

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



Report and Recommendations  
For

**ANNUAL & SPECIAL TOWN MEETING**

**APRIL 11, 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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**LISTING OF ARTICLES  
SPECIAL TOWN MEETING  
APRIL 11, 2022**

ARTICLE 1. Unpaid Bills

ARTICLE 2. FY 22 Budget Reconciliations

ARTICLE 3. Emergency Storm/Snow and Ice Removal Related Deficits

ARTICLE 4. Community Preservation Act

ARTICLE 5. New \$50,000,000 Water Treatment Plant Facility and Supervisory Control and Data Acquisition (SCADA) System

**ANNUAL TOWN MEETING  
APRIL 11, 2022**

ARTICLE 1. Compensation of Elected Officials

ARTICLE 2. Reports of Boards and Committees

ARTICLE 3. FY 20223 Capital Improvement Plan

ARTICLE 4. Fiscal Year 2023 Operating Budget

ARTICLE 5. Waterways Enterprise Fund FY 2023 Budget

ARTICLE 6. Golf Course Enterprise Fund FY 2023 Budget

ARTICLE 7. Wastewater Enterprise Fund FY 2023 Budget

ARTICLE 8. Transfer Station Enterprise Fund FY 2023 Budget

ARTICLE 9. Water Enterprise Fund FY 2023 Budget

ARTICLE 10. Stabilization Fund Excess Levy

ARTICLE 11. Revolving Fund Limits

ARTICLE 12. Community Preservation

ARTICLE 13. Community Preservation Act Reconciliations

ARTICLE 14. Wind Turbine Partial Curtailment

ARTICLE 15. Affordable Housing Trust – Small Grant Non Deed Restricted Program

ARTICLE 16. Massachusetts General Laws Chapter 91 Liability

ARTICLE 17. Zoning Bylaw Amendment – Section 440.5 Business Districts

ARTICLE 18. Zoning Bylaw Amendment – Section 610.1 Lot Area and Width Requirements

ARTICLE 19. Zoning Bylaw Amendment – Section 800 Nonconforming Structures and Uses

ARTICLE 20. Zoning Bylaw Amendment – Section 440.2 Replace existing Section 440.2 – Registered Marijuana Dispensaries with a new Section 440.2 Medical Marijuana Treatment Centers

ARTICLE 21. Zoning Bylaw Amendment – Add a new Section 440.3 – Marijuana Establishments (Adult Use Marijuana Establishments)

ARTICLE 22. Zoning Bylaw Amendment – Section 491. Temporary Moratoria

ARTICLE 23. Zoning Bylaw Amendment – Section 492. Prohibition of Marijuana Establishments

ARTICLE 24. Local Option Recreational Marijuana Excise Tax

ARTICLE 25. General Bylaw Amendment - Section 32060: Prohibition on Marijuana Establishments

ARTICLE 26. General Bylaw Amendment – New Section 30125 – Tenting, Camping and Sleeping in Public

ARTICLE 27. Acceptance of Land Donation – Deer Common Drive

ARTICLE 28. Petition – Shut Down of Wind Turbine

## **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 Annual & Special Town Meeting, which will convene on April 11, 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, and other town boards will propose various warrant articles, expenditures, funding transfers, land acquisitions, local options acceptances, zoning changes, etc. The Special Town Meeting places before the voters a total of **five (5)** articles, and the Annual Town Meeting places before the voters a total of **twenty eight (28)** 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 become 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, Chairman**

**Elise Russo, Vice Chair**

**Jerry Kelly**

**Mike Westort**

**Patrice Metro**

**Lincoln Heineman**

**Daniel McGuiggin**

**Lynda Ferguson**

**Missy Seidel**

## **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.

# Financial Forecast

Revision 2/16/2022; 5:32 PM

**FINANCIAL FORECAST COMMITTEE MEMBERS:** Town Administrator James Boudreau; Select Board Member and Committee Chair Anthony Vagnani; Finance Director/Town Accountant Nancy Holt; Treasurer Collector Pamela Avitabile; School Committee Member Peter Gates; Director of Assessing Joseph D'Alfonso; Superintendent of Schools William Burkhead; Director of School Finance and Business Robert Dutch; Capital Planning Committee Chair Christopher Carchia and Advisory Committee Chair James Gilmore

