on August 23, 2002 to discuss the Proof of Concept plan addressing the location. I questioned if the neighbors are satisfied and the Town Administrator said that they had met with the neighbors three times and that they seemed satisfied but no members of the Old Forge neighborhood were present at the August 23rd meeting to answer my question.

As stated previously, water is the new gold and it is not an inexhaustible resource and dependable clean water is critical to our quality of life. The current treatment facility was constructed in 1968 and is not compliant with current regulations. Issues such as manganese, THM, chloride gas and the lack of redundancy plague the current plant. There is a significant danger of cross contamination and interruption of supply given the antiquated water treatment facility. The older plant also presents issues of capacity to meet projected demand, plant security, ADA compliance and fire suppression.

Scituate must invest in modernizing our town water treatment facility in order to preserve the quality of life and the safety of town residents.

The proposed site of the New Water Treatment plant is supported by the Advisory Committee. The Advisory Committee supports this proposed Article.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Majority vote (5-1) in support of this article.

Please see map in Appendix B (page 27).

ARTICLE 2. Unpaid Prior Year Bills

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

Sponsored by: Select Board

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 . This is standard annual accounting housekeeping to pay our suppliers and vendors for products and services performed.

Vendor	Date	Amount	Vendor	Date	Amount
Thomson Reuters	6/1-6/30/22	\$ 330.00	Medical Reimb	6/28/2022	\$ 217.61
Pitney Bowes	6/29/2022	\$ 1,000.00	Medical Reimb	6/17/2022	\$ 88.00
East Coast Printing	4/21/2022	\$ 60.00	Renaissance Alliance Ins	6/21/2022	\$ 837.00
United Elevator	6/27/2022	\$ 900.00	WB Mason	5/24/2022	\$ 93.98
All-Comm	5/26/2022	\$ 3,400.00	LocaliQ New England	6/30/2022	\$ 150.80
Copeland Chevrolet	5/24/2022	\$ 1,192.22	LocaliQ New England	6/30/2022	\$ 267.80
Roht Marine LLC	1/1/2022	\$ 2,730.00	LocaliQ New England	6/30/2022	\$ 588.12
UPS	6/14/2022	\$ 40.41	Wilder Bros Inc	2/3/2022	\$ 67.68
UPS	6/16/2022	\$ 52.32	Capeway Towing, Inc.	6/13/2022	\$ 425.00
UPS	6/24/2022	\$ 64.23	Capeway Towing, Inc.	6/13/2022	\$ 275.00
UPS	6/30/2022	\$ 104.88	Wilson Elser	6/24/2022	\$ 72.00
Scoreboard Enterprises	5/24/2022	\$ 375.00	Stericycle	6/17/2022	\$ 45.35
South Shore Medical Center	5/4/2022	\$ 46.20	Data Recycling of NE	5/20/2022	\$ 1,144.80
South Shore Medical Center	4/11/2022	\$ 46.20	Absolute Resource	5/18/2022	\$ 50.00
Shields MRI Weymouth	6/3/2022	\$ 646.90	Ready Refresh	6/23/2022	\$ 173.72
Medical Reimb	6/29/2022	\$ 10.00	The UPS Store 4523	6/8/2022	\$ 230.13
			Total as of 8/25/22		\$ 15,725.35

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 3. Fiscal Year 2023 Budget Reconciliations

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

TO	AMOUNT	REASON
DPW Highway Roadway Maintenance 1422540.543300	\$552.20	Town's share of ride share fees from Commonwealth.
Facilities Fuels & Lubricants 1410540.548100	\$78,054.00	Escalating costs due to global factors
Facilities Electricity 1410540.5211	\$25,000.00	Escalating costs due to global factors
Historical Buildings Repair & Maintenance acquired 1691520.524200	\$10,000.00	For securing of Mordecai Lincoln property recently acquired
School Department	\$216,142.00	Escalating electricity, fuel, bus lease and heating costs.
Sewer Enterprise Chemicals 64440540.550100	\$175,000.00	Average chemical increase for FY23 is 77.4%
Sewer Enterprise Fuel & Lubricants 64440540.548100	\$10,000.00	Escalating costs due to global factors
Sewer Enterprise Electricity 64440520.521100	\$38,000.00	Escalating costs due to global factors
Sewer Technical Services 65450520.530900	\$9,500.00	Regional alternative sewer plan with Cohasset analysis
Sewer Enterprise Natural Gas 64440520.521300	\$5,000.00	Escalating costs due to global factors
Sewer Enterprise Sludge Cake Disposal 64440520.527100	\$49,000.00	Escalating costs affecting new contract
Water Enterprise Debt Service 65450590.59200	\$50,000.00	Closing costs for Clean Water Trust loan for green sand filter facility at Well 17A

Sponsored by: Select Board

Comments:

This article rebalances the operational budgets approved at the April 2022 annual town meeting. General Fund to be supported through the tax levy, roadway maintenance from ride share funds already received and enterprise through enterprise receipts.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 4. Transfers to Reserves

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

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

Sponsored by: Select Board

Comments:

This article will transfer funds available from the FY2023 tax levy to the SPED Reserve Fund. The purpose of the reserve fund is to accumulate a reserve for future unforeseen expenses.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (6-0) 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, the following sums of money totaling **\$3,341,519.00** or any greater or lesser sums as may be necessary, for the purpose of funding the following capital project costs; or take any other action relative thereto:

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

Sponsored by: Select Board

Comments:

These projects include those that have been deemed to not wait until the April 2023 Annual Town Meeting and be considered off-cycle.

Waterways Enterprise Additional Funds for Cole Parkway Marina Dock Replacement Project: This project is predominantly financed through an awarded \$1M Seaport Economic Advisory Council (SEAC) grant and two town share authorizations totaling \$450,000. Due to skyrocketing costs, the current estimate for the docks is significantly higher than originally costed when the grant was submitted. The \$1,275,000 is the estimated cost to complete the project for which bids are expected to be received in September 2022. An amendment to the SEAC grant application will be filed after the actual bids are received in September with hopes that the SEAC will agree to fund 80% of the additional costs thereby reducing the estimated \$1,275,000 to \$255,000. The proposed funding source is borrowing.

Jenkins School Roof - \$1,235,000: The replacement of the Jenkins School roof was deferred from the FY23 capital plan voted at the April 2022 to the following year as the roof was too young to qualify for Massachusetts School Building Authority (MSBA) reimbursement. A proposal has been received from an energy services company to replace the roofs at two schools at no cost to the town in exchange for the placement of solar panels on the structures. The town has limitations on the amount of energy it can generate and sell back to the grid and the proposing firm is currently working with National Grid to see if the town has sufficient capacity to continue on this potential path. In order to move forward, there needs to be an existing town meeting authorization to replace the roof. The proposed funding source would be borrowing.

Police Department Town Share of Grant to Purchase Safe Boat – \$145,780: The Police Department has applied for a Port Security Grant for a new SAFE boat to replace its current marine unit. The grant would provide 75% funding of the \$583,118 boat, including outfitting. The retired boat would be declared at surplus and sold at public auction to partially offset the cost. The funding source would be Free Cash.

Ambulance - \$435,719: The Fire Department is seeking to move up the authorization for the replacement of one of the Town's ambulance which is currently on the FY24 capital plan. The Fire Chief is bringing this request forward off cycle due to the concern that the current lead time for obtaining a new ambulance is 24 months. The funding source would be Free Cash.

Emergency Water Treatment Plant Repairs - \$250,000: To provide funds for emergency repairs to the existing water treatment plant while the new plant is being constructed. In the past few months, there have been several sudden critical failures at the plant. These funds would be available to make any necessary and/or urgent temporary repairs in order to prolong the life of the plant until the new plant comes online. The funding source would be Water Enterprise Retained Earnings. Please see the exhibit from the Capital Planning Committee Findings within this book for in depth observations and understandings.

Recommendation: The Advisory Committee recommends approval of this article.

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

Please see Report of the Capital Planning Committee in Appendix C (page 28).

ARTICLE 6. Community Preservation

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

Community Preservation unreserved funds unless otherwise specified below. All such sums appropriated are further to be expended subject to all of the terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items; or take any other action relative thereto.

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

Sponsored By: Community Preservation Committee

Please see detail provided by Community Preservation Committee in Appendix D (page 31).

Comments:

There was a total of seven projects unanimously approved by the Community Preservation Committee, with a total cost of \$1,519,298. All were also approved by the Select Board and were unanimously accepted by the Advisory Board.

Recreation/Open Space--\$1,369,772

Baseball Field

The largest project is the construction phase of a 90-foot baseball field to be located at the Central Fields. The cost is \$993,520 and the funding is expected to come from the Undesignated bucket of the CPA funds. This cost includes the baseball field and a softball field located within its infield, and an alternative for two additional scoreboards as well as batting cages, and a contingency allowance. Historically it was determined that the town needed a second 90-foot field; however, the high school field project eliminated it from its plans. Several other sites were considered, and it has been determined that this Central Fields location is the best option. This will be a natural grass field and will be usable for professional sized baseball, softball, and multi-use (i.e., soccer and lacrosse) in the outfield.

Cushing Trail Restoration

This project is to repair and improve a well-used 1,000 ft trail connecting Cushing/high school and the Utility Rd/Aberdeen neighborhood. While the trail has been maintained, its condition is approaching hazardous. The total cost is \$170,000, of which Morse Engineering as agreed to donate \$20,000. The plan is to replace the existing paved path with a walking path. The remaining \$150,000 in funding will come from the Open Space bucket of the CPA funds.

Beach Commission – Purchase of Mobi-mats

This project is to purchase mats for the southern entrance to Sand Hills beach. These mats are like those at Peggotty and elsewhere and make the beaches accessible for handicapped use. The total cost is \$13,052, including a 15% contingency. DPW has agreed to support installation, removal, and storage. The funds will come from the Undesignated bucket of CPA.

Damon Access & Picnic Area

This project is to complete access (including handicapped) and the picnic area on this property acquired in 2014. It has not been completed yet due to the initial funds becoming depleted. The cost requested of \$105,700 is based on the average of several bids received for the work. It will be funded from the Open Space bucket. The Conservation Commission will be responsible for this area.

Crosby and Bates Picnic Areas

As with the Damon project, this project seeks to provide access and picnic areas on two parcels purchased by the town in 2016. The cost requested is \$107,500, based on an average of incoming bids. These sites will also be maintained by the Conservation Commission.

Both properties are in the West End. It is to be noted that the CPC will ensure that future open space projects will include sufficient funding for access and picnic areas.

Historic: \$149,526

Bailey Ellis House Windows, Tower & Door Restoration

The Bailey Ellis House is a historic property owned by the town and leased to the Scituate Arts Association (SAA). It is used for art classes and other activities and contains studios rented to artists. Of note the rents received are used to fund building maintenance. Historically the SAA has been working on the house and has been successful in winning grants to pay for needed repairs. This proposal is to rehabilitate, restore, and replace windows located in the tower and on the second floor, and to restore the front door. At present the tower windows are leaking and starting to cause damage inside. The total cost for this work is approximately \$104,500, and a grant has been obtained from the Massachusetts Cultural Council for \$15,000, leaving \$89,526 to be funded from the Historic bucket of the CPA funds.

Historic Preservation Study

This project is to create a comprehensive historic preservation plan for the town. There are hundreds of historic properties, objects, burial grounds, spaces, etc. and the purpose of the plan would be to allow for more informed decisions regarding such holdings. This plan will provide approximately 50 deliverables and is similar in cost and scope of plans done by other communities. The cost of \$60,000 is expected to be funded from the Historic bucket of the CPA funds.

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

Advisory Committee Vote: Unanimous vote (8-0) in support of Items 1-7 of this article.

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

To see if the Town will vote to amend Section 750 – Design Review for Business, Commercial, Mixed Use and Multi-Family Development by deleting the existing Figure 6 – Building Setback, Stepback, and Street Enclosure in Section 750.5 A. and replacing it with a new Figure 6 to clarify building height

as shown in documents on file with the Town Clerk's Office and at www.scituatema.gov; or take any other action relative thereto.

Sponsored By: Planning Board

Please see more detail in Appendix E (page 39).

Comments:

Article 7 put forth by the Planning Board, seeks to amend the graphics in the existing bylaw to reflect its intent more accurately. In its current state it has caused ambiguity and the examples drawn do not accurately reflect the articles intent. There is no change in the bylaw's content, this is purely to improve communication. This applies to the VCN district.

Recommendation: The Advisory Committee recommends approval of this article.

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

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

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

- A. Delete Section 750.5 A. 2. c. Penthouse in its entirety. Renumber existing section d. Building Height Exceptions: to c.; and e. Ground Floor Elevation: to d. and
- B. Delete Section 750.6 B. Special Dwelling Unit Types in its entirety (Penthouses).

As shown in documents on file in the Town Clerk's Office and available at www.scituatema.gov; or take any other action relative thereto.

Sponsored By: Planning Board

Please see more detail in Appendix F (page 41).

Comments:

Article 8, also put forth by the Planning Board, seeks to eliminate Penthouse from new building structures. They often exceed the height limits and are seen from the sidewalk which should not be the case.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 9. Charter Review Recommendations

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

Sponsored By: Select Board

Please see the full text with redlined changes in Appendix G (page 44).

Comments:

This article would initiate several changes to Scituate's Charter, which is the governing document of the Town equivalent to the state or federal Constitution. The proposed changes are being recommended by the Charter Review Committee, which consists of representatives from the Select Board, School Committee, Advisory Committee and Planning Board, and four at-large citizen members. After soliciting feedback from volunteer committee members, Town staff, and the public at large, the Committee recommends several housekeeping changes, and other specific changes summarized as follows:

- Adds Select Board responsibilities:
 - Requires rolling policy reviews
 - Town Administrator performance review clarifications and public release of performance review summary
- Clarifies that the Town Administrator need not be a Town resident
- Adds Town Administrator hiring and removal procedures
- Clarifies responsibility for maintenance of public buildings, facilities, and schools
- Revises operating budget schedule to provide adequate time for review by boards and committees
- Clarifies language concerning School Committee review of schools' operating budget
- Removes Town Administrator and School Committee appointee as voting members of the Capital Planning Committee
- Revises capital planning schedule to allow more input from Capital Planning Committee
- Removes limitations on the recall of elected officials

A complete redlined copy of the proposed changes is included in the Advisory Committee booklet.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in support of this article.

ARTICLE 10. Amend General Bylaws Section 10260 – Revolving Funds

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

Sponsored By: Select Board

Comments:

The existing general bylaw for the Senior Center Food Service Revolving Fund does not include language that allows for in-house catered events unless they are specifically for seniors. The Fund needs to be amended to include a funding process for non-senior events such as veterans' luncheons to use the food service.

Recommendation: The Advisory Committee recommends approval of this article.

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

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

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

Sponsored By: Select Board

Please see full text of statute in Appendix H (page 78).

Comments:

The local option statute relevant to OPEB (Other Post-Employment Benefits) trust funds was previously accepted in 2011. The statute was then revised in 2016. This statute allows the town to move OPEB funds into the Commonwealth's Pension Reserve Investment Trust (PRIT) Fund. In order for the town to invest OPEB funds with the PRIT Fund, the town needs to re-accept the statute as amended in 2016.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 12. Acceptance of Easement – 27 Brook Street

To see if the Town will vote to authorize the Select Board to accept a general access easement from 27 Brook LLC, the owner of the land at 27 Brook Street, Scituate, Massachusetts, over the access road shown on a plan entitled "Plan of Land at Off Brook Street," dated May 30, 2008, prepared by Mr. Surveying, Inc. to provide access from First Parish Road to the property known as 0 Rear First Parish Road, Scituate, Massachusetts, shown as "Parcel Number 50-6-15R" on the Town of Scituate

Assessor's Maps, a copy of the easement Plan is available for inspection in the Town Clerk's office and www.scituatema.gov; or take any other action related thereto.

Sponsored By: Select Board

Please see map in Appendix I (pae 82).

Comments:

The old Council on Aging property at 27 Brook Street was sold, however, it landlocked a piece of town owned conservation land abutting the river. For the town to retain access to the conservation land, the sale of 27 Brook Street was contingent on the new owners providing an easement. Acceptance of the easement by the town is now needed in order to be filed with the Plymouth County Registry of Deeds.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 13. Acceptance of Easement – Border Street

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

Sponsored By: Select Board

Please see map in Appendix J (page 83).

Comments:

The Town voted to purchase the Border Street property at the April 2022 Town Meeting with the promise that the two abutters would grant the town an easement to connect the Border Street property with the 40-acre Hubbell Preserve already owned by the town. This article would allow the Town to accept the easement provided by the two landowners and record it at the Plymouth County Registry of Deeds.

Recommendation: The Advisory Committee recommends approval of this article.

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

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

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

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

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

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

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

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

SECTION 5. Special Police Officers shall also be subject to the rules and regulations, policies and procedures and requirements of the Town Administrator and the Chief of Police of the Town of Scituate, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniforms and equipment. Special Police Officers shall not be subject to section 96B of chapter 41 of the General Laws.

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

SECTION 7. Special Police Officers appointed under this act shall be subject to section 100 and section 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said

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

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

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

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

Sponsored by Select Board

Comments: This article would authorize the Select Board to file Home Rule legislation with the Legislature to allow for the employment of retired police officers as Special Police Officers in the town.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Unanimous vote (8-0) in favor of 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 MONDAY, SEPTEMBER 19, 2022.

CONSENT AGENDA MOTION

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

2 – Unpaid Bills,

3 – Fiscal Year 2023 Budget Reconciliations,

4 – Transfers to Reserves,

10 – Amend General Bylaws Section 10260 Revolving Funds – Senior Center Food Service Fund,

11 – Local Option Re-Acceptance M.G.L. c. 32B §20 – OPEB Trust Fund,

12 – Acceptance of Easement at 27 Brook Street and

13 – Acceptance of Easement at 50 & 54 Border Street

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 2. Unpaid Prior Year Bills

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

Sponsored by: Select Board

MOTION ARTICLE 2. Unpaid Prior Year Bills

I move that the Town transfer **\$16,356.00** from Free Cash, transfer **\$1,190.15** from Transfer Station Enterprise Retained Earnings, transfer **\$50.00** from Sewer Enterprise Retained Earnings and **\$403.85** from Water Enterprise Retained Earnings in the **sum of \$18,000.00** for the purpose of paying prior year unpaid bills.

ARTICLE 3. Fiscal Year 2023 Budget Reconciliations

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

TO	AMOUNT	REASON
DPW Highway Roadway Maintenance 1422540.543300	\$552.20	Town's share of ride share fees from Commonwealth.
Facilities Fuels & Lubricants 1410540.548100	\$78,054.00	Escalating costs due to global factors
Facilities Electricity 1410540.5211	\$25,000.00	Escalating costs due to global factors
Historical Buildings Repair & Maintenance acquired 1691520.524200	\$10,000.00	For securing of Mordecai Lincoln property recently acquired
School Department	\$216,142.00	Escalating electricity, fuel, bus lease and heating costs.
Sewer Enterprise Chemicals 64440540.550100	\$175,000.00	Average chemical increase for FY23 is 77.4%
Sewer Enterprise Fuel & Lubricants 64440540.548100	\$10,000.00	Escalating costs due to global factors
Sewer Enterprise Electricity 64440520.521100	\$38,000.00	Escalating costs due to global factors
Sewer Technical Services 65450520.530900	\$9,500.00	Regional alternative sewer plan with Cohasset analysis
Sewer Enterprise Natural Gas 64440520.521300	\$5,000.00	Escalating costs due to global factors
Sewer Enterprise Sludge Cake Disposal 64440520.527100	\$49,000.00	Escalating costs affecting new contract
Water Enterprise Debt Service 65450590.59200	\$50,000.00	Closing costs for Clean Water Trust loan for green sand filter facility at Well 17A

Sponsored by: Select Board

MOTION ARTICLE 3. Fiscal Year 2023 Budget Reconciliations

I move that the Town appropriate the sum of **\$666,248.20** for the purpose of balancing the Fiscal Year 2023 Operating Budget pursuant to Articles 4, 7 and 9 of the April 11, 2022 Annual Town Meeting warrant as printed in the warrant and to fund such appropriation raise and appropriate **\$329,196.00** from the Fiscal Year 2023 tax levy, raise and appropriate **\$50,000.00** from Water Enterprise receipts, raise and appropriate **\$286,500.00** from Sewer Enterprise receipts and transfer **\$552.20** from Ride Share Funds Reserved for Appropriation.

ARTICLE 4. Transfers to Reserves

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

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

Sponsored by: Select Board

MOTION ARTICLE 4. Transfers to Reserves

I move that the Town raise and appropriate the sum of **\$20,000.00** from the Fiscal Year 2023 tax levy and transfer the sum of **\$20,000.00** to the SPED Reserve Fund.

ARTICLE 10. Amend General Bylaws Section 10260 – Revolving Funds

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

Sponsored By: Select Board

MOTION ARTICLE 10. Amend General Bylaws Section 10260 – Revolving Funds

I move that the Town amend the General Bylaws Section 10260 – Revolving Funds; Senior Food Service Fund; to allow for non-senior catered events.

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

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

Sponsored By: Select Board

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

I move that the Town re-accept M.G.L. c. 32B, §20 relevant to Other Post Employment Benefits (OPEB) Trust Fund.

ARTICLE 12. Acceptance of Easement – 27 Brook Street

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

Sponsored By: Select Board

MOTION ARTICLE 12. Acceptance of Easement – 27 Brook Street

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ARTICLE 13. Acceptance of Easement – Border Street

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

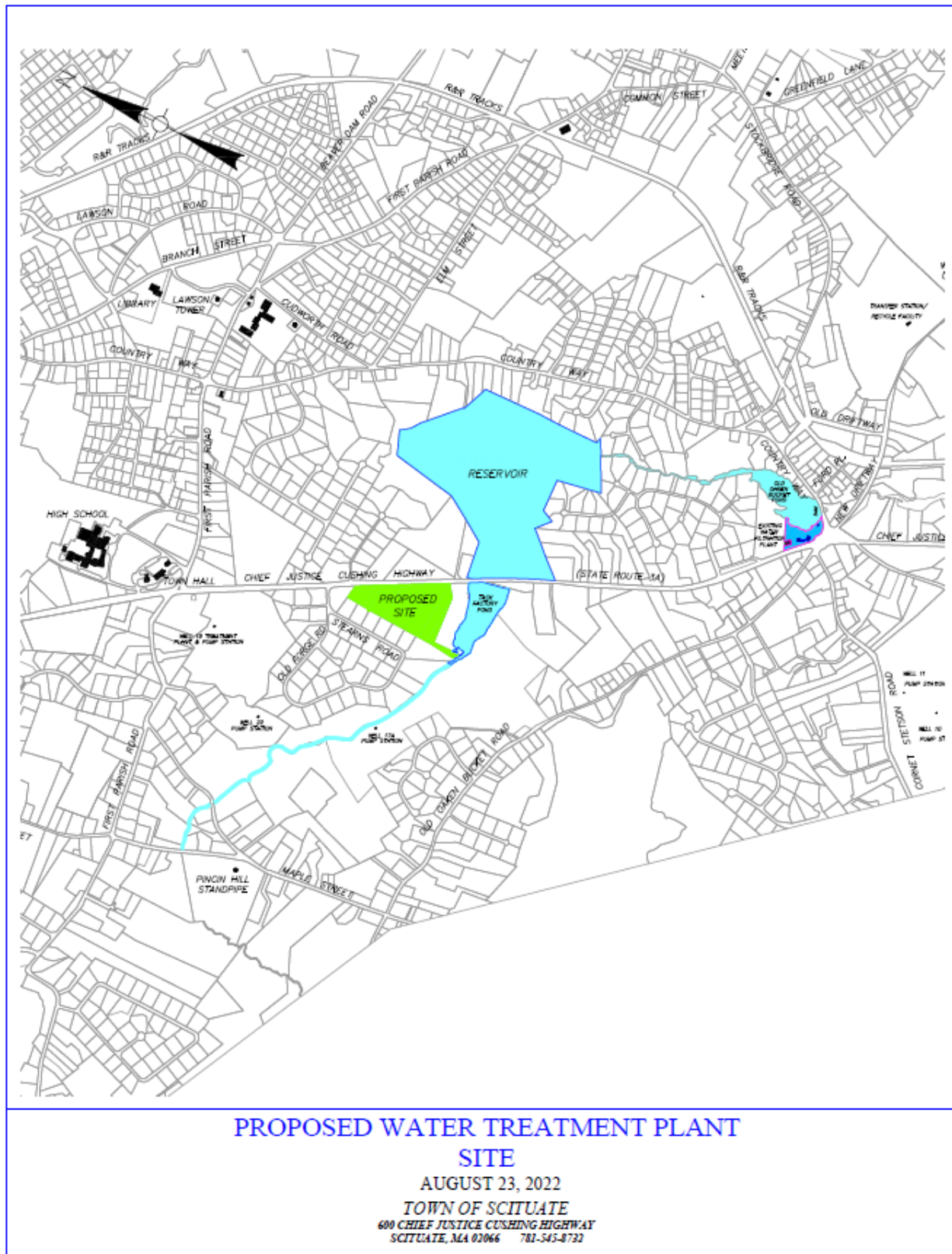
Sponsored By: Select Board

MOTION ARTICLE 13. Acceptance of Easement – Border Street

I move that the Town authorize the Select Board to accept a general access easement from Michael J. Gavin Jr. and Jessica E. Gavin of 54 Border Street, Scituate, MA and Gregory D. Johnson and Lauren

D. Johnson of 50 Border Street, Scituate, MA, as shown as “10’ Wide Access Easement” on a plan entitled “Easement Sketch Plan Border Street – Scituate, Massachusetts, Scale 1”= 60’”, prepared by Merrill Engineers and Land Surveyors, to provide access to existing Town Conservation Land, a copy of said Easement Sketch Plan is available for inspection in the Town Clerk’s office and on www.scituatema.gov.

APPENDIX B – Map of Proposed New Water Treatment Plant Site



APPENDIX C – Report of the Capital Planning Committee

Summary of Findings / Votes

CAPITAL PLANNING COMMITTEE

I. Item 1: Proposal for Waterways Enterprise

- a. **Finding:** Docks and planks are 20 years old and need replacing. This was the primary reason for the previously approved budget of \$1,300,000 and is part of larger ongoing renovation of the harbor.
 - i. All funding is part of waterways Enterprise Funds
 - ii. Good chance that the state will increase fund for reimbursement
 - iii. Inflation pressures have increased the most recent estimate to replace the floating docks to approximately \$2,600,000, exceeding the budget by \$1,275,000.
 - iv. This is phase 2 project as part of replacing the float dock surface.
 1. Fingers for walking onto the boats are different dimensions.
 2. New design is safer for egress to and from boats.
 3. Will add ADA capability for boat slips.
- b. **Finding:** Current debt service is at high point for waterways capital expenses and is forecasted to diminish due to the elimination of debt service related to the harbor community center.
 - i. Debt service would go down over the next few years, even with higher capital cost of the dock replacement. With no additional state reimbursement, the debt service for dock replacement would be approximately \$142,000 per year.
 - ii. Current capital projects are all accounted for in current capital budget.
- c. **Finding:** Operating overview
 - i. Demand for dock space is excellent and revenue growth has been positive over the last 10 years. The rate of revenue growth was not given.
 - ii. Operating expenses are rising at a rate of 5-10% per year.
 - iii. Current dock rates are 25-60% below rates being charged by private entities in Scituate Harbor.
 - iv. Prior to 2021, rates had not increased for approximately 12 years.
 - v. At the beginning of 2021 dock rates were raised to \$110 / per linear foot for Scituate residents, roughly 95% of slips are leased to residents. Non-residents pay \$140 / per linear foot. This is an increase of \$10 / per linear foot over 2020.
 - vi. In 2022, the owners of the Mill Warf Docks, TPG, raised rates from \$200 to \$270, a 30% increase.
 - vii. Scituate Yacht Club (SYC) raised rates in 2022 by 8-10%.
 1. Waterways committee members indicated the rate for SYC is approximately \$140 per linear foot.
- d. **Finding:** In light of the current inflationary environment and the fact that the expense for the dock replacement has doubled, it is unreasonable for the Waterways Committee to expect the town approve \$1,275,000 increased without a requiring a subsequent increase in dock rates.

- i. Members of the Waterways Committee suggested that boat owners are paying for the dock improvement through their dock fees. While that is true of any service purchased, that contention ignores that the boat slip fees are at a substantial discount to prevailing market rates.
 - ii. In our consideration, there is no reason why this particular service that is used by just 172 boaters, should be receiving such a large discount. Using 23 feet as the average boat size and the range of difference between private rates being charged in Scituate Harbor, boat owners are receiving a town subsidy benefit of \$920-\$3,680 per year.
 - 1. If the rates were increase to a level consistent with the market, there would be more retained earnings generated that would allow the Waterways Commission more flexibility when investigating other capital improvement projects.
 - e. **Recommendation:** Capital Planning suggests that rates be raised that is more commiserate with current prevailing rates. Capital Planning could not tie a rate increase to the approval of the requested capital expense.
 - f. **Motion 1)** Recommend that waterways increase rates for additional capital expenses, Approve 6-0.
 - g. **Motion 2)** Recommend approving the additional borrowing of \$1,275,000 to be funded out of debt service. Vote: 6-0.
- II. Item 2: School Department – Replace the roof on Jenkins School.
- a. **Finding:** Presentation by Dr Dutch for solar subsidized roof repair.
 - i. Dr. Dutch proactively solicited Solect to research solar power on school roofs.
 - 1. Potential savings on power consumed by the school would be from approximately 400,000 KWH generation capacity from solar panel installation.
 - ii. Novitium, 2nd company, provided unsolicited proposal for solar panels on SHS, and Jenkins, that would eliminate the capital cost for the currently budgeted expenses to replace the roof on SHS and Jenkins. Highlighted details of their proposal are:
 - 1. Sell power at \$0.13 / KWH with 2% increase per year
 - 2. Current power rate that the school pays is \$0.17 / KWH
 - 3. This proposal pays for the first cost of the two roofs, Jenkins and HS
 - iii. Solect Proposal,
 - 1. Sell power to SPS at \$.09 / KWH, with no escalator
 - 2. This proposal does not pay for the first cost of the roofs, Jenkins and HS.
 - iv. Both proposals by Solect and Novitium stipulate that National Grid would have to approve the request by SHS and the Town to add solar energy. Currently, the Town has reached it maximum allocation of renewable energy. Given the increase in energy usage over the last few years, it is possible that a reassessment by National Grid will increase the renewable energy benchmark for Scituate allowing for solar panels to be added at the schools.
 - v. Funding request is being made even though it is contingent on whether solar power can be put on Jenkins roof. Town / State procedure requires that funding

approval is secured prior to pursuing the feasibility of using solar power installation to offset costs to install roof on Jenkins ES.

- b. **Motion:** To approve of the borrowing \$1,235,000 for the replacement of Jenkins roof. Approve 5-0

III. Item 3: Police Department - Town Grant for Purchase of Safe Boat

a. **Findings:**

- i. Current boat is 15 years old. Current boat, engines are brand new.
- ii. This being considered because of an attractive grant cycle, that would fund 80% of a new potential purchase. The grant has been approved by the state to the Town.
- iii. Boat cannot be purchased without the grant money
- iv. Salvage value of boat is \$130-\$175 K.
- v. Using the assumed salvage value and approved grant, there would be no net first cost impact to the Town.
- vi. There is no expectation to keep two boats. This new SAE boat is intended to replace the current boat.
- vii. Boat is necessary to conduct any law enforcement activity on the water. Harbor master is not authorized for police activity.

- b. **Motion:** Approve town share of grant funding of \$145,780 from free cash to purchase new SAE boat and sell existing boat to offset funding. 4-0 - Approved

IV. Item 4: Ambulance

a. **Findings:**

- i. Due to extended lead time, town administration is planning to bring this forward one year. Town would expect to receive the ambulance at around the same time.
- ii. Original 2024 budget for the ambulance was \$376,250
- iii. Funded from free cash in budget

- b. **Motion:** Approve funding for new ambulance for \$435,719 from free cash. 4-0 Approve.

V. Item 5: DPW: Emergency repairs – Water treatment Repairs

a. **Findings:**

- i. Contingency fund for repairs needed. There are current no contingency funds for water treatment facility. These funds are in excess of expected maintenance.

- b. **Motion:** Approve funding in the amount of \$250,000 for capital emergency treatment repairs only. 4-0 Approve.