**Adopted Forecast**  
2/16/22

## FORECASTING MODEL

Notes	Actual FY 2019	Actual FY 2020	Actual FY 2021	Budget FY 2022	Proposed FY 2023	Projected FY 2024	Projected FY 2025	Projected FY 2026	Projected FY 2027
<b>SOURCES</b>									
Prior Year	\$ 56,648,272	\$ 56,648,272	\$ 58,023,354	\$ 63,038,371	\$ 66,217,628	\$ 68,873,069	\$ 71,194,895	\$ 73,524,788	\$ 75,912,887
Override	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2.5% Increase	\$ 1,391,157	\$ 1,391,157	\$ 1,450,594	\$ 1,575,959	\$ 1,655,441	\$ 1,721,827	\$ 1,779,872	\$ 1,838,119	\$ 1,897,822
New Growth	\$ 898,775	\$ 985,925	\$ 1,223,712	\$ 950,000	\$ 1,000,000	\$ 600,000	\$ 560,000	\$ 550,000	\$ 550,000
<b>TOTAL LEVY</b>	\$ 57,874,204	\$ 58,023,354	\$ 60,697,660	\$ 65,564,330	\$ 68,873,069	\$ 71,194,895	\$ 73,524,788	\$ 75,912,887	\$ 78,360,709
Cherry Sheet/State Aid	\$ 8,069,235	\$ 8,544,416	\$ 8,783,368	\$ 8,546,223	\$ 8,701,532	\$ 8,701,532	\$ 8,701,532	\$ 8,701,532	\$ 8,701,532
Septic Loan Program	\$ 6,858	\$ -	\$ -	\$ 14,400	\$ 12,344	\$ 12,346	\$ 12,346	\$ 12,346	\$ 12,350
Local Receipts	\$ 6,808,137	\$ 7,230,069	\$ 7,499,050	\$ 5,483,049	\$ 5,483,049	\$ 5,483,049	\$ 5,483,049	\$ 5,483,049	\$ 5,483,049
Enterprise Indirect costs	\$ 909,428	\$ 940,225	\$ 994,161	\$ 1,098,382	\$ 1,197,398	\$ 1,221,346	\$ 1,245,773	\$ 1,270,888	\$ 1,298,102
Overlay Surplus	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Rooms Occupancy Tax	\$ -	\$ 104,145	\$ 135,953	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Meals Tax	\$ 264,999	\$ 285,581	\$ 257,388	\$ 172,500	\$ 230,000	\$ 230,000	\$ 230,000	\$ 230,000	\$ 230,000
<b>TOTAL ALL REVENUE</b>	\$ 73,930,561	\$ 75,116,820	\$ 78,337,570	\$ 80,858,984	\$ 84,477,392	\$ 88,823,168	\$ 91,177,471	\$ 91,590,506	\$ 94,063,742
USES									
Offsets	\$ 20,565	\$ 22,973	\$ 29,809	\$ 27,984	\$ 33,733	\$ 33,733	\$ 33,733	\$ 33,733	\$ 33,733
State & County Charges	\$ 748,604	\$ 652,629	\$ 648,239	\$ 642,188	\$ 689,793	\$ 724,283	\$ 760,497	\$ 798,522	\$ 838,448
Overlay	\$ 250,000	\$ 231,767	\$ 291,477	\$ 275,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000
Economic Development	\$ 49,000	\$ 49,000	\$ 31,000	\$ 34,500	\$ 46,000	\$ 46,000	\$ 46,000	\$ 46,000	\$ 46,000
<b>TOTAL USES</b>	\$ 1,068,169	\$ 956,369	\$ 970,526	\$ 979,672	\$ 1,069,526	\$ 1,104,016	\$ 1,140,230	\$ 1,178,255	\$ 1,218,181
<b>NET REVENUE</b>	\$ 72,862,392	\$ 74,160,451	\$ 77,367,041	\$ 79,879,312	\$ 83,407,866	\$ 85,719,152	\$ 88,037,241	\$ 90,412,251	\$ 92,845,561
<b>Revenue Growth</b>					4.42%				
<b>SHARED</b>									
Reserve Fund	\$ 17,000	\$ 33,973	\$ 39,033	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