Scituate Community Preservation Committee

Project Descriptions for Annual
Town Meeting, September 2022

September 19, 2022 Special Town Meeting Proposed CPC Projects

1. 90 Foot Baseball Field Construction – \$993,520 (Undesignated)

Scituate Little League, with support from the Recreation Department is requesting \$993,520 for the construction of a second “90 Foot baseball field”, (sometimes called “60/90” i.e. 60’ pitchers’ plate distance, 90’ basepaths, baseball field) in Scituate. Approval of CPA funding for the design phase was approved at the Special Town Meeting in October 2021 and the design phase has been underway this year. The design phase included a feasibility study to determine the most advantageous field location, impacts to other sports, residents and abutters, and to produce the final field design and estimated construction cost. Technical drawings and specifications are expected to be complete at the end of the year under the current funding , which will be used for bidding the project for construction. This current application for the second phase i.e., this application, is seeking funds for the actual field construction. The goal is for construction to begin by Spring 2023.

When the HS Fields project was implemented, one of the two existing 90-foot fields was reconstructed as a girls’ softball field to correct a Title IX issue. At the time, it was decided not to construct a second 90-foot baseball field for budgetary and location reasons -the Senior Center had not been approved and there was no plan yet for what to do with the Old Gates Jr. High School facility. Now, with over 150 players using the 90-foot Varsity Baseball Field at the High School, scheduling games and practice time became very difficult.

The design for the new 90-Foot Baseball Field would place the field at Central Park south, where there is currently a softball field. To avoid displacement of the existing southern softball field, this proposal includes creating a softball infield located in the right field of the 90-foot baseball field as a bid add alternate (to be constructed if bids are priced favorably). This would prevent the softball players from losing a field due to construction of this baseball field. This arrangement would maximize use of Central Fields. The new baseball field would not impact the existing softball field at the northern end of the site so that games on both fields could occur simultaneously. Scheduling between the baseball field and the new southern softball field would need to be coordinated. Benefits to this location include:

- Sharing facilities (storage, bullpens, etc.)
- Allowing multi-use field games to continue to be played in the outfield (not simultaneously)
- Shared existing parking with the other fields with no additional parking required
- Avoids reconstructing the existing baseball field at the Old Gates School and avoids uncertainty at the site regarding future use of the building and parking issues

The design of the new field will include new infield(s), covered dugouts to match the existing ones at the northern softball field, backstop, fencing, batting cage(s), storage facility, and an accessible walkway from the existing parking to the field. This field will be a natural turf (lawn) field and not

synthetic turf. It will include upgrades to the site's existing irrigation system. Below is the concept design for the new field.



For its part, Scituate Little League currently spends \$30k-40k or more annually to maintain and enhance other athletic fields in town, so we do not expect to contribute directly to the field construction, but we do expect to spend much of our field improvement budget going forward to subsidize future equipment purchases that will benefit all field users.

In 2017 the town approved \$130,000 for the rehabilitation of Central Park South softball field. The High School Field Project and other field issues at the time caused the Central Field South project to be postponed and the \$130,000 was rescinded back to the CPA funds. This project would complete the renovation of the field on Central Park South which was originally funded in 2017.

The funds for this project will be appropriated from the Undesignated Fund of the CPA, which is often used for Recreation purposes.

The Community Preservation Committee voted unanimously to approve this request.

2. Cushing Trail Restoration – \$150,000

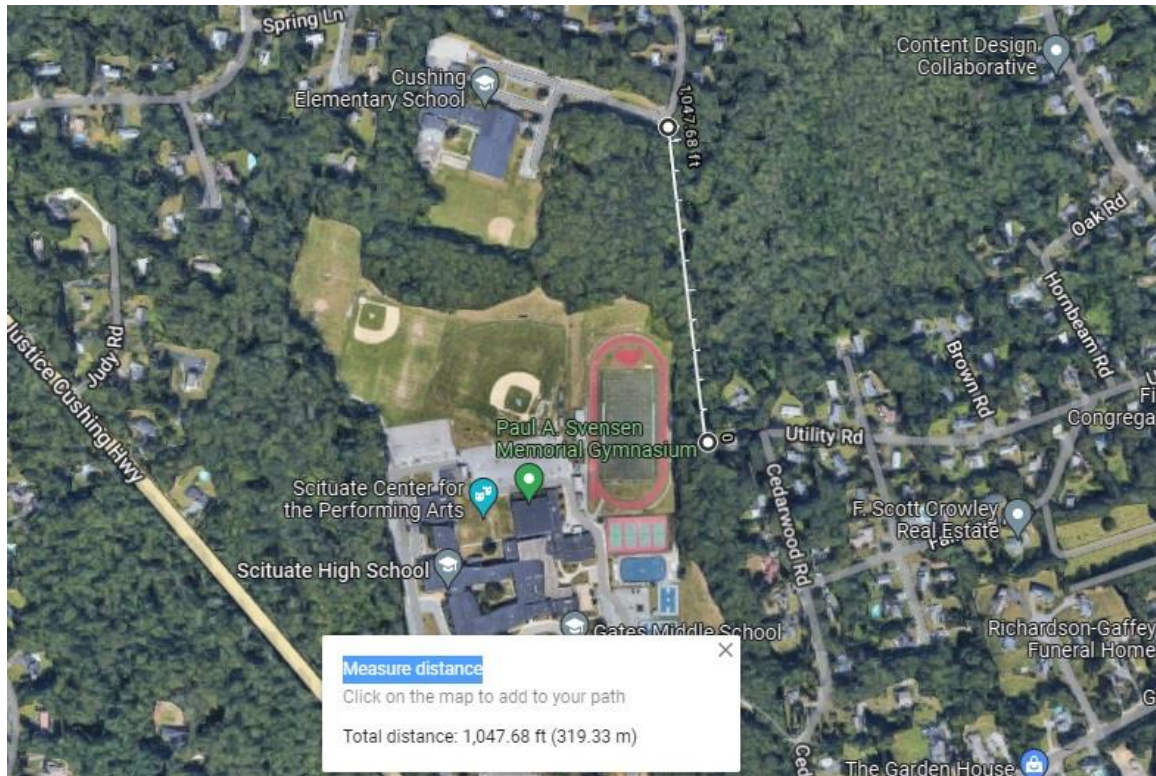
(Undesignated)

The Cushing Trail currently exists as an approximately ¼-mile paved asphalt trail between the corner of Cedarwood Rd/Utility Rd and Aberdeen Drive and provides neighborhood access to the Cushing School with a connection to the High School. The trail has been paved for decades and is loosely maintained by the Town of Scituate DPW, including mowing the edges and plowing in the winter. Despite maintenance by the DPW, the trail has deteriorated over the years and needs refurbishing.

For children living in the neighborhood on the Cedarwood/Utility end and on neighboring First Parish Rd and Country Way, this trail provides safe passage to Cushing School, Gates and Scituate High School. It connects the two neighborhoods and provides access (via a gate) to the sports complex located behind Scituate High School. This path is a beautiful, shaded trail and provides residents, both young and old, a quiet place for walking, running, birdwatching and enjoying nature, while also providing a safe, off-road route for children walking to school.

As outlined in the 2009 Open Space and Recreation Plan, the Scituate Sidewalk Study of 2007, and the updated Scituate Master Plan, the Town has prioritized safe, pedestrian access to regularly traveled destinations. It is highly desirable to live within walking distance of schools and athletic fields and this is an opportunity for the Town to provide its residents with continued safe access to these destinations for years to come.

This is a citizen request for funding and the CPC has received many support letters. The cost is estimated at approximately \$170,000. Morse Engineering has volunteered to donate \$20,000 in services to assist with the project. The funds for this request are \$150,000 and will be appropriated from the CPA's Undesignated Fund.



The Community Preservation Committee voted unanimously to approve this request.

3. Mobi Mats – \$13,052

(Undesignated)

The Scituate Beach Commission is requesting funds to continue to provide “Mobi Mats” for the beaches of Scituate. A very successful and well received previous project purchased and installed “Mobi Mats” at the Scituate beaches. These mats provide better access to the beaches for those with Mobility issues and are a universally accessible system to allow individuals to access the Town’s beaches. This project is to replace the deteriorated one at the southern entrance to the Sand Hill Beach, which has been removed from service. The request is for 6.5-foot wide by 50-foot length mats consistent with the previous mats that have been installed in Scituate. The request includes \$10,700 for the mats, \$670 for shipping and handling and a 15% contingency for potential increases in cost. Scituate Department of Public Works has agreed to support the installation, removal, and storage of the mats. The funding will be from the Undesignated fund.

The Community Preservation Committee voted unanimously to approve this request.

4. Historic Preservation Study –\$60,000

(Historic)

The Historical Commission is requesting \$60,000 to hire a consultant to develop an Historic Preservation Plan. The Town of Scituate has several hundred historic sites and resources that

require categorizing and protecting. This Historic Preservation Plan will build off the Town's Master Plan, previous historic surveying, comprehensive burial plan and National Register listings to develop a comprehensive Historic Preservation Plan for Scituate. As one of the earliest incorporated towns in Massachusetts, Scituate has an architectural history to be preserved. The Town and the Historical Society own and operate many historic properties in town, but a comprehensive Historic Preservation Plan will provide guidance to the Town and the community on other preservation methods and strategies to assist in preserving the town's character and architectural history.

For this project, the Town will hire a consultant with historic preservation expertise to analyze the current historical assets, make a series of recommendations, and then develop an action plan for the Town. This scope of this work includes: (1) background analysis and review of the current state of historic preservation in Scituate, (2) extensive public outreach to the community, (3) propose recommendations, and (4) develop the draft and final Historic Preservation Plan.

Specific objectives include:

- 1) An assessment of Scituate's historic and cultural resources (including buildings, structures, objects, areas, landscapes, burial grounds, and sites) including their current level of identification and general state of preservation.
- 2) Identification of issues and opportunities pertinent to preservation of Scituate's historic and cultural resources.
- 3) An assessment of the status of historic preservation in the community, including existing preservation mechanisms and the present integration of historic preservation activities into the town's broader planning, environmental, social, economic, and sustainability goals and procedures.
- 4) Identification of historic preservation priorities and the development of an Action Plan to ensure the implementation of priority historic preservation goals.
- 5) Identification of ways to further integrate current historic preservation activities with broader planning, environmental, social, economic and sustainability goals and procedures.
- 6) Encouragement of activities that identify, document, preserve and promote historical and cultural resources associated with diverse minority, ethnic, social and cultural groups who have played a role in the history of the Town of Scituate and Massachusetts;
- 7) Encouragement of communication, cooperation and collaboration between existing groups, engaged in historic preservation activities.
- 8) Creation of comprehensive information and materials about historic preservation for town government, residents and the community, to serve as educational tools and to support coordination of communitywide efforts to promote preservation.

The Historical Commission will devote a significant amount of volunteer time to assist in the development of the preservation plan with the consultant and committee. If funded, the project is expected to begin this fall with completion in 2023

The request funding of \$60,000 for this project is consistent with pricing other towns in the area have spent for a similar comprehensive Historic Preservation Plans. The funds for this request will be appropriated from the CPA's Historic Fund.

The Community Preservation Committee voted unanimously to approve this request.

5. Damon Access & Picnic Area – \$105,700

(Open Space)

The Conservation Commission is requesting \$105,700 in funding to complete the access and picnic area at the Damon Property, which was purchased by the Town in 2014 as conservation land. The previous projects for access and picnic area ran out of funding due to increases in material and labor costs, materials shortages, and high public bids. The Conservation Commission has been working to complete this 37.7-acre natural land preserve to provide parking, including handicapped parking, access to the preserve and a picnic area for the property which is also compliant for handicapped access.

This project will provide the finished paving for the access drive and parking, picnic table, accessible pedestrian walkway, gate, and signage.

When this project was bid this year, the contractor bids ranged from a low of \$84,500 to a high of \$127,000. This funding request is for the average of the bids. The funds for this request will be appropriated from the CPA's Open Space Fund.

The Community Preservation Committee voted unanimously to approve this request.

6. Crosby & Bates Picnic Area – \$107,500

(Open Space)

The Conservation Commission is requesting \$107,500 in funding to complete the picnic areas at the Crosby and Bates Conservation Properties, which were purchased by the Town in 2016. The project will finish the accessible parking project including universally accessible walkways to picnic areas, modest vegetation removal, and creation of accessible picnic areas with tables on concrete pads. The previous funds for completing these two locations ran out due to significant increases in material and labor costs, material shortages, and higher than anticipated public bids received by the Town from contractors. The Conservation Commission has been working to complete this natural land preserve to provide parking, access to the preserve and a picnic area for both properties.

When this project was bid this year, the contractor bids ranged from a low of \$70,000 to a high of \$146,000. This funding request is for the average of the bids. The funds for this request will be appropriated from the CPA's Open Space Fund.

The Community Preservation Committee voted unanimously to approve this request.

7. Bailey Ellis House Windows, Tower and Door Restoration \$89,526 (Historic)

The Scituate Arts Association (SAA) is requesting \$89,526 in funding for the restoration of the Bailey Ellis House windows, tower and front door. The Bailey Ellis House, owned by the Town and leased by the SAA, is an historic resource in Scituate that has been slowly restored and renovated over the years by the Scituate Arts Association through volunteer efforts, grant opportunities, and CPA funding. This request is a continuation of other restoration and preservation work previously done on the historic Victorian-era house and partially funded by CPA funds. The SAA has contributed many hours to the restoration of this facility including previous CPA projects, research, grant writing, record keeping, project supervision and other activities in the interest of preserving this town resource.

This project is to restore the tower including windows and roof, as well as the house's second floor windows, which need restoration. The project also includes restoration of the front door. This work will help to seal the exterior envelope to preserve the house's interiors. The tower roof is especially in need of repair to prevent water migration into the house. The proposed work is consistent with the recommendations contained in the Bailey Ellis House Assessment and Preservation Plan created by a preservation architect in 2011.

This project will allow this facility to continue to provide studio space for artists, provide affordable housing for the caretaker, and continue to preserve Scituate's historic heritage. Work is expected to commence as soon as funding is available with completion expected in 2023.

The total cost of the project is approximately \$105,000 with requested funding of \$89,526 from CPA funds and a \$15,000 grant from the Massachusetts Cultural Council's Facilities Fund. In addition, the SAA is committing \$15,000 for any cost overages that might arise. The funds for this request will be appropriated from the CPA's Historic Fund.

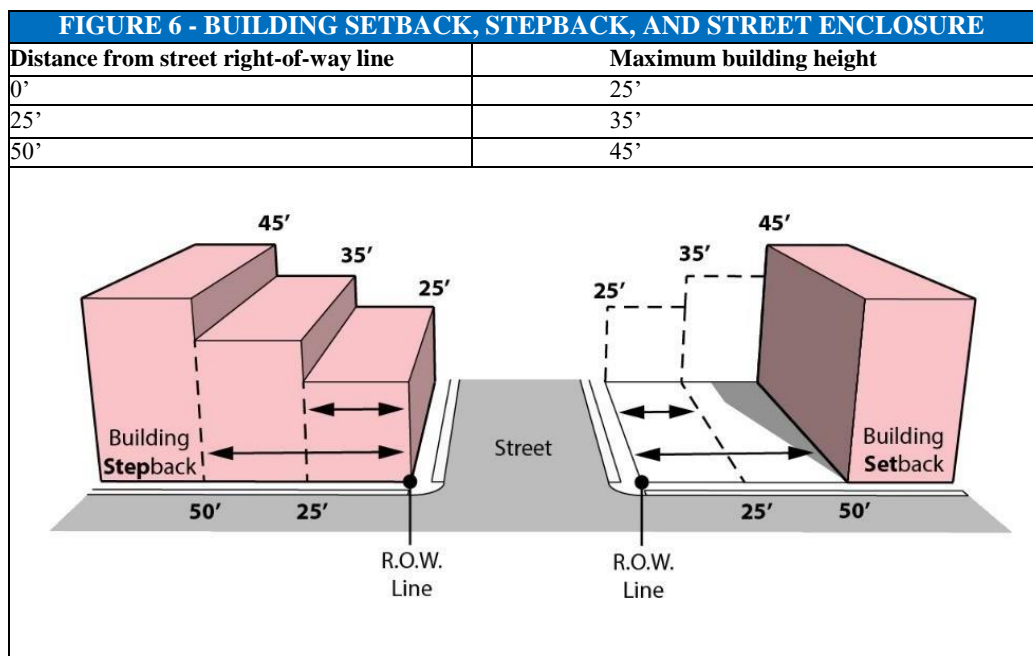
The Community Preservation Committee voted unanimously to approve this request.

APPENDIX E – Amend Zoning Bylaws – Section 750 Design Review for Business, Commercial, Mixed Use and Multi-Family Development – Setback, Stepback & Street Enclosure

Please see a summary of the proposed changes below.