Tax Title	\$ 18,087	\$ 19,056	\$ 21,567	\$ 39,000	\$ 39,000	\$ 39,000	\$ 39,000	\$ 39,000	\$ 39,000
Insurance/Town Bldgs.	\$ 708,766	\$ 673,546	\$ 703,050	\$ 819,214	\$ 999,383	\$ 1,049,862	\$ 1,102,481	\$ 1,157,605	\$ 1,215,496
So. Shore Vo. Tech./Norfolk Agric.	\$ 769,901	\$ 782,870	\$ 638,132	\$ 627,785	\$ 614,185	\$ 644,884	\$ 677,139	\$ 710,996	\$ 748,546
Debt & Interest	\$ 1,995,987	\$ 1,995,987	\$ 1,995,987	\$ 1,995,987	\$ 1,995,987	\$ 1,995,987	\$ 1,995,987	\$ 1,995,987	\$ 1,995,987
- Capital Stabilization/Capital Plan	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
- Debt Excl MS & PSC (Meals Tax)	\$ 100,000	\$ 84,000	\$ 84,000	\$ 38,000	\$ 84,000	\$ 84,000	\$ 84,000	\$ 84,000	\$ 84,000
Plymouth County Retirement Assmt	\$ 4,730,553	\$ 4,875,453	\$ 5,228,790	\$ 5,759,898	\$ 6,213,897	\$ 6,711,009	\$ 7,247,889	\$ 7,827,721	\$ 8,453,938
School Bus Lease	\$ -	\$ 231,301	\$ 244,301	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000
Street Lights	\$ -	\$ 110,287	\$ 88,597	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000
Workers' Compensation	\$ 210,000	\$ 532,715	\$ 210,000	\$ 523,715	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000
HVAC Technician	\$ 50,702	\$ 17,242	\$ 152,068	\$ 130,000	\$ 73,008	\$ 74,833	\$ 76,704	\$ 78,622	\$ 80,587
Unemployment Insurance	\$ 5,884,537	\$ 6,013,580	\$ 5,933,245	\$ 6,481,034	\$ 6,833,077	\$ 7,311,392	\$ 7,823,190	\$ 8,370,813	\$ 8,958,770
Contributory Group Insurance	\$ 983,986	\$ 723,133	\$ 712,989	\$ 811,982	\$ 846,396	\$ 882,332	\$ 917,625	\$ 954,330	\$ 982,503
Federal Taxes	\$ 64,911	\$ 97,509	\$ 104,440	\$ 115,200	\$ 124,278	\$ 134,220	\$ 144,958	\$ 156,554	\$ 169,079
<b>OPBE</b>	\$ 15,468,721	\$ 16,400,630	\$ 16,316,109	\$ 17,871,773	\$ 18,750,791	\$ 19,852,830	\$ 21,033,953	\$ 22,300,608	\$ 23,659,876
<b>TOTAL SHARED COSTS</b>	\$ 57,395,671	\$ 57,759,821	\$ 61,050,935	\$ 61,907,439	\$ 64,657,975	\$ 65,896,523	\$ 67,003,287	\$ 68,111,644	\$ 69,189,896
<b>NET AVAILABLE</b>	\$ 15,468,721	\$ 16,400,630	\$ 16,316,109	\$ 17,871,773	\$ 18,750,791	\$ 19,852,830	\$ 21,033,953	\$ 22,300,608	\$ 23,659,876
<b>SPLIT</b>									
School Share 66.67% [4]	\$ 37,151,699	\$ 38,204,193	\$ 39,206,165	\$ 41,273,889	\$ 43,106,872	\$ 43,913,211	\$ 44,871,092	\$ 45,410,033	\$ 46,128,763
Town Share 33.33%	\$ 18,573,083	\$ 19,144,224	\$ 19,800,142	\$ 20,633,749	\$ 21,550,293	\$ 21,653,312	\$ 22,332,186	\$ 22,701,611	\$ 23,059,922
<b>TOTAL SHARED COSTS</b>	\$ 55,724,782	\$ 57,438,417	\$ 59,006,307	\$ 61,907,438	\$ 64,657,975	\$ 65,896,523	\$ 67,003,288	\$ 68,111,644	\$ 69,189,896
Percentage Change					4.44%	1.87%	1.73%	1.65%	1.58%

**FINANCIAL FORECAST COMMITTEE MEMBERS:** Town Administrator James Boudreau; Select Board Member and Committee Chair Anthony Vegnani; Finance Director/Town Accountant Nancy Holt; Treasurer Collector Pamela Avitabile; School Committee Member Peter Gates; Director of Assessing Joseph D'Vito; Superintendent of Schools William Burkhead; Director of School Finance and Business Robert Dutch; Capital Planning Committee Chair Christopher Carchia and Advisory Committee Chair James Gilmore

**Adopted Forecast**  
**2/16/22**

**FORECASTING MODEL**

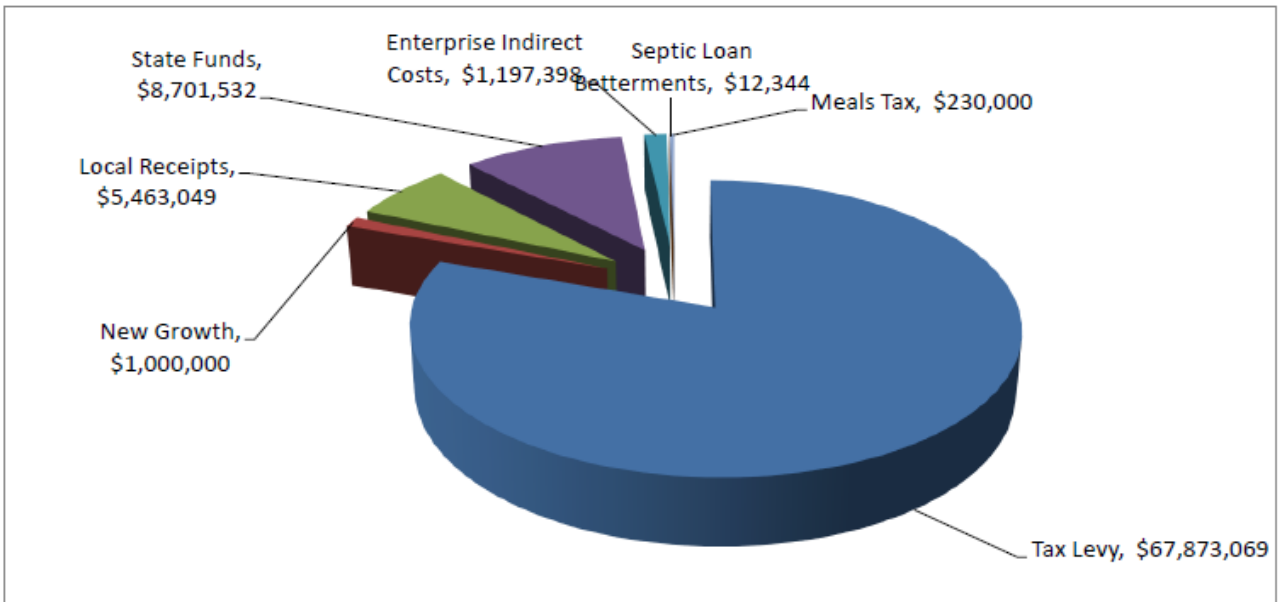
Notes	Actual FY 2019	Actual FY 2020	Actual FY 2021	Budget FY 2022	Proposed FY 2023	Projected FY 2024	Projected FY 2025	Projected FY 2026	Projected FY 2027
TAX RATE	\$ 57,874,204	\$ 57,874,204	\$ 60,897,650	\$ 65,584,330	\$ 68,873,069	\$ 71,194,895	\$ 73,524,788	\$ 75,912,887	\$ 78,380,709
School Debt Exclusion	\$ 737,505	\$ 713,532	\$ 681,947	\$ 653,830	\$ 619,483	\$ 592,852	\$ 564,753	\$ 541,580	\$ 523,371
Wastewater Debt Exclusion	\$ 872,811	\$ 120,475	\$ 87,981	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Library Debt Exclusion	\$ 322,438	\$ 363,690	\$ 384,352	\$ 373,925	\$ 363,425	\$ 362,925	\$ 342,425	\$ 331,925	\$ 321,425
Public Safety Complex Debt Excl	[8]	\$ 1,135,427	\$ 1,148,325	\$ 1,135,710	\$ 1,102,213	\$ 1,070,463	\$ 1,033,838	\$ 1,002,338	\$ 970,838
Senior Center/Gym Debt Exclusion		\$ -	\$ -	\$ 58,333	\$ 921,992	\$ 709,375	\$ 687,125	\$ 664,875	\$ 642,825
Middle School Debt Exclusion	[8]	\$ 3,459,852	\$ 3,502,464	\$ 3,423,600	\$ 3,335,600	\$ 3,148,800	\$ 3,056,600	\$ 2,958,725	\$ 2,865,975
TOTAL TAX LEVY	\$ 64,202,037	\$ 63,712,690	\$ 66,512,533	\$ 71,985,487	\$ 74,983,689	\$ 77,070,211	\$ 78,209,509	\$ 80,855,330	\$ 83,243,942
TAX RATE	\$ 13.74	\$ 13.50	\$ 13.33	\$ 13.68	\$ 12.78	\$ 12.89	\$ 12.99	\$ 13.01	\$ 13.12
Total Valuation	\$ 4,660,703,740	\$ 4,875,051,680	\$ 5,146,329,020	\$ 5,249,255,600	\$ 5,840,080,849	\$ 5,956,882,466	\$ 6,078,020,115	\$ 6,197,540,518	\$ 6,321,491,328