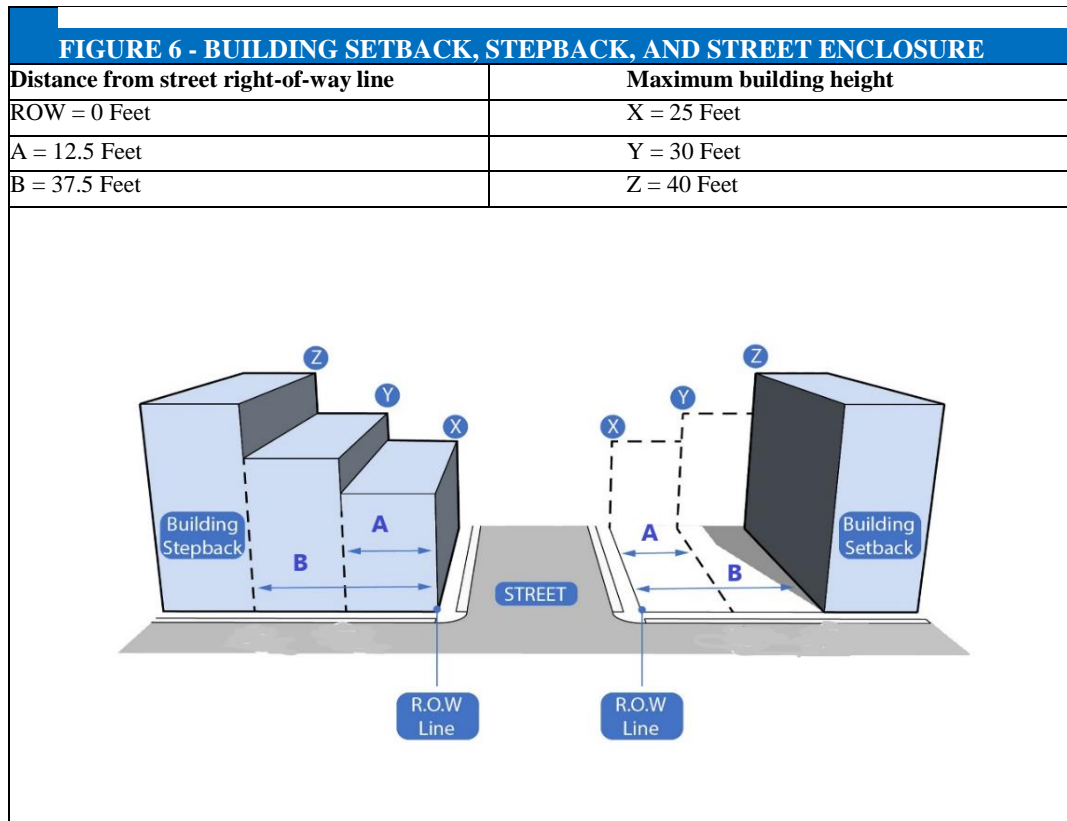
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Replace Figure 6



(continued on next page)

With New Figure 6



APPENDIX F - Amend Zoning Bylaws – Section 750 Design Review for Business, Commercial, Mixed Use and Multi-Family Development – Penthouses

Please see a summary of the proposed changes below.

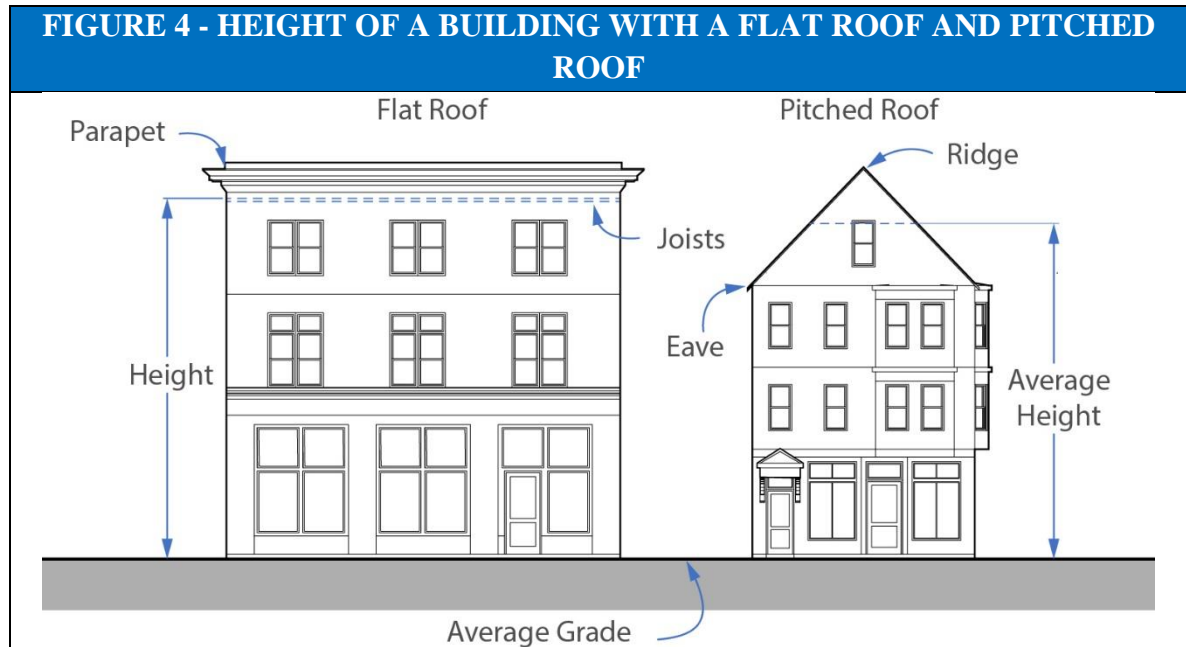
750 DESIGN REVIEW FOR BUSINESS, COMMERCIAL, MIXED USE AND MULTI-FAMILY DEVELOPMENT

750.5 DESIGN STANDARDS AND GUIDELINES FOR ALL COMMERCIAL, MULTIFAMILY AND MIXED USE BUILDINGS AND DEVELOPMENTS

1. Building Height

- a. Minimum and Maximum Height: The minimum and maximum height and number of stories is defined by Building Type in Section 750.6. A factor in determining the minimum and maximum building height is the typical height of traditional building types, the existing height of adjacent buildings in historic areas, and the pedestrian-orientation and level of walkability desired for the zoning district.
- b. Height Measurement and Roof Pitch: For commercial, mixed use and multi-family buildings, height is calculated in feet and measured as the vertical distance from the average ground level at the base of the building to the following:
 1. The top of the roof joists for any building with a flat roof.
 2. The average height between the eave and ridge for any building with a pitched roof.

(continued on next page)



- e. ~~Penthouse: Height limits do not apply to Penthouse dwelling units as long as they are not visible from any sidewalk on the perimeter of the property line and meet the design standards of Section 750.6.~~
- d. Building Height Exceptions: Height limits do not apply to Outdoor Amenity Spaces such as a roof deck, terrace, garden, trellises, and related structures conforming to Section 752. Height limits do not apply to mechanical and stairwell housing; roof mounted cellular, radio, and internet transmission equipment; vents or exhausts; solar panels or small wind turbines; skylights; flagpoles; and belfries, chimneys, cupolas, monuments, parapets, spires, steeples, and other non-habitable architectural features.
- e. Ground Floor Elevation: Ground floor elevation is measured from the average top grade of the curb along the abutting streets or from the crown of the adjacent street when no curb exists, to the top of the finished floor of the ground story of a building. Generally, commercial and mixed-use buildings should be located at ground level at or near the street line in enhance permeability; residential buildings should be located at a moderate setback and elevation to enhance privacy; and civic buildings should be setback further and elevated higher to enhance prominence.

750.6 COMMERCIAL, MULTIFAMILY, AND MIXED USE BUILDING TYPES AND DESIGN STANDARDS

B. ~~Special Dwelling Unit Types~~

TABLE 1D—PENTHOUSE	
1. DEFINITION	
A rooftop structure containing habitable and non-habitable uses.	
2. DIMENSIONS	
A. Setback from Edge of Roof (Ratio)	1:1 Height to Setback
B. Height	10 Feet
C. Floor Plate Area (Maximum)	50% of the Floor Plate of the Principal Building
3. STANDARDS	
A.	Habitable space in a penthouse may include residential living space, office space, common recreation space (which could be associated with a rooftop terrace), or commercial space such as a lounge or a restaurant on the roof.
B.	Non-habitable space may include mechanical equipment, stair or elevator overruns, or storage.

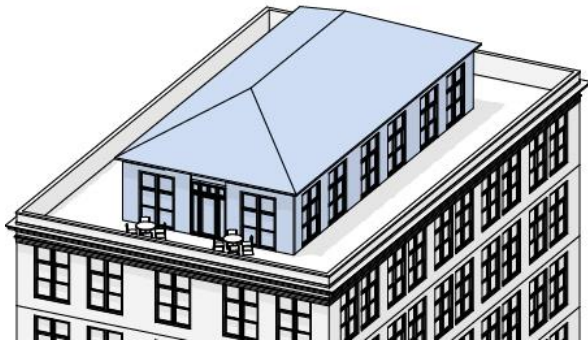


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TOWN OF SCITUATE

Charter

March 25, 1972

Amended July 1, 1978

Amended March 3, 1997

Revised March 29, 2003

[—Revised 2021, 2022]

ARTICLE 1: INCORPORATION; SHORT TITLE; POWERS Section

1-1 ~~—~~ Incorporation

The ~~inhabitants~~residents of the Town of Scituate, within the corporate limits as established by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Scituate".

Section 1-2 ~~—~~ Short Title

This instrument shall be known and may be cited as the Scituate Home Rule Charter.

Section 1-3 ~~—~~ Powers

Subject ~~only~~ ~~to~~ ~~express~~ ~~limitation~~ ~~on~~ ~~the~~ ~~exercise~~ ~~of~~ ~~any~~ ~~power~~ ~~or~~ ~~function~~ ~~by~~ a municipality in the constitution or laws of the ~~commonwealth~~Commonwealth, it is the intent and the purpose of the voters of Scituate to secure through the adoption of the ~~charter~~Charter all of the powers it is possible to secure for a ~~town~~Town government under the constitution and ~~laws~~General Laws of the ~~commonwealth~~Commonwealth as ~~fully~~ ~~and~~ ~~as~~ ~~completely~~ ~~as~~ ~~though~~ ~~each~~ ~~such~~ ~~power~~ were specifically and individually enumerated herein.

Section 1-4 ~~—~~ ~~Construction~~ ~~—~~ Interpretation of Powers

The powers of the Town of Scituate under the ~~charter~~Charter are to be construed liberally in favor of the ~~town~~Town and the specific mention of a particular power is not intended to limit in any way the general powers of the Town of Scituate as stated in ~~section~~Section 1-3. ~~—~~

Section 1-~~—~~5 ~~—~~ Continuation of Existing Laws

All special laws, Town By-Laws, Town Meeting votes, and rules and regulations of or pertaining to the Town in force shall continue in full force and effect until they expire by their own limitation.

Section 1-6 ~~—~~ Intergovernmental Relations

Subject to the applicable requirements of any provision of the constitution or ~~statutes~~General Laws of the ~~commonwealth~~Commonwealth, the Town of Scituate may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States government or agency thereof.

ARTICLE 2: LEGISLATIVE BRANCH

Section 2-1 ~~—~~ Town Meeting

The legislative powers of the ~~town~~Town shall continue to be exercised by a ~~town-meeting~~Town Meeting open to all voters.

Section 2-2 ~~—~~ Presiding Officer

The ~~moderator~~Moderator chosen as provided in ~~section~~Section 3-3 shall preside at all sessions of the ~~town-meeting~~Town Meeting. The Moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and may exercise such additional powers and duties as may be given to moderators under the constitution and General Laws of the Commonwealth, by By-Law, or other vote of the Town Meeting. The ~~Moderator~~moderator shall, at the first session of the ~~town-meeting~~Town Meeting held following the election, appoint a deputy moderator who shall preside at the sessions of the ~~town-meeting~~Town Meeting in the event of the absence or disability of the ~~moderator~~Moderator provided that the said appointment is ratified by the ~~town-meeting~~Town Meeting.

Subject to the provisions of the ~~charter~~Charter and such ~~by-laws~~By-Laws regarding committees as may be adopted, the ~~moderator~~Moderator shall ~~appoint the members of the advisory committee~~Advisory Committee and the members of such other committees of the ~~town-meeting~~Town Meeting, special or standing, as may from time-to-time be established.

The ~~moderator~~Moderator shall perform such other duties as may from time-to-time be assigned to the office of ~~moderator~~Moderator by ~~by-law~~By-Law, or other vote of the ~~town-meeting~~Town Meeting.

Section 2-3 ~~—~~ Time of Meeting

The regular annual ~~town-meeting~~Town Meeting of the Town of Scituate for the transaction of business relating to the prudential affairs of the ~~town~~Town shall be held on such date as may from time-to-time be fixed in the ~~by-laws~~By-Laws of the ~~town~~Town.

Section 2-4 ~~—~~ Availability of Town Officials at Town Meetings

Every ~~town~~Town officer, or in the case of a ~~multiple-member-body~~Multiple Member Body a designated representative of such ~~multiple-member-body~~Multiple Member Body, the head of each department and the head of each division within the said departments shall attend all sessions of the ~~town-meeting~~Town Meeting for the purpose of providing the ~~town-meeting~~Town Meeting with information pertinent to matters appearing in the warrant.

Any ~~town~~Town officer, department head or division head who is to be absent due to illness or other reasonable ~~cause~~, shall ~~designate a deputy to attend to represent the office~~, department or division.

If ~~any person required to attend the sessions of town-meeting~~Town Meeting under the preceding provisions of this section is not a voter such person shall, notwithstanding such fact, be entitled to speak to provide the ~~town-meeting~~Town Meeting with information on pertinent warrant articles.

Section 2-5 ~~—~~ Procedures

(a) Clerk of the Meeting ~~—~~ The regular ~~town-clerk~~Town Clerk shall serve as clerk of the

meeting, give notice of all meetings, record the proceedings of all meetings and perform such other duties as may from time-to-time be assigned to the clerk of the meeting by ~~by-law~~By-Law or other vote of the ~~town meeting~~Town Meeting.

(b) Rules of Procedure — The ~~town meeting~~Town Meeting shall by ~~by-law~~By-Law adopt and may from time-to-time amend, revise—, or repeal such rules governing the conduct of the ~~town meeting~~Town Meeting as it may deem necessary or advisable.

(c) ~~Warrant Articles~~ ~~The board of selectmen~~ Select Board shall insert in the warrant for each ~~town meeting~~ Town Meeting all articles the subjects of which are requested of them in the manner provided by law. In preparation of the warrant the ~~board of~~ Select Board ~~selectmen~~ shall, insofar as it is practical ~~so to do~~ so, join into one (1) article all requests which deal with the same subject matter.

ARTICLE 3: ELECTED OFFICIALS

Section 3-1 - General Provisions

(a) ~~Elective Offices~~ ~~The offices to be filled by the voters shall be a board of selectmen~~ Select Board, a ~~moderator~~ Moderator, a ~~school committee~~ School Committee, a ~~planning board~~ Planning Board, a ~~board~~ Board of Assessors, a ~~Board of assessors~~, a ~~board of library trustees~~, Library Trustees, a ~~town clerk~~, Town Clerk, a ~~housing authority~~ Housing Authority and such members of regional authorities or districts as may be established by ~~statute~~ the General Laws, interlocal agreement or otherwise.

(b) ~~Eligibility~~ ~~Only~~ ~~individuals registered to vote in Scituate~~ voters shall be eligible to hold elective ~~town~~ Town office; but no elected ~~town~~ Town official shall simultaneously hold any other elected ~~town~~ Town office or be appointed to any office other than as a member of a ~~multiple member body~~ Multiple Member Body.

(c) ~~Election~~ ~~The regular elections for town office shall be held annually on such date as may from time-to-time be fixed in the by laws~~ By-Laws of the ~~town~~ Town.

(d) ~~Compensation~~ ~~Elected town officials shall receive for their services such compensation as may annually be provided for that purpose by appropriation.~~

(e) ~~Coordination of Officials~~ ~~Notwithstanding the election by the voters of the officers named in this article, the said officers shall be subject to the call of the board of selectmen~~ Select Board or of the ~~town administrator~~ Town Administrator for consultation, conference and discussion of any matter relating to their respective offices.

Section 3-2 ~~Selectmen~~ Select Board: Composition, Term of Office; Powers, Duties, etc.