**ASSUMPTIONS:**

- [1] - Reflects estimated FY23 DOR cherry sheet based on Governor's Budget with 5% year over year increases in assessments for FY24-28.
- [2] - Estimate of \$230,000 is a return to the pre-pandemic level; 20% to EDC budget; \$100,000 to offset debt exclusion restored; \$94,000 to capital plan
- [3] - South Shore Voc. Tech FY23 actual assessment and Norfolk Agricultural actual for FY22 for two students (only 1 enrolled now)-estimated 5% increase for FY23
- [4] - Shared cost of school bus lease of \$250,000 added to this amount in budget article so it is under the control of the School Department. Shared cost of street lighting set at \$125,000. Both amounts to stay static for future years.
- [5] - FY23 revised preliminary received from FCRS based on 1/1/20 actuarial date with 8% for FY24-26 as previously advised by Plymouth County Retirement System.
- [6] - Reflects a 4% increase over FY20 budget and remains at that level through FY24 due to exempt employees retiring and COLAs.
- [7] - Pursuant to Town financial policies, 2% of Plymouth County Retirement System assessment.
- [8] - \$100,000 in solar array and wind turbine revenues to offset debt exclusion impact for middle school & public safety complex.
- [9] - 15% increase over FY22 budget as augmented at 10/21 STM. Additional 5% FY24-26.
- [10]-FY20 was 3.1% for active plans; FY21 is 3.8% for active plans; FY22 was 4.36% for active plans; calendar year 2021 at 0% for Medex plans; FY23 rate is 3.61% for all plans
- [11]- Unemployment line at \$65,000 which is pre-pandemic level.
- [12]- Actual for FY21 and 2% estimated increase for FY22-24; may still need to be revised when contracts settle.
- [13]-Remains at FY22 revised amount of 2.6% less than FY20 - FY22 YTD on track to make that projection but investment income will likely stay low.
- [14]-FY21 and FY21 actuals are artificially low as the Town's health insurer, MIA, provided premium holidays due to the pandemic
- [15]-New shared cost for FY23 for salary of a shared HVAC Technician for town and school buildings

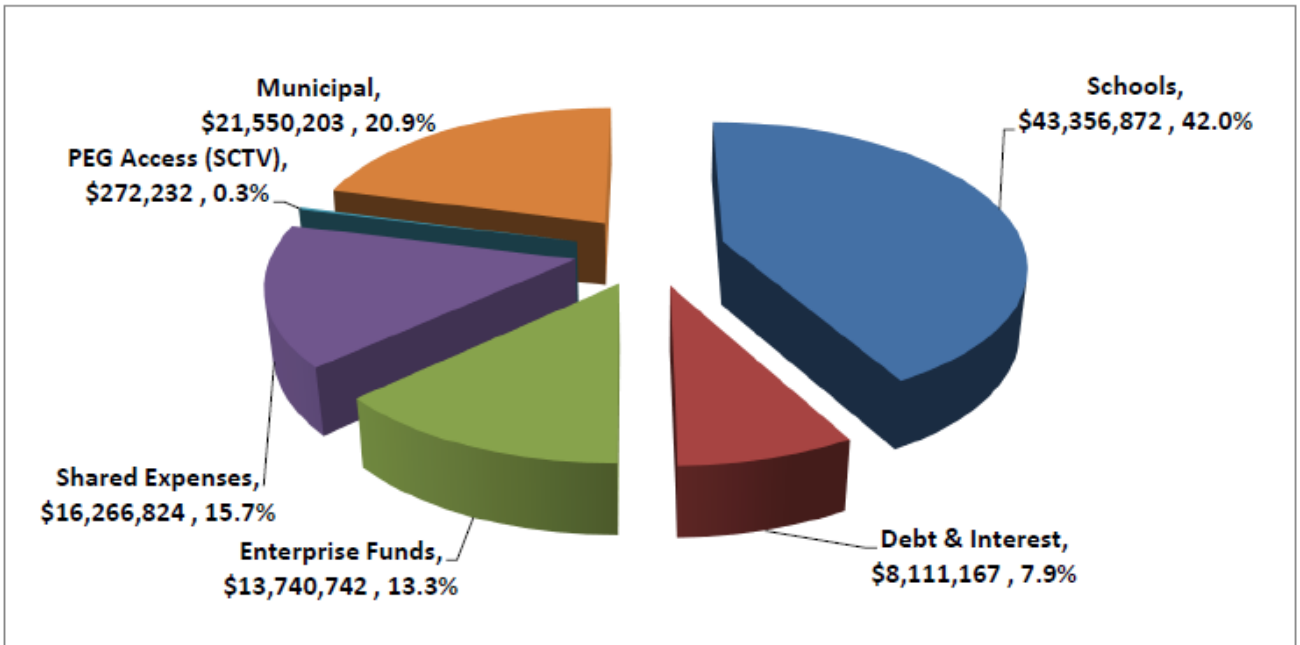
FY23 Scituate Sources of Revenue

2021 Tax Levy	\$	66,217,628
2.5%	\$	1,655,441
	\$	<u>67,873,069</u>
Tax Levy	\$	67,873,069
New Growth	\$	1,000,000
Local Receipts	\$	5,463,049
State Funds	\$	8,701,532
Enterprise Indirect Costs	\$	1,197,398
Septic Loan Betterments	\$	12,344
Meals Tax	\$	230,000
	\$	<u>84,477,392</u>