~~(a)~~ (a) ~~Composition, Term of Office~~ ~~There shall be a board of selectmen~~ There shall be a Select Board ~~selectmen~~ consisting of five (5) members elected by the voters. The term of office of ~~a selectman~~ Select Board members shall be for three (3) years. The terms of office of ~~Select Board selectmen~~ Select Board shall be so arranged that two ~~selectmen~~ (2) Select Board members shall be elected one (1) year, two ~~selectmen~~ (2) Select Board members shall be elected the next year, and one ~~selectman~~ (1) Select Board member shall be elected the third year. The election ballots for each year in which more than one ~~selectman~~ (1) Select Board member is to be elected shall set forth each position to be filled as a separate position, called position one and position two. A candidate for ~~selectman~~ Select Board shall be listed as a candidate for either position one or a candidate for position two, but not as a candidate for both. The ~~candidate receiving the highest number of votes for each position shall be declared elected to that position.~~

~~(b) General Powers and Duties~~ ~~The board of selectmen shall be the chief executive office of the town. It shall serve as the chief policy-making agency of the town and it~~

(b) General Powers and Duties – The executive powers of the Town shall be vested in the

Select Board. The Select Board shall have the powers and duties given to Select Board under the constitution and General Laws of the Commonwealth, except those powers and duties assigned by this Charter to the Town Administrator, and shall have additional powers and duties as may be authorized by the Charter, by By-Law, or by other Town Meeting vote. The Select Board shall be the water and sewer commissioners of the Town. The Select Board shall cause the laws and orders for the government of the Town to be enforced and shall cause a record of all its official acts to be kept. To aid the Select Board, in its official duties, the board shall appoint a Town Administrator, as provided in Article 4.

The Select Board shall serve as the chief policy making agency of the Town and shall exercise its general supervisory powers through the adoption of policy directives and guidelines ~~it may establish to be implemented by officers and employees appointed or employed by or under it.~~ Such policies shall include, but shall not be limited to the following: policies by which the legislative directives and intent of the ~~town meeting~~ Town Meeting may be implemented; policies governing a general oversight and evaluation of the administration of the ~~town~~ Town government; policies for the coordination and development of both short and long range planning for the future of the ~~town~~ Town; ~~policies to support appropriate emergency response plans; and~~ policies governing the development of an annual operating budget sufficient to perform all functions required by law and by legislative actions of the ~~town meeting.~~ Town Meeting. All such policies shall be reviewed by the Select Board at least every three (3) years.

The ~~board of~~ Select Board selectmen shall be responsible for the efficient and orderly operation of the ~~town~~ Town government through its ~~_____~~, ~~including the establishment of personnel and operating policies of all agencies of the town except~~ ~~_____~~ for those under the direction of another separately elected ~~town~~ Town agency.

~~_____~~ agency. To assist the board of selectmen ~~_____~~ in all of the above functions, it shall appoint, as its chief administrative officer, a town administrator. ~~_____~~

The Select Board shall be the license board of the Town and shall have the power to issue licenses, except those licenses issued by the Town Clerk in accordance with the General Laws, to make all necessary rules and regulations regarding the issuance of such licenses and to attach such conditions and restrictions thereto as it deems to be in the public interest, and to enforce the laws relating to all business for which it issues licenses.

The Select Board shall perform a review of the job performance of a new Town Administrator after the first six (6) months of the effective date of the initial contract. The job performance of the Town Administrator shall then be reviewed annually thereafter by the Select Board. The Select Board shall be required to publicly acknowledge that the performance reviews required under this subsection have occurred.

(c) Appointments ~~—~~ The ~~board of~~ Select Board selectmen ~~_____~~ shall appoint a ~~town administrator and a~~ Town Administrator and a Town counsel to serve indefinite terms ~~_____~~, ~~as allowed under the General Laws.~~ It shall appoint, for fixed terms, a ~~town~~ Town accountant, a treasurer-collector, election officers, the veteran officers, constables and all individuals who are to serve as representatives or delegates of the ~~town~~ Town to governing or advisory bodies of other units of government. It shall also appoint for fixed terms, fence viewers, field drivers, and a measurer of wood and bark. It shall appoint, for fixed overlapping terms, the members of the board of appeals, registrars of voters, board of health and all other ~~multiple member bodies~~ Multiple Member Bodies that are established for other than a temporary purpose, except those for which the ~~charter~~ Charter provides another appointing authority. Any person appointed ~~to an office under this section may be removed in accordance with the procedures governing removal in section~~ Section 7-12.

(d) Investigations ~~—~~ The ~~board of~~ Select Board selectmen ~~_____~~ may ~~investigate or authorize the town administrator~~ Town Administrator, another officer of the ~~town~~ Town, or any agency, public or private, to investigate the ~~conduct of any town~~ Town department, office, or agency. The report of ~~any such~~

investigation shall be filed in the ~~town administrator's~~Town Administrator's office, and a summary of that report shall be printed in the next annual ~~town~~Town report.

(e) Responsibility to Assure Charter Provisions are Met — It shall be the duty of the ~~board of selectmen~~ — Select Board to see that the provisions of the ~~charter~~Charter are faithfully followed and complied with by all ~~town~~Town agencies and ~~town~~Town employees. Whenever it appears to the ~~board of selectmen~~Select Board that any ~~town~~Town agency or ~~town~~Town employee is failing to follow any provision of this ~~charter~~ — Charter, the ~~board of selectmen~~ — Select Board shall, in writing, cause notice to be given to such agency or employee directing compliance with the ~~charter~~Charter. If ten ~~(10)~~ or more voters for an annual ~~town meeting~~Town Meeting or one hundred ~~(100)~~ or more voters for a special ~~town meeting~~Town Meeting believe the ~~board of selectmen~~ — Select Board itself is not following the procedures established in the ~~charter~~ — Charter, a warrant article may be submitted to a ~~town meeting~~Town Meeting suggesting that the ~~board of selectmen~~ — Select Board is not following the provisions of the ~~charter~~Charter. The ~~town meeting~~Town Meeting, if it shall agree with the petitioners, shall, by resolution, direct the attention of the ~~board of selectmen~~ — Select Board to those areas in which the voters at the ~~town meeting~~Town Meeting believe there is a failure to comply with ~~charter~~Charter provisions.

The procedures made available in ~~chapter two hundred and thirty one~~ Ach. 231A of the General Laws may be used to determine the rights, duties, status or other legal relations arising under this ~~charter~~Charter, including any question of construction or validity which may be involved in such determination.

Section 3-3 — Moderator: Term of Office; Powers and Duties

(a) Term of Office — At each ~~town~~Town election a ~~moderator~~Moderator shall be nominated and elected by the voters for a term of one ~~(1)~~ year.

(b) Powers and Duties — The ~~moderator~~Moderator shall have the powers and duties provided for that office by ~~statute~~the General Laws, by this ~~charter~~ — Charter, as defined in Section 2-2, by ~~by-law~~By-Law and by other vote of the ~~town meeting~~Town Meeting.

Section 3-4 — School Committee: Composition, Term; Powers and Duties

(a) Composition, Term of Office — There shall be a ~~school committee~~School Committee consisting of five ~~(5)~~ members elected by the voters. The term of office of a ~~school committee~~School Committee member shall be ~~-for -three~~ ~~(3)~~ years. The ~~-terms -of -office -of -school -committee~~ School Committee members shall be ~~-be -so~~ arranged that two ~~school committee~~(2) School Committee members shall be elected one ~~(1)~~ year, two ~~school committee~~(2) School Committee members shall be elected the next year, and one ~~school committee~~(1) School Committee member shall be elected the third year. The election ballots for each year in which more than one ~~school committee~~(1) School Committee member is to be elected shall set forth each position to be filled as a separate position, called position one and position two. A candidate for ~~school committee~~

School Committee member shall be listed as a candidate for position one or a candidate for position two, but not as a candidate for both. The candidate receiving the highest number of votes for each position shall be declared elected to that position.

(b) Powers and Duties — The ~~school committee~~School Committee shall have all of the powers and duties school committees may have under the constitution and ~~general laws~~General Laws of the ~~commonwealth~~Commonwealth, and it shall have such additional powers and duties as may be authorized by the ~~charter~~Charter or by ~~by law~~By-Law.

Section 3-5 - Planning Board: Composition, Term of Office; Powers and Duties

(a) Composition, Term of Office — There shall be a ~~planning board~~Planning Board consisting of five (5) members elected by the voters. The voters shall also elect one (1) person as an alternate member of the ~~planning board~~Planning Board. The term of office for ~~planning board~~Planning Board members, including the alternate member, shall be for three (3) years. The terms of office of the ~~planning board~~Planning Board members shall be so arranged that two ~~planning board~~(2) Planning Board members shall be elected one (1) year, two ~~planning board~~(2) Planning Board members shall be elected the next year, and one ~~planning board~~(1) Planning Board member and the alternate member shall be elected the third year. The election ballots for each year in which two ~~planning board~~(2) Planning Board members are to be elected shall set forth each position to be filled as a separate position called position one and position two. A candidate for ~~planning board~~Planning Board member shall be listed as a candidate for either position one, or as a candidate for position two, or as a candidate for alternate (but not both positions appearing on the ballot). The candidate receiving the highest number of votes for each position shall be declared elected to that position.

Whenever a member of the ~~planning board~~Planning Board is absent, or because of a conflict of interest or other disability is unable to sit on a particular matter the chair shall designate the alternate to sit as a member of the ~~planning board~~Planning Board during such absence or disability.

(b) Powers and Duties — The ~~planning board~~Planning Board shall have all of the powers and duties planning boards may have under the constitution and ~~laws~~General Laws of the ~~commonwealth~~Commonwealth. The ~~board~~Planning Board may also exercise such additional powers and duties as may from time-to-time be assigned to them by the ~~charter~~Charter, by ~~by law~~By-Law or by other vote of the ~~town meeting~~Town Meeting.

Section 3-6 — Board of Library Trustees: Composition, Term of Office; Powers and Duties

(a) Composition, Term of Office — There shall be a ~~board~~Board of ~~library trustees~~Library Trustees consisting of six (6) members nominated and elected by the voters. Two (2) of these members shall be elected each year for terms of three (3) years.

(b) Powers and Duties — The ~~board~~Board of ~~library trustees~~Library Trustees shall have general charge of the ~~care and~~ management of ~~town~~Town libraries, and of all non-facility property of the ~~town~~Town relating thereto.

Section 3-7 - Town Clerk: Term ~~Of~~ Office; Powers ~~And~~ Duties

(a) Term of Office — There shall be a ~~town clerk~~Town Clerk nominated and elected by the voters for the term of three (3) years.

(b) Powers and Duties — The ~~town clerk~~Town Clerk shall have all of the powers and duties town clerks may have under the constitution and ~~laws~~General Laws of the ~~commonwealth~~Commonwealth. The ~~town clerk~~Town Clerk may also exercise such additional powers and duties as may from time-to-time be assigned to that office by the ~~charter~~Charter, by ~~by law~~By-Law or by other vote of the ~~town meeting~~.

Town Meeting.

Section 3-8 — Board of Assessors: Composition, Term of Office; Powers and Duties

(a) Composition, Term of Office — There shall be a ~~board~~Board of ~~assessors~~Assessors consisting of three (3) members ~~who shall be nominated and elected by the voters.~~ One (1) of these members shall be elected each year to serve for the term of three (3) years.

(b) Powers and Duties — The ~~board~~Board of ~~assessors~~Assessors shall have all of the powers and duties which ~~boards of assessors may have under the constitution and laws~~General Laws of the ~~commonwealth~~Commonwealth. The ~~board~~Board of ~~assessors~~Assessors may also exercise such additional powers and duties as may from time-to-time be assigned to that office by the ~~charter~~Charter, by ~~by-law~~By-Law or by other vote of the ~~town meeting~~Town Meeting.

Section 3-9 — Housing Authority: Composition, Term of Office; Powers and Duties

(a) Composition, Team of Office — There shall be a ~~housing authority~~Housing Authority to consist of five (5) members serving five (5) year overlapping terms such that the term of one (1) member term expires each year. ~~Four of these Such~~ members shall be ~~nominated and elected by the voters, and the fifth member shall be a resident of the town~~ appointed ~~as provided or elected~~ in ~~section 5 of chapter 121B of~~accordance with the General Laws of the Commonwealth.

(b) Powers and Duties — The ~~housing authority~~Housing Authority shall have all of the powers and duties housing authorities may have under the constitution and ~~general laws~~.

ARTICLE 4 TOWN ADMINISTRATOR

Section 4-1 ~~—~~ Qualifications:

The ~~town-administrator~~Town Administrator shall be appointed solely on the basis of executive and administrative qualifications and experience. The ~~town-administrator~~Town Administrator shall be a person especially fitted by education, training and professional experience in full-time service in public administration to perform the duties of the office. The ~~town-administrator~~Town Administrator need not be a resident of the ~~town when appointed~~—, but shall be subject to such residency requirements as may be fixed in the by-laws.Town. The ~~town-administrator~~Town Administrator shall not have served in elective office in the ~~town's~~Town's government for at least two (2) years prior to appointment. The ~~town-administrator~~Town Administrator shall devote full-time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during the term, unless such other service is approved in advance by vote of the ~~board of selectmen~~—Select Board. The ~~office of town-administrator shall not~~—be subject to the~~consolidated personnel by law, and the board of selectmen~~—Select Board shall fix compensation for the ~~office~~Town Administrator within the amount appropriated by the ~~town~~Town, provided for in the Town Administrator's contract along with all other requirements for the Town Administrator, including performance, benefits, and other items relating thereto.

Section 4-2 ~~—~~ Powers ~~And~~and Duties:

The ~~town-administrator~~Town Administrator, the chief administrative officer of the ~~town~~Town, shall be responsible to the ~~board of selectmen~~Select Board~~selectmen~~—, and shall be accountable to the said board, for the efficient and orderly conduct of the departments, offices, and functions placed in the charge of the ~~town-administrator~~Town Administrator by the ~~charter~~Charter and for the proper execution of the powers and duties that follow:

(a) The ~~town-administrator~~Town Administrator shall be the personnel director of the ~~town~~Town responsible for the administration of all personnel matters, including personnel ~~by-laws~~By-Laws and all personnel policies and regulations that the board of ~~selectmen~~Select Board may adopt.

(b) The ~~town-administrator~~Town Administrator shall appoint and may remove, subject to the civil service law where applicable, all department heads, all officers and all subordinates and employees of the ~~town~~Town except those appointments for which another method of appointment is provided in the ~~charter, employees~~Charter, appointments of the ~~school-committee~~School Committee, and appointments made by representatives of the ~~commonwealth~~Commonwealth. Appointments made by the ~~town-administrator~~Town Administrator shall become effective on the fifteenth (15th) day following the day notice of the appointment is filed with the ~~board of selectmen~~—unless the said board shall within that period by a majority of all of its members vote to reject the said appointment. Within said fifteen (15) day period the board of selectmen~~Boardselectmen~~— may, by a majority of all of its members vote to waive its power to reject the appointment, whereupon the appointment shall become effective forthwith.

(c) The ~~town-administrator~~Town Administrator shall exercise a general supervision over all ~~town~~Town agencies for which the ~~town-administrator~~Town Administrator is the appointing or employing authority.

(d) The ~~town-administrator~~Town Administrator shall fix the compensation of all ~~town~~Town officers and employees appointed by the ~~town-administrator~~Town Administrator, within the limits established by existing appropriations and the ~~by-laws~~By-Laws.

(e) The ~~town-administrator~~Town Administrator shall see that all provisions of the ~~general laws~~General Laws, the ~~charter~~Charter, and the ~~by-laws~~By-Laws, and all votes of the ~~town meeting~~Town Meeting and the ~~board-of-Select Board~~selectmen, ——— that require enforcement by the ~~town-administrator~~Town Administrator or officers subject to the supervision of the ~~town administrator~~Town Administrator, are faithfully carried out.

(f) The ~~town-administrator~~Town Administrator shall prepare and submit the annual budget as provided in ~~article~~

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(g) The ~~town administrator~~Town Administrator shall be responsible for keeping full and complete records of the financial and administrative activities of the ~~town~~Town, and shall render a full report to the ~~board of Select Board~~selectmen at the end of each fiscal year and otherwise as said board may require.

(h) The ~~town administrator~~Town Administrator shall keep the ~~board of Select Board~~selectmen informed as to the financial condition and needs of the ~~town~~Town and shall make such recommendations to the ~~board of Select Board~~selectmen as is deemed to be necessary or expedient.