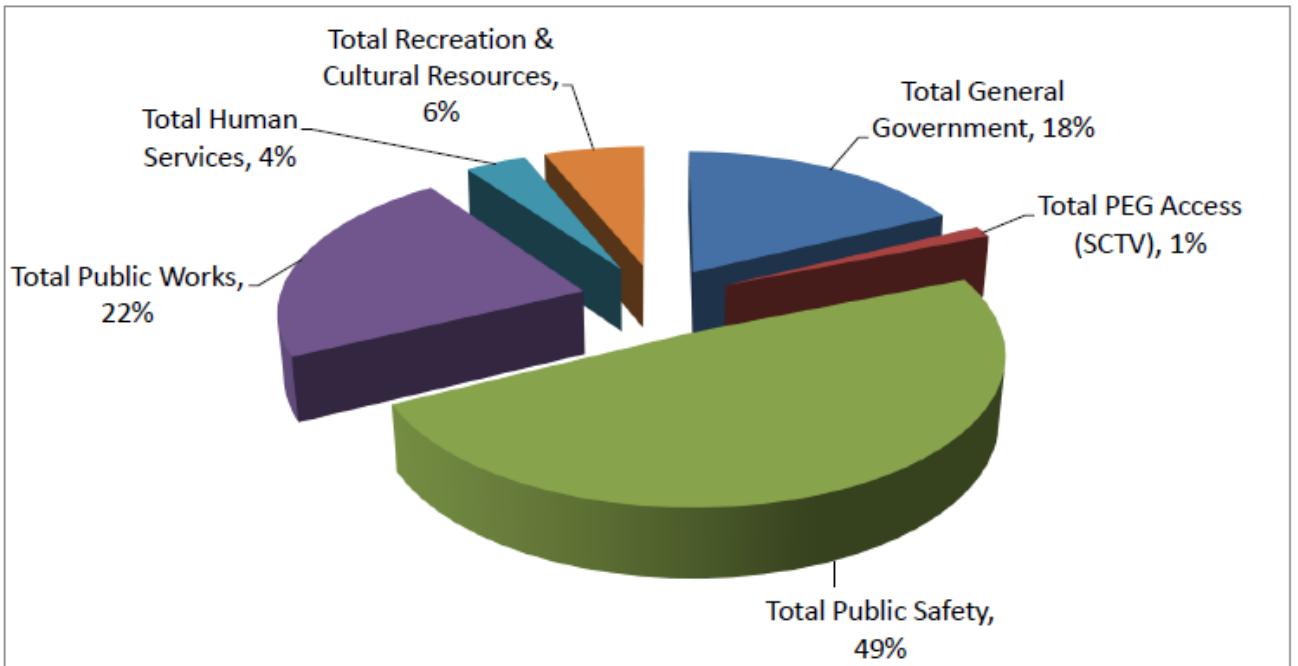
### FY23 Scituate Town Budget

Schools	\$	43,356,872
Debt & Interest	\$	8,111,167
Enterprise Funds	\$	13,740,742
Shared Expenses	\$	16,266,824
PEG Access (SCTV)	\$	272,232
Municipal	\$	21,550,203
	\$	<u>103,298,040</u>



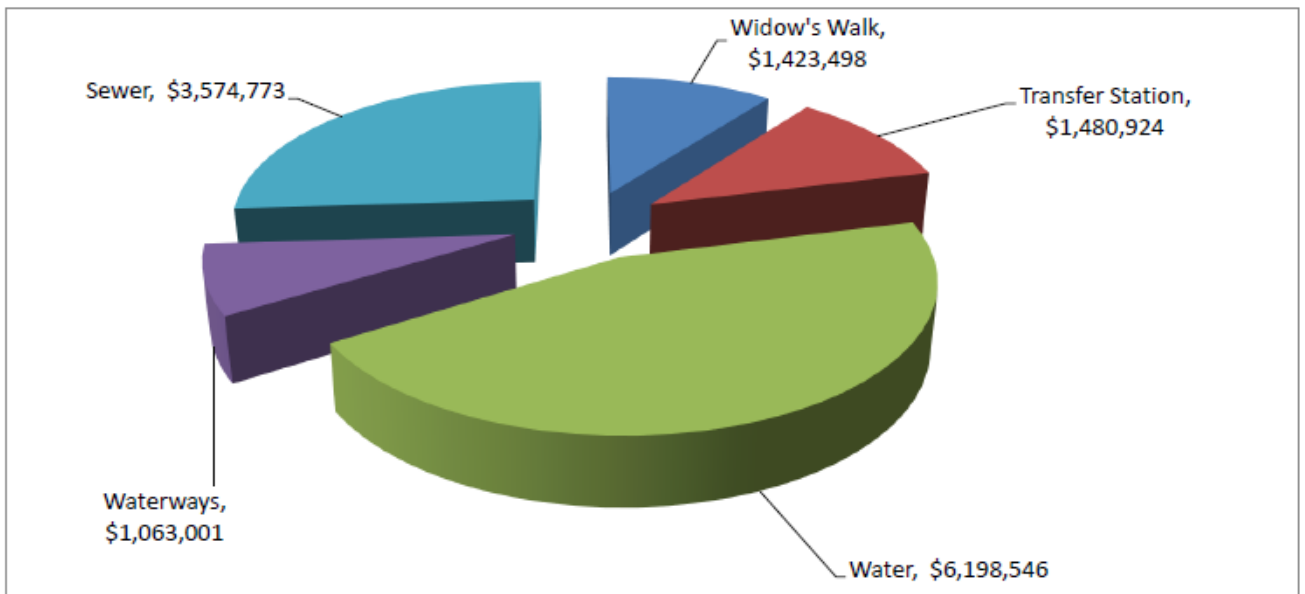
FY23 Scituate Municipal Expense Share

Total General Government	\$ 3,864,226	18%
Total PEG Access (SCTV)	\$ 272,232	1%
Total Public Safety	\$ 10,638,129	49%
Total Public Works	\$ 4,887,362	22%
Total Human Services	\$ 820,444	4%
Total Recreation & Cultural Resources	\$ 1,340,042	6%
	<u>\$ 21,822,435</u>	<u>100%</u>