(i) The ~~town administrator~~Town Administrator shall have full jurisdiction over the rental and use of all ~~town~~Town facilities except schools and properties designated by ~~by laws~~By-Laws or other vote of the ~~town~~Town as Scituate Historical Sites. The ~~town administrator~~Town Administrator, as directed by the Select Board, shall be responsible for the maintenance and repair of all ~~town~~Town property, including school buildings, placed under the control of the ~~town administrator~~Town Administrator by the ~~charter~~Charter, by ~~by laws~~By-Laws or otherwise; provided, however, that the approval of the ~~school committee~~School Committee shall be obtained for all school maintenance and repair plans.

(j) The ~~town administrator~~Town Administrator may, without notice, examine the activities of any agency under the control of the ~~town administrator~~Town Administrator or the conduct of any officer or employee thereof. The ~~town administrator~~Town Administrator shall have access to all ~~town~~Town books and records necessary for the performance of the duties of the office.

(k) The ~~town administrator~~Town Administrator shall keep a full and complete inventory of all property of the ~~town~~Town, both real and personal.

(l) The ~~town administrator~~Town Administrator shall be responsible for the negotiation or bidding of all contracts involving any matter within the responsibility of the ~~town administrator~~Town Administrator. All contracts for purchases or services exceeding an amount fixed by the ~~board of selectmen~~Select Board shall be subject to final approval and execution by the ~~board of Select Board~~selectmen.

(m) The ~~town administrator~~Town Administrator shall be responsible for purchasing all supplies, materials and equipment for all departments and activities of the ~~town~~Town, excluding all operational expenditures of the school department ~~food for schools and Town instructional materials and equipment, or library books and related materials, unless specifically requested to do so by the school committee~~School Committee or the ~~board~~Board of ~~library trustees~~Library Trustees, as applicable.

(n) The ~~town administrator~~Town Administrator shall perform any other duties required by the ~~by laws~~By-Laws or votes of the ~~town meeting~~Town Meetings the Select Board, or General Laws ~~board of selectmen~~the Commonwealth.

(o) The Town Administrator shall be the Town's risk administrator and be responsible for ensuring that all pertinent insurance policies are in effect, that adequate insurance coverage is provided, and that claims are properly processed.

(p) Powers and duties shall include, in addition to those set forth in the Charter, any reasonable assignment by the Select Board or Town Meeting that does not conflict with the powers and duties of other Town officials or Multiple Member Bodies, or the Charter.

Section 4-3 – Acting Town Administrator

(a) During a temporary absence, the ~~town administrator~~Town Administrator shall designate by letter filed with the ~~board of~~selectmen Select Board, a qualified administrative employee or officer to exercise the powers and perform the duties of ~~town administrator~~Town Administrator.

If the ~~town administrator~~ Town Administrator fails to do so, or the person appointed fails to serve to the satisfaction of the ~~board of select board selectmen~~, ~~the board of selectmen~~, ~~the Select Board~~ may appoint a qualified administrative employee or officer to so serve. In the event of suspension of the ~~town administrator~~ Town Administrator or a vacancy in the office the ~~board of select board selectmen~~ shall appoint an acting ~~town administrator~~ Town Administrator within fourteen (14) days. Appointment of a new ~~town administrator~~ Town Administrator must be made within five (5) months of the effective date of a vacancy in that office, except that such period may be extended by a period not to exceed two ~~months by vote of the board of selectmen~~.
~~_____ (2) months by vote of the Select Board.~~

~~(b)-~~

~~(c)-~~

~~(d)-~~

Section 4-4 – Hiring Procedures for Town Administrator

The Select Board is responsible for recruiting, interviewing, and hiring of the Town Administrator. They will be assisted in this duty by appointing a search committee comprised of qualified Town officials and residents. The composition of this committee is determined by the Select Board or, if defined, by Town By-Law. Finalists for the position of Town Administrator shall be interviewed in a public meeting posted in accordance with the Town By-Laws. Selection of the Town Administrator shall require a majority affirmative vote by the Select Board.

Section 4-5 – Removal of the Town Administrator

The Select Board may remove the Town Administrator from office after first applying the following procedures:

(a) Notice: The Select Board, by a super majority affirmative vote consisting of not less than four (4) of its members, shall adopt a preliminary resolution of removal setting forth in reasonable detail the reason(s) for the proposed removal. This resolution may suspend the Town Administrator for a period not to exceed forty-five (45) days. Notice of this resolution will immediately be delivered to the Town Administrator and filed with the Town Clerk.

(b) Public Hearing: Within five (5) days of delivery of said resolution, the Town Administrator may request a public hearing. Such a hearing must take place not more than thirty (30) days from receipt of the request. Notice of the hearing date must be publicly posted and directly provided to the Town Administrator at least five (5) days prior to the hearing. The Town Administrator shall be entitled to present evidence, have counsel, call witnesses, or question any witnesses during the hearing.

(c) Removal: If the Town Administrator does not request a hearing, the Select Board may vote by super majority to affirm the resolution and permanently remove the Town Administrator. If the Town Administrator requests a hearing, the Select Board must wait at least five (5) days after the conclusion of the hearing to vote by super majority to affirm the resolution and permanently remove the Town Administrator. Failure to adopt a final resolution within forty-five (45) days of the preliminary resolution shall nullify the resolution.

(d) The Town Administrator shall continue to receive salary and benefits included in a valid contract until a final resolution of removal becomes effective.

ARTICLE 5: ADMINISTRATIVE ORGANIZATION

Section 5-1 — Creation of Departments, Divisions, Agencies, and Offices

The organization of the ~~town~~Town into operating agencies may be accomplished through either of the methods provided in this article.

(a) ~~By-laws—Laws —~~ Subject only to express prohibitions in the constitution and ~~general laws~~General Laws of the Commonwealth, and provisions ~~of the charter, the town meeting Charter, the Town Meeting~~ may, ~~by by-law, By-Law~~, reorganize, consolidate, or abolish any ~~town~~Town agency, in whole or in part; establish such new ~~town~~Town agencies as it deems necessary or advisable and may prescribe the functions of any such ~~town~~Town agency; provided, however, that no function assigned by the ~~charter~~Charter to a particular ~~town~~Town agency may be ~~discontinued~~ or, ~~unless the charter~~Charter specifically ~~so provides~~, assigned to any other.

(b) Administrative Code — The ~~board of Select Board~~selectmen, after consultation with the ~~town administrator, — may~~Town Administrator, shall from time-to-time prepare and submit to the ~~town meeting~~Town Meeting plans of organization or reorganization, which establish ~~town~~Town agencies for the orderly, efficient or convenient conduct of the business of the ~~town~~Town. Whenever the ~~board of Select Board~~selectmen prepares such a plan it shall hold one ~~(1)~~ or more public hearings on the proposal giving notice ~~by publication in a newspaper of general circulation in the town — as required by the General Laws or special mandate of the Commonwealth~~ not less than ~~— five (5) seven~~ days in advance, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held. Following such public hearing, the ~~board of Select Board~~selectmen shall submit to the ~~town meeting~~Town Meeting by warrant article their proposal which may have been amended subsequent to the public hearing.

An organization or reorganization plan shall become effective at the expiration of ninety days ~~— (90)~~ following the date of the ~~town meeting~~Town Meeting at which the proposal is submitted unless the ~~town meeting~~Town Meeting shall, by a majority vote within that time, vote to disapprove the plan. The ~~town meeting~~Town Meeting may vote only to approve or disapprove the plan and may not vote to amend or alter it.

The ~~board of Select Board~~selectmen may ~~through the administrative code, and subject only to express prohibitions in the constitution, general laws~~General Laws and the ~~charter~~Charter, reorganize, consolidate or abolish all ~~town~~Town agencies in whole or in part; establish such new ~~town~~Town agencies as they deem necessary; and for such purpose may transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the ~~town~~Town, transfer the appropriation of one ~~town~~Town agency to another; provided, however, that ~~no function assigned by this charter~~Charter to a particular ~~town~~Town agency ~~may be discontinued, or, unless this charter~~Charter specifically so provides, assigned to any other.

Section 5-2 — Personnel Plan

The ~~town administrator~~Town Administrator shall ~~prepare annually be responsible for preparing and maintain a plan establishing~~maintaining personnel ~~policy manual to support the professional management of the Town and its employees. Such requirements of the agencies created by the charter, by by-law, or by administrative code, and it shall become effective upon approval by the board of selectmen.~~

Section 5-3 — Publication of Administrative Code and Personnel Plan

~~included in the~~ For the convenience of the public, any actions taken under the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part of, the by-laws. The personnel plan as prepared by the town administrator shall be ~~available in the town clerk's office. — consistent with the Charter, By-Laws, and the General Laws; and shall be approved by the Select Board.~~

Section 5—~~34~~— Merit Principle

All appointments and promotions of ~~town~~Town officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or by other evidence of competence and suitability.

Section 5—~~45~~— Department of Public Works

The ~~department~~Department of ~~public-works~~Public Works shall be headed by a director, who shall be appointed by the ~~town administrator for an indefinite term.~~Town Administrator. The director of ~~public-works~~the Department of Public Works shall be a person especially fitted by education, training, and previous experience to perform the duties of the office.

The ~~director of public-works of the Department of Public Works~~ shall ~~be responsible to the town administrator~~Town Administrator for the efficient and orderly operation of the department. The director of ~~public-works~~the Department of Public Works shall be responsible for the supervision of all public works operations of the ~~town~~Town placed under the control of the director of public works by the ~~charter~~Charter, the ~~by-laws~~By-Laws, administrative codes, ~~statutes~~the General Laws or otherwise, including but not limited to the department's principal functions, as well as refuse disposal, forestry service, protection of natural resources, and maintenance of physical plant.

The ~~town administrator~~Town Administrator shall be responsible to the ~~board of selectmen~~Select Board— for the planning and coordination of ~~public-works~~Department of Public Works projects. To assist in the planning and coordinating function, the ~~town administrator~~Town Administrator may appoint a public works advisory board of three (3) members ~~for indefinite terms, whose training, occupation or experience~~ indicate qualification for service on such a board. This board shall serve in an advisory capacity to the ~~town administrator~~Town Administrator and director and shall not become involved in the day-to-day operations of the department.

Other functions and duties, the nature of which are related to a department of public works, may be assigned to the department from time-to-time by ~~by-law~~By-Law or administrative code as provided in ~~section~~Section 5-1.

Section 5—~~56~~— Public Building Maintenance

The responsibility for the maintenance and repair of all ~~town~~Town owned buildings and grounds shall be consolidated under the ~~Select Board, who shall oversee maintenance~~board of selectmen ~~all Town buildings as set forth in Section 4-2(i).~~ The ~~board of Select Board~~selectmen—, after consultation with the ~~school committee, School Committee where appropriate,~~ shall determine the manner in which such responsibility shall be assumed and the services delivered. The ~~board of selectmen~~— Select Board and the ~~school committee~~School Committee may from time to time—, but no less than annually, meet or otherwise communicate to assure the proper maintenance of all school buildings.

Nothing in this section shall be construed so as to interfere in any way with the appointment by the ~~school committee~~School Committee, or by other school department personnel serving under it, of the maintenance personnel in school buildings who perform, so-called, ~~ordinary~~ maintenance. It is the intention of this provision however, that standards for the work to be performed will be established jointly by the ~~school department and the board of selectmen~~—.

ARTICLE 6: FINANCES AND FISCAL PROCEDURES

Section 6-1 ~~==~~ Fiscal Year

The fiscal year of the ~~town~~Town shall be as required by the ~~general laws~~General Laws.

Section 6-2 ~~==~~ Submission ~~Of~~ Budget ~~And~~and Budget Message

On or before a date determined by the ~~board of selectmen~~Select Board, the ~~town administrator~~Town Administrator shall submit to the ~~board of selectmen~~Select Board a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents.

Section 6-3 ~~==~~ Budget Message

The message of the ~~town administrator~~Town Administrator shall explain the budget for all departments and agencies both in fiscal terms and in terms of work programs, point out all major deviations from the current year and the reasons therefore, provide an outline of general problems, summarize the ~~town's~~Town's debt position, and include such other material as the ~~town administrator~~Town Administrator may deem desirable or the ~~board of~~Select Board ~~selectmen~~ may instruct.

The budget message shall include all the expected revenues and expenses of the ~~town~~Town (including the schools) projected over, at least, a five ~~(5)~~ year period, and this message is to be included in the report of the ~~advisory committee~~Advisory Committee.

When the budget is subject to an amendment at Town Meeting which adjusts a line item upward, said amendment must identify the funding source as either: (i) from available revenue, (ii) a decrease in another line item, or (iii) a combination of available revenue and a decrease in another line item.

Section 6-4 ~~==~~ The Budget

The budget shall provide a complete financial plan of all ~~town~~Town funds and activities, including the budget adopted by the ~~school committee~~School Committee, for the ensuing year. Except for the school budget, or as may be required by ~~statute~~the General Laws or by the ~~charter~~Charter, it shall be in the form which the ~~town administrator~~Town Administrator deems desirable or the ~~board of selectmen~~Select Board may require. In the presentation of the budget, the ~~town administrator~~Town Administrator shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and at least the next five fiscal years and shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by agency and position in terms of work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by ~~town~~Town agency, and the proposed method of financing each such capital expenditure; and,

(c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.

Section 6-5 — Action on the Budget

~~(a)~~ (a) The ~~board of selectmen~~Select Board— shall review the proposed budget and make such changes as it considers necessary to reflect its stated policies. _It shall return the proposed budget to the ~~town administrator~~Town Administrator for revision and arranging for the delivery of the document to the ~~advisory committee~~Advisory Committee on or before a date agreed upon by the ~~advisory committee~~Advisory Committee, which shall in no event be less than ~~—seventy-five (75)—~~90 days prior to the annual ~~town meeting~~Town Meeting. At least ~~—fourteen (14)—~~ days before ~~town meeting~~Town Meeting, the ~~board of selectmen~~—Select Board and the ~~advisory committee~~Advisory Committee shall jointly hold one (1) or more public hearings on the proposed budget.

~~(a)—~~

(b) ~~When the~~The proposed budget, ~~including shall include~~ the budget adopted by the School Committee, ~~school committee~~ insofar as permitted by law, ~~is before the town meeting for action, it shall first be subject to amendments, if any, proposed by the advisory committee before any other amendments may be proposed.~~fund the operations and equipment of the schools.

Section 6-6 ~~==~~ Capital Improvement Program

~~(—)(—)~~a) The ~~capital planning program shall consist of a schedule of proposed capital expenditures for at least the next five fiscal years and the proposed methods of financing each such expenditure. The objectives of the program shall be: (1) to establish priorities that will best serve the town as a whole; and (2) to so schedule and finance capital outlay that it will have as level an effect as possible upon the tax rate from year to year.~~

Select Board~~(b) The board of selectmen~~ shall be responsible for preparation and annual revision of the capital ~~planning~~improvement program. To assist it in doing so and to advise the ~~town meeting~~Voters at Town Meeting on capital planning matters, there shall be a ~~capital planning committee~~Capital Planning Committee consisting of five ~~(5) voting~~ members who shall be residents of the Town appointed by the ~~town moderator~~Moderator for overlapping three- ~~(3)~~ year terms, ~~the town administrator and.~~ The Capital Planning Committee shall also consist four ~~(4) non-voting advisory members, including the Town Administrator, one (1) member designated, annually, by the school committee of the Select Board, one (1) member of the Advisory Committee, and one (1) member of the School Committee, in each case designated annually by their respective Multiple Member Body.~~

~~(e)~~ (b) The capital improvement program shall include: (i) a clear, concise, summary of its contents; (ii) a list of all capital improvement projects and needs to be undertaken during the ensuing five (5) years with supporting documentation, in such form as the Town Administrator shall prescribe, describing the need for each project; (iii) cost estimates, methods of financing and ~~(e)~~ The ~~capital planning committee shall submit annually to the board of selectmen a revised and updated report, which shall contain: (1) a list of proposed capital expenditures for the next fiscal year and the ensuing five years; (2) a recommended time schedule for each project; and executing them; (3) cost estimates and recommended financing method for each; and (4) the~~; (iv) the estimated ~~annual~~additional cost of operating and maintaining each ~~new~~ facility and ~~major~~ piece of ~~major~~ equipment involved.

~~(b)~~ It shall ~~also prepare a summary of its re port, and shall submit such summary to the board for inclusion as a separate entity in the advisory committee's annual report to the town meeting.~~

~~(—)(—)~~d)

~~(c)~~ The ~~board of selectmen~~ shall ~~base its final capital planning program on the capital planning committee's report with such changes as it considers necessary to reflect its stated policies and shall deliver it to the advisory committee~~ Town Administrator shall submit annually to the Select Board and Capital Planning Committee recommendations for the capital improvement program not less than ~~five~~ (5) months prior to the annual Town Meeting.

~~(d)~~town meeting. The ~~Capital Planning Committee~~advisory committee shall ~~shall submit annually to the Select Board a report summarizing their recommendations not less than three (3) months prior to the annual Town Meeting. The Select Board shall base its final capital improvement program on the Capital Planning Committee's report with such changes as it considers necessary. The Select Board shall deliver this plan to the Advisory Committee not less than sixty~~

~~(60) days prior to the annual Town Meeting. The Advisory Committee shall~~ forthwith proceed to consider the program and shall, in its report to the annual ~~town meeting~~Town Meeting, make such recommendations as it deems to be in the best interests of the ~~town~~Town, both with respect to the capital budget for the next fiscal year and the schedule for the ensuing years.

~~—(c)— The — annual report of the capital planning committee shall be — summarized and a copy of the summary shall be published in the Annual Town Report and a copy of the summary shall be included in the Report of the Advisory Committee.~~

Section 6-7 – Financial Forecasting Committee

(a) Composition – There shall be a ~~financial forecasting committee~~Financial Forecasting Committee which shall consist of ~~—nine (9) members,~~ as follows: the ~~town administrator~~Town Administrator, the treasurer/collector, the ~~town~~Town accountant, the director of assessing, the business manager of the school department, a member of the ~~advisory committee~~Advisory Committee, a member of the ~~capital planning committee~~Capital Planning Committee, a member of the ~~board of selectmen~~Select Board — and a member of the ~~school committee~~School Committee.

(b) Powers and Duties – The ~~financial forecasting committee~~Financial Forecasting Committee shall, annually, ~~—prepare a —five (5) year, non-binding financial forecasting plan which projects revenues, revenue sources and expenditures for the five (5) years next ensuing. The forecast shall include all elements of revenue, operating expense and debt service.~~

The ~~financial forecasting committee~~Financial Forecasting Committee shall prepare quarterly updates of its projections to the ~~board of selectmen~~ — Select Board. The quarterly update for the last quarter of the calendar year shall be delivered to the ~~advisory committee~~Advisory Committee not later than the last Friday in January.

The report of the financial forecasting committee shall be shared not only with the ~~board-of~~Select Board-selectmen— and the ~~school-committee~~School Committee but it is also to be shared with the voters of Scituate. The report shall be included in the report of the ~~advisory-committee~~Advisory Committee published for ~~town-meetings~~Town Meetings, in the annual ~~town~~Town report, on the ~~town's~~Town's internet site and in any other media as the committee may from time to time designate.

Section 6-8 ~~—~~ Approval of Warrants

The ~~town-administrator~~Town Administrator shall be the chief fiscal officer of the ~~town~~Town. Warrants for the payment of ~~town~~Town funds prepared by the ~~town~~Town accountant in accordance with the provisions of the ~~general-laws~~General Laws shall be submitted to the ~~town administrator~~Town Administrator or the Town Administrator's designee. The approval of any such warrant by the ~~town-administrator~~Town Administrator shall be sufficient authority to authorize payment by the ~~town~~Town treasurer. If ~~the town-administrator~~Town Administrator is ~~absent,~~ or ~~for other cause~~ cannot sign the warrant, the acting ~~town-administrator~~Town Administrator shall have the authority to do so.

ARTICLE 7: GENERAL PROVISIONS

Section 7-1 ~~+~~ — Nominations and Elections

(a) Nominations ~~—~~ The number of signatures of voters required to place the name of a candidate on the official ballot for use at a ~~town~~Town election shall be not less than one- hundred ~~(100)~~ signatures. Nomination papers shall not contain the name of more than one ~~(1)~~ candidate.

(b) Elections ~~—~~ The articles in the warrant for every ~~town-meeting~~Town Meeting, as far as they relate to the election of the ~~board-of-selectmen~~Select Board ~~—, school-committee, moderator, planning-board, School Committee, Moderator, Planning Board and housing-authority~~Housing Authority, other ~~town~~Town officers, to referenda and all other matters to be acted upon and determined by ballot shall be acted upon and determined by the voters ~~in their respective precincts~~.

The regular ~~town~~Town elections shall be taken on official ballots without party or political designation on the date fixed in the ~~by-laws~~By-Laws of the ~~town~~Town.

Section 7-2 — Charter Changes

The ~~charter~~Charter may be replaced, revised or amended in accordance with the procedures made available ~~by -article- Article LXXXIX -of- the -amendments -to- the -constitution -and -as provided for in ch. 43B, any — legislation enacted to implement the said amendment-~~Home Rule Procedures Act, of the General Laws.

Section 7-3 — Severability

The provisions of the ~~charter~~Charter are severable. ~~—~~ if any provision of the ~~charter~~Charter is held invalid, the other provisions of the ~~charter~~Charter shall not be affected thereby. If the application of the ~~charter~~Charter or ~~-any- of- its- provisions- to- any- person- or- circumstance- is- held- invalid,~~ the application of the ~~charter~~Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 7-4 — Specific Provisions Shall Prevail

To the extent that any specific provision of the ~~charter~~Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 7-5 — References ~~To~~ to General Laws

All references to the ~~general-laws~~General Laws contained in the ~~charter~~Charter refer to the General Laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement ~~-of- the -general-laws- General Laws enacted -subsequent- to- the -adoption- of- the~~ ~~charter~~Charter.

Section 7-6 — Computation ~~Of~~ of Time

In computing time under the ~~charter~~Charter, if seven ~~(7)~~ days or less, "days" shall refer to ~~business~~secular days and shall not include ~~—~~ Saturdays, Sundays or legal holidays. If more than seven ~~—(7) days—~~ is noted, every day shall be counted.

Section 7-7 — Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the ~~charter~~Charter shall have the following meanings:

~~(a) Charter —~~

~~(a) Advisory Committee — shall mean the word "charter"~~ Multiple Member Body appointed by the Moderator as described in Section 2-2.

~~(b) By-Laws — shall mean the By-Laws of the Town.~~

~~(c) Capital Planning Committee — shall mean the Multiple Member Body described in Section 6-6.~~

~~(d) Charter — shall mean this charter~~ Charter and any amendments to it made through any of the methods provided under article LXXXIX of the amendments to the state constitution.

~~(a)(e) (b) Town — the word "town"~~ Commonwealth — shall mean the Town ~~Commonwealth of Scituate~~ Massachusetts.

~~(f) (c) Town Agency — The words "town agency"~~ Financial Forecasting Committee — shall mean any board, commission, committee, department or office ~~the Multiple Member Body described in Section 6-7.~~

~~(b)(g) General Laws — shall mean the general laws of the town government.~~ Commonwealth.

~~(d) Majority Vote — the words "majority vote" — shall mean a majority of those present and voting;~~
~~(e)(h) — provided that a quorum of the body is present.~~

~~(d)(i) (e) Voters — Moderator — shall mean the word "voters" shall mean registered voters~~ person elected to serve as the Moderator of the Town of Scituate as described in Section 3-3.

~~(e)(i) (f) Multiple Member Body — The words "multiple member body" — shall mean any board, commission or committee consisting of two or more persons whether elected or appointed.~~

~~(k) (9) Policy — the word "policy" — shall mean a statement of general purpose or a goal, from which specific administrative procedures or regulations may be developed.~~

~~(h) Personal pronoun — the use of the words he/his him is intended to cover either male or female reference, whichever is applicable.~~

~~(l) School Committee — shall mean the persons elected to serve on the Multiple Member Body as described in Section 3-4.~~

~~(m) Select Board — shall mean the persons elected to serve on the Multiple Member Body as described in Section 3-2.~~

~~(n) Town — shall mean the Town of Scituate.~~

~~(o) Town Administrator — shall mean the person hired in accordance with the provisions of Article 4 responsible for the administration of the Town.~~

~~(p) Town Agency — shall mean any board, commission, committee, department or office of the Town government.~~

(q) Town Clerk – shall mean the person elected to serve as the clerk of the Town as described in Section 3-7.

(r) Town Meeting – shall mean any annual or special Town Meeting held by the Voters to conduct Town business.

(s) Voters – shall mean registered voters of the Town of Scituate.

Section 7-8 — Rules and Regulations

A copy of all rules and regulations adopted by any ~~town~~Town agency shall be filed in the office of the Town Clerk and made available for review by any person who requests such information. Such rules and regulations shall become effective when filed or as otherwise provided by law.

Section 7-9 — Re-Enactment and Publication of By-Laws

At intervals of not more than five (5) years, proposed revisions or recodification of the ~~by-laws~~By-Laws shall be presented to the ~~town-meeting~~Town Meeting for re-enactment. Immediately following the annual ~~town-meeting~~Town Meeting preceding the year in which such presentation is to be made, the ~~board-of~~Select Board-selectmen shall appoint a special ~~by-law~~By-Law review committee to prepare such revisions or recodifications. In reviewing the ~~by-laws~~By-Laws, the committee shall have the assistance of ~~town-counsel~~Town Counsel or a special counsel appointed for that purpose.

Within eight (8) months following appointment, the committee shall prepare a preliminary report and cause its report to be published ~~in a newspaper having general circulation within the town—:as required by the General Laws or special mandate of the Commonwealth and posted to the Town website.~~

~~(1) A~~The report shall include (i) a summary of its recommendations; ~~(2ii)~~ the places where the complete report is available for inspection; and ~~(3iii)~~ the date (not less than two (2) weeks following such publication), time, and place of a public hearing to be held on the report.

Copies of revised ~~by-laws~~By-Laws enacted by the ~~town-meeting~~Town Meeting shall be made available for public distribution at the office of the ~~town-clerk~~Town Clerk.

Section 7-10 — Recall Petitions

(a) Who can be Recalled — Any holder of an elective office, as defined in section 3-1(a), may be recalled there from by the voters as herein provided.

(b) Recall Petition — Any twenty-five (25) voters, of the ~~town~~Town may file with the ~~town clerk~~Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. The ~~town-clerk~~Town Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, printed forms of which shall be kept available. The blanks shall be issued with the signature and official seal of the

~~town clerk~~ Town Clerk attached thereto. They shall be dated, shall be addressed to the ~~board of selectmen~~ Select Board and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the ~~town clerk~~ Town Clerk. The recall petitions shall be returned and filed with the ~~town clerk~~ Town Clerk within ~~twenty~~ (20) days following the date of the filing of the affidavit, and shall have been signed by at least fifteen percent (15%) of the voters of the ~~town~~ Town. Each voter who signs the petition shall also add the street and number, if any, of their residence.

The ~~town clerk~~ Town Clerk, shall within twenty-four (24) hours of receipt, submit the petition to the registrars of voters, and the registrars shall forthwith certify thereon the number of signatures which are names of voters.

(c) ~~Selectmen~~ Select Board's Action on ~~Receiving~~ Petition — If the petition shall be found and certified by the ~~town clerk~~ Town Clerk to be sufficient, it shall be submitted, with the certificate, to the ~~board of selectmen~~ Select Board without delay. Upon its receipt of the petition and certificate the ~~board of selectmen~~ Select Board shall forthwith give written notice of such petition and certificate to the officer sought to be recalled. If the officer sought to be recalled does not resign from office within five (5) days after delivery of the notice by the ~~board of selectmen~~ Select Board, the ~~board of selectmen~~ Select Board shall order an election of the ~~town~~ Town to be held on a date fixed by them not less than ~~sixty-four~~ thirty-five (64) nor more than ~~seventy-four~~ (—74—)forty-five days after the date of the ~~town clerk's~~ Town Clerk's certificate that a sufficient petition is filed; provided, however, that if any other ~~town~~ Town election is to occur within ninety (90) days after the date of the certificate, the ~~board of selectmen~~ Select Board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(d) Nomination of Candidates — Any officer sought to be removed may be a candidate to be re-elected to the office, and unless the person being recalled requests otherwise in writing, the ~~town clerk~~ Town Clerk shall place the name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(e) Incumbent Holds Office Until Election — The incumbent shall continue to perform the duties of the office until the recall election. If then re-elected, such person shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this section. If not re-elected in the recall election, such person shall be deemed removed upon the qualification of the successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(f) Propositions on Ballot — Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)

Against the recall of (name of officer)

~~Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions.~~ Under the proposition shall appear the word "candidates", ~~the directions to voters required in section 42 of chapter 54 of the General laws,~~ and beneath this the names of candidates nominated as herein before provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate

receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted.

~~(g) Repeat of Recall Petition — No recall petition shall be filed against an officer within three months after taking office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least three months after the election at which the recall was submitted to the voters.~~

~~(h) Appointment of Person Recalled —~~

~~(g) Appointment of Person Recalled —~~ No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against them, shall be appointed to any ~~town~~Town office within two ~~(2)~~ years after such recall or such resignation.

Section 7-11 — Procedures

(a) In General — All ~~multiple member bodies~~Multiple Member Bodies, whether elected or appointed, shall conduct their meetings as provided by the ~~general laws~~General Laws, with respect to prior posted notices, quorums, use of executive sessions, maintenance of records, and the public availability of those records. Upon being sworn in, each person elected or appointed to such a body shall be given a copy of the applicable laws by the ~~town clerk~~Town Clerk.

(b) Agendas — At least ~~— forty-eight (48) — 24 —~~ hours, ~~or as required by the General Laws or special mandate of the Commonwealth,~~ before each meeting of a ~~multiple member body, it~~Multiple Member Body, such committee shall post an agenda of all matters on which it will act at that meeting on the ~~— town Town~~ bulletin board(s). No action taken on a matter not on the posted agenda shall be valid, unless such body first adopts, by a separate vote, a resolution declaring that an emergency exists and that action must be taken for the immediate preservation of peace, health, safety, or convenience of the ~~town~~Town.

(c) Rules — Each ~~multiple member body~~Multiple Member Body shall determine its own rules and order of business unless otherwise provided in the ~~by laws~~By-Laws.

(d) Voting — Except on procedural matters, all votes of ~~multiple member bodies~~Multiple Member Bodies shall be taken by calling the roll and recording the ayes and nays in the minutes. If, however, a vote is unanimous, only that fact need be recorded.

(e) Petitions for Meetings — Should a ~~multiple member body~~Multiple Member Body fail to hold a meeting within a reasonable time, based on its normal schedule, or persist in refusing to consider a matter requested of it by a citizen, any fifty ~~(50)~~ voters or one-third ~~(1/3)~~ of the members of that body may deliver a petition, calling for a special meeting and stating the purpose for which it is to be held, to the ~~town clerk~~Town Clerk who shall promptly post notice of the meeting, to be held within seven ~~(7)~~ days, and so notify the members of that body in writing. In the case of an appointed body, if such meeting then fails to take place for lack of a quorum, any fifty ~~(50)~~ voters or one-third ~~(1/3)~~ of its members may petition its appointing authority to declare vacant the offices of the absent members.

Section 7-12 — Removals Andand Suspensions

Any appointed officer or full-time salaried employee of the ~~town~~Town, not subject to the provisions of the ~~state~~Commonwealth civil service law, whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority for ~~good~~ cause. The term cause shall include, but not be limited to the following: incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer or full-time salaried employee of the ~~town~~Town may be suspended from office by the appointing authority if such action is deemed by them to be necessary to protect the interests of the ~~town~~Town. Suspension may be conterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer or employee shall act in accordance with the following procedure:

(a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by registered mail to the last known address of the person sought to be removed.

(b) Within five (5) days of delivery of such notice the officer or employee may request a public hearing at which ~~he~~they may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

(c) Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing between six (6) and fifteen (15) days after delivery of the notice of the intent to remove. ~~the~~The appointing authority shall take final action either removing the officer or employee or notifying ~~him~~them that the notice is rescinded.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when ~~his~~their original term expires. The action of the appointing authority in suspending or removing an officer or employee under this section shall be final.

Section 7-13 ~~=~~ **Vacancies**

A vacancy occurring in any office shall be filled in the manner provided by ~~statute~~the General Laws, except as provided elsewhere in the ~~charter~~Charter or by ~~by-law~~.

By-Law.

ARTICLE 8: TRANSITIONAL PROVISIONS

SECTION 8-1: CONTINUATION OF EXISTING LAWS

All General Laws, special laws, ~~town-by-laws~~Town By-Laws, and rules and regulations of or pertaining to Scituate that are in force when this revised ~~charter~~Charter takes effect, and not specifically or by implication repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded by due course of law, or until they expire by their own limitation.

In any case in which the provisions of this ~~charter~~Charter are found to be inconsistent with the provisions of any general or special law which would otherwise be applicable, the provisions of this ~~charter~~Charter shall be deemed to prevail. Every inconsistency between the prior law and this ~~charter~~Charter shall be decided in favor of this ~~charter~~Charter.

SECTION 8-2: CONTINUATION OF GOVERNMENT AND ADMINISTRATION

All ~~town~~Town agencies shall continue to perform their duties until re-elected, re-appointed, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred and assumed by another ~~town~~Town agency.

SECTION 8-3: EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts, and other instruments entered into or executed by or to the ~~town~~Town before the adoption of this ~~charter~~Charter, and all taxes, assessments, fines, penalties, forfeitures, incurred or imposed, due or owing to the ~~town~~Town, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the ~~charter~~Charter; and no legal act done by or in favor of the ~~town~~Town shall be rendered invalid by reason of the adoption of this ~~charter~~Charter.

SECTION 8-4: TIME OF TAKING EFFECT

~~(a)~~ This ~~charter~~Charter shall take effect upon its ratification by the voters and in accordance with the following schedule:—

~~1. Until such time as the town meeting acts, by by-law, to amend, to repeal, or to revise their provisions, the following shall have the force and effect of town by-laws:~~

(a) Time of meetings

~~The~~Saturday Town
~~Meetings~~

~~By-Laws control when the annual~~Notwithstanding the provisions of section 2-3 of the Scituate Home Rule Charter, or of any by-law adopted in implementation of the authority of said provision, beginning in the year 2004 the Annual Town Meeting shall convene. Special Town Meetings shall be convened at such times at may be called for by the first Saturday in March.

~~Select Board~~No vote to change the date of the annual town meeting to a date other than the first Saturday in March shall take effect earlier than the date for the annual town meeting in 2005, or any subsequent year.

~~No vote to change the date on which the annual town meeting is to meet (from the first Saturday in March to any other date) shall be effective unless it is adopted at a session of an annual town meeting.~~

Zero Quorum Requirements

~~by petition of registered~~Notwithstanding the provisions of section 2-5(b) of the Scituate Home Rule Charter no vote to establish any number as the number of voters necessary to be present to conduct any session of the annual town meeting in the years 2004, 2005 and in 2006 shall be valid. It is the intention of this provision that the annual town meeting in said years shall be conducted with a, so-called, zero quorum requirement.

The town may, as provided in Scituate Home Rule Charter section 2-5(b), adopt a by-law to establish a quorum requirement for special town meetings held in said years.by law, or at such other time or times as may be provided by By-Law of the Town.

No vote to change or to establish the number of voters necessary to constitute a quorum to do business at an annual town meeting other than zero shall take effect earlier than for the annual town meeting in 2007, or any subsequent year.

Internet Responsibility

It shall be a duty of the chairperson of every multiple member body of the town, whether such multiple member body is elected or appointed, to assure that the agendas for meetings, the minutes of meetings, the notices and other information relating to the affairs of the multiple member bodies are sent in electronic format to the webmaster of the town web site for posting in a timely manner.

2. The person serving in the office of treasurer-collector when this charter revision is adopted shall continue to serve in such office for the balance of the term for which such person was elected. At the expiration of such term, or earlier if a vacancy should otherwise occur in the said office, the position shall become an appointive office. It is the intention of this provision that the person serving in such office at the time the change takes place should, without formal application, be considered an applicant for appointment for such position

3. The provisions of section 5-6 of the revised charter shall take effect on July 1, 2004. It is the intention of this delay to allow a sufficient time period for the board of selectmen and the school committee to meet and amicably agree on an arrangement and method for the centralization of the building and grounds maintenance functions.

~~I hereby certify the~~

~~foregoing to be~~

~~a true copy.~~

~~Barbara J. Maffucci, Town Clerk, C.M.C.~~

Section 8-5: Town Meeting Quorum

Town By-Laws shall define quorum requirements for annual and special Town Meetings.

APPENDIX H – MGL Chapter 32B, §20
Originally accepted by Town in 2011; statute revised in 2016

Section 20: Other Post-Employment Benefits Liability Trust Fund; sources of funding; custodian; trustees; separate OPEB Fund board of trustees as investing authority; expenditures and investments

[Text of section applicable as provided by 2016, 218, Sec. 238.]

Section 20. (a) As used in this section, and section 20A, the following words shall have the following meanings unless the context clearly requires otherwise:

"Chief executive officer", the mayor in a city or the board of selectmen in a town, unless some other municipal office is designated to be the chief executive officer pursuant to a local charter, the county commissioners in a county and the governing board, commission or committee in a district or other governmental unit.

"Commission" or "PERAC", the public employee retirement administration commission established pursuant to section 49 of chapter 7.

"GASB", the Governmental Accounting Standards Board.

"Governing body", the legislative body in a city or town, the county commissioners in a county, the regional district school committee in a regional school district, or the district meeting or other appropriating body in any other governmental unit.

"Governmental unit" or "unit", any political subdivision of the commonwealth, including a municipal lighting plant, local housing or redevelopment authority, regional council of government established pursuant to section 20 of chapter 34B and educational collaborative, as defined in section 4E of chapter 40.

"State Retiree Benefits Trust Fund board of trustees", the board of trustees established by section 24A of chapter 32A.

"Other Post-Employment Benefits Liability Trust Fund" or "OPEB Fund"; a trust fund established by a governmental unit pursuant to this section for the deposit of gifts, grants, appropriations and other funds for the: (1) benefit of retired employees and their dependents, (2) payment of required contributions by the unit to the group health insurance benefits provided to employees and their dependents after retirement and (3) reduction and elimination of the unfunded liability of the unit for such benefits.

"OPEB Fund board of trustees"; an independent board of trustees selected by the governmental unit with investing authority for the OPEB Fund.

"OPEB investing authority" or "investing authority"; the trustee or board of trustees designated by the governmental unit to invest and reinvest the OPEB Fund using the investment standard or investment vehicle established pursuant to this section.

(b) A governmental unit that accepts this section shall establish on its books and accounts the Other Post-Employment Benefits Liability Trust Fund, the assets of which shall be held solely to meet the current and future liabilities of the governmental unit for group health insurance benefits for retirees and their dependents. The governmental unit may appropriate amounts to be credited to the fund and

the treasurer of the governmental unit may accept gifts, grants and other contributions to the fund. The fund shall be an expendable trust subject to appropriation and shall be managed by a trustee or a board of trustees as provided in subsection (d). Any interest or other income generated by the fund shall be added to and become part of the fund. Amounts that a governmental unit receives as a sponsor of a qualified retiree prescription drug plan pursuant to 42 U.S.C. section 1395w-132 may be dedicated to and become part of the fund by vote of the governing body of the governmental unit. All monies held in the fund shall be accounted for separately from other funds of the governmental unit and shall not be subject to the claims of any general creditor of the governmental unit.

(c) The treasurer of the governmental unit shall be the custodian of the OPEB Fund and shall be bonded in any additional amounts necessary to protect fund assets.

(d) The governing body of the governmental unit shall designate a trustee or board of trustees, which shall have general supervision of the management, investment and reinvestment of the OPEB Fund. The governing body may designate as the trustee or board of trustees: (i) the custodian; (ii) the governmental unit's retirement board as the board of trustees; or (iii) an OPEB Fund board of trustees established by the governmental unit pursuant to subsection (e). If no designation is made, the custodian of the fund shall be the trustee and shall manage and invest the fund. The duties and obligations of the trustee or board of trustees with respect to the fund shall be set forth in a declaration of trust to be adopted by the trustee or board, but shall not be inconsistent with this section. The declaration of trust and any amendments thereto shall be filed with the chief executive officer and the clerk of the governing body of the governmental unit and take effect 90 days after the date filed, unless the governing body votes to disapprove the declaration or amendment within that period. The trustee or board of trustees may employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the fund, if authorized by the governing body of the governmental unit. The trustee or board of trustees may, with the approval of the State Retiree Benefits Trust Fund board of trustees, invest the OPEB Fund in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A.

(e) The governing body of the governmental unit may vote to establish a separate OPEB Fund board of trustees to be the investing authority. The board of trustees shall consist of 5 to 13 individuals, including a person or persons with the investment experience desired by the governmental unit, a citizen or citizens of the governmental unit, an employee of the governmental unit, a retiree or retirees of the governmental unit, and a governmental unit officer or officers. The governmental unit employee trustee shall be selected by current employees of the unit by ballot, and the retiree trustee or trustees shall be selected by current retirees of the unit by ballot. The remainder of the trustees shall be appointed by the chief executive officer of the governmental unit. The trustees will serve for terms of 3 or 5 years, as determined by the governing body of the governmental unit, and if a vacancy occurs, a trustee may be elected or selected in the same manner to serve for the remainder of the term. Trustees shall be eligible for reappointment.

(f) The trustee or board of trustees shall: (i) act in a fiduciary capacity, (ii) discharge its duties for the primary purpose of enhancing the value of the OPEB Fund, (iii) act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise with like character and with like aims and (iv) diversify the investments in the fund to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

In any civil action brought against a trustee, the board of trustees, acting within the scope of official duties, the defense or settlement of which is made by legal counsel for the governmental unit, the trustee or employee shall be indemnified from the OPEB Fund for all expenses incurred in the defense thereof and for damages to the same extent as provided for public employees in chapter 258. No trustee or employee shall be indemnified for expenses in an action or damages awarded in such action in which there is: (i) a breach of fiduciary duty, (ii) an act of willful dishonesty or (iii) an intentional violation of law by the trustee or employee.

(g) Monies in the OPEB Fund not required for expenditures or anticipated expenditures within the investment period, shall be invested and reinvested by the custodian as directed by the investing authority from time to time; provided such investment or reinvestment is made in accordance with: (i) section 54 of chapter 44, if the treasurer or OPEB Fund board of trustees is the investing authority, unless the governing body of the governmental unit authorizes investment under the prudent investor rule established in chapter 203C; (ii) section 23 of chapter 32, if the retirement board is the investing authority; or (iii) sections 24 and 24A of chapter 32A, if the OPEB Fund is invested in the State Retiree Benefits Trust Fund.

(h) Amounts in the OPEB Fund may be appropriated by a two-thirds vote of the governing body of the governmental unit to pay the unit's share of health insurance benefits for retirees and their dependents upon certification by the trustee or board of trustees that such amounts are available in the fund. The treasurer of the governmental unit after consulting with the chief executive officer of the unit shall determine the amount to be appropriated from the fund to the annual budget for retiree health insurance and notify the trustee or board of trustees of that amount at the earliest possible opportunity in the annual budget cycle. Upon notification, the trustee or board of trustees shall take diligent steps to certify those funds as available for appropriation by the governmental unit, or will be available by the time the appropriation would become effective or provide an explanation why the funds are or will not be available or should not be made available.

(i) In a regional school district, appropriations of amounts to the OPEB Fund may be made only in the annual budget submitted to the member cities and towns for approval. The annual report submitted to the member cities and towns pursuant to clause (k) of section 16 of chapter 71 shall include a statement of the balance in the fund and all additions to and appropriations from the fund during the period covered by such report.

(j) A municipal lighting plant that establishes an OPEB fund shall pay the premiums and assume the liability for the municipal share of retiree healthcare benefits attributable to lighting plant employees and their dependents.

(k) A governmental unit that accepts this section may participate in the OPEB Fund established by another governmental unit pursuant to this section upon authorization of the governing boards of both units and in accordance with the procedures and criteria established by the trustee or board of trustees of the fund. Each governmental unit shall remain responsible for all costs attributable for the health care and other post-employment obligations for its retired employees and their dependents and for completing an actuarial valuation of its liabilities and funding schedule that conforms to GASB requirements.

The participating governmental unit may appropriate or otherwise contribute amounts to the OPEB Fund as provided in subsection (b). Amounts from the fund may be appropriated by the participating unit for its retiree health insurance expenses in the manner authorized in subsection (h) upon a determination by the treasurer of the unit, after consulting with the chief executive officer of the unit,

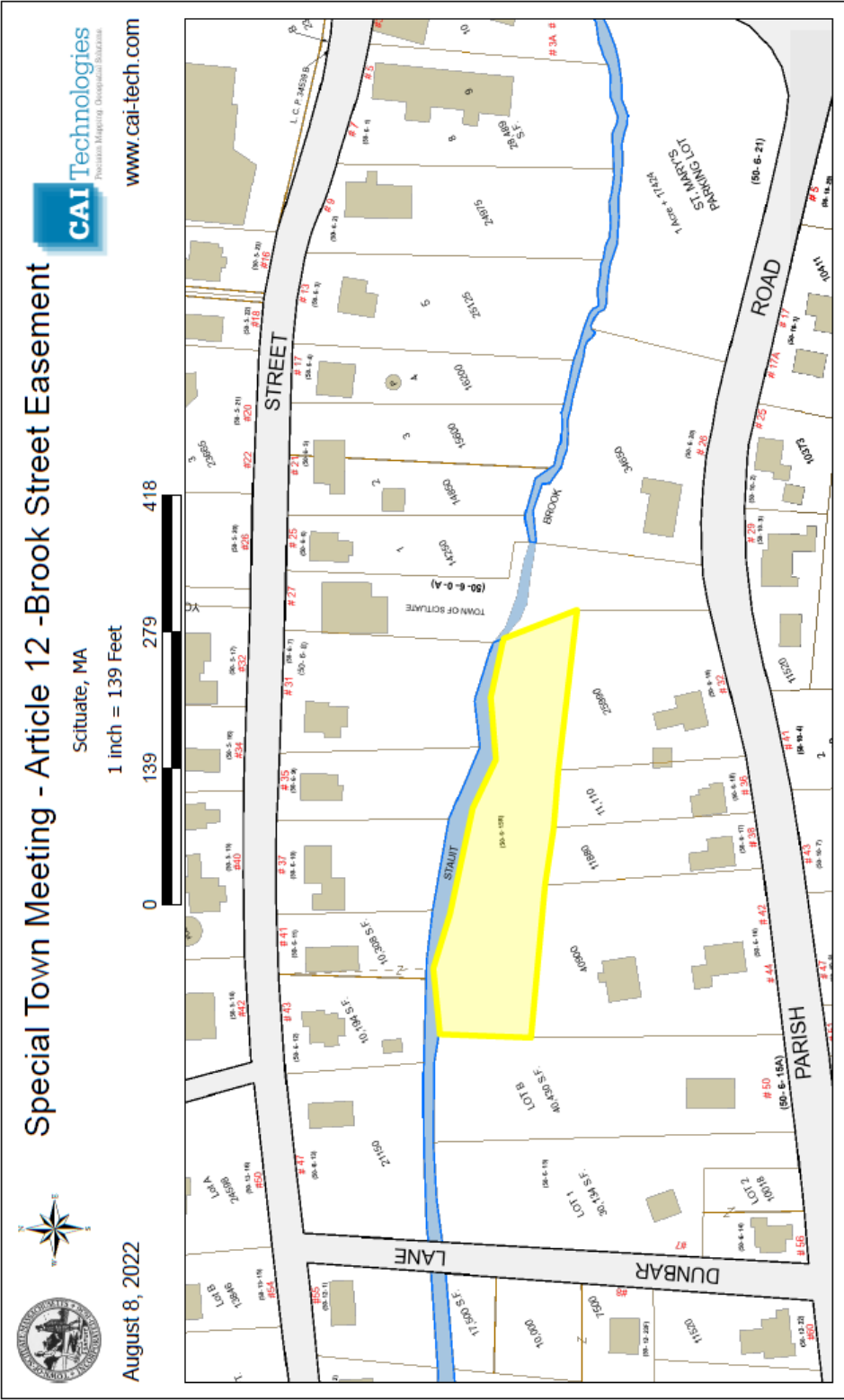
of the necessary amount and notification of the treasurer of the governmental unit maintaining the fund and the trustee or board of trustees of that amount. The trustee or board of trustees shall certify those funds available for appropriation, as provided in subsection (h), and the treasurer of the governmental unit maintaining the fund shall transfer the amounts certified to the participating governmental unit.

The participating governmental unit shall be separately credited for any contributions made to and appropriations from the OPEB Fund, and interest or other income generated by the fund, in the accounting of the relative liabilities of each governmental unit for its retirees and their dependents.

(l) This section may be accepted in a city or town in the manner provided in section 4 of chapter 4; in a county, by vote of the county commissioners; in a regional school district, by vote of the regional school committee; and in a district or other governmental unit, by vote of the district meeting or other appropriating body.

(m) This section shall also apply to the OPEB Fund established by a governmental unit under a special law, notwithstanding any provision to the contrary, upon the acceptance of this section by the governmental unit.

APPENDIX I – Easement Plan for 27 Brook Street



APPENDIX J – Easement Plan for Border Street