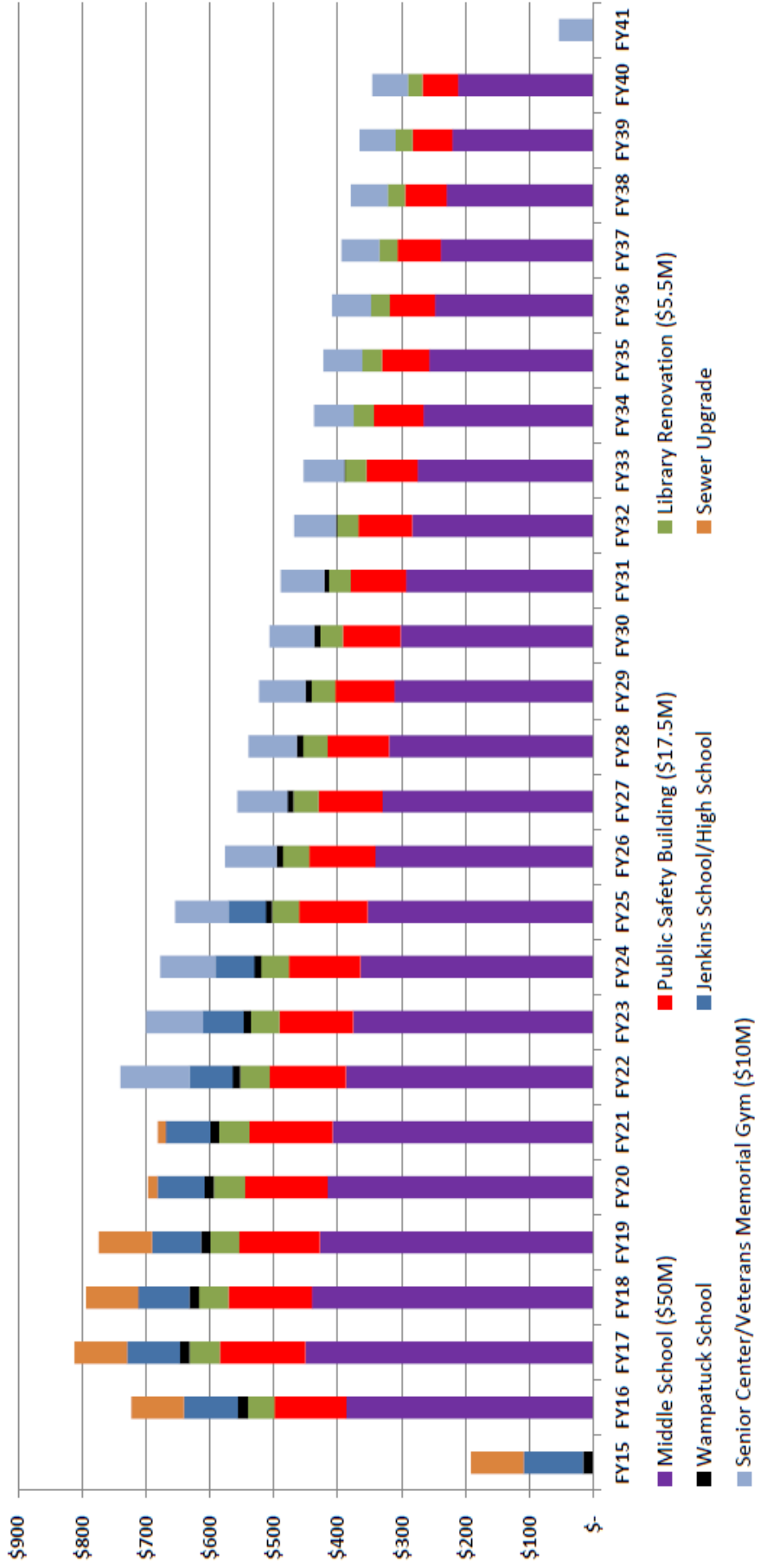


FY23 Scituate Enterprise Fund Expense

Widow's Walk	\$	1,423,498
Transfer Station	\$	1,480,924
Water	\$	6,198,546
Waterways	\$	1,063,001
Sewer	\$	3,574,773
	\$	<u>13,740,742</u>



## Current Scituate Debt Exclusions - Tax Impact on Average Single Family Home

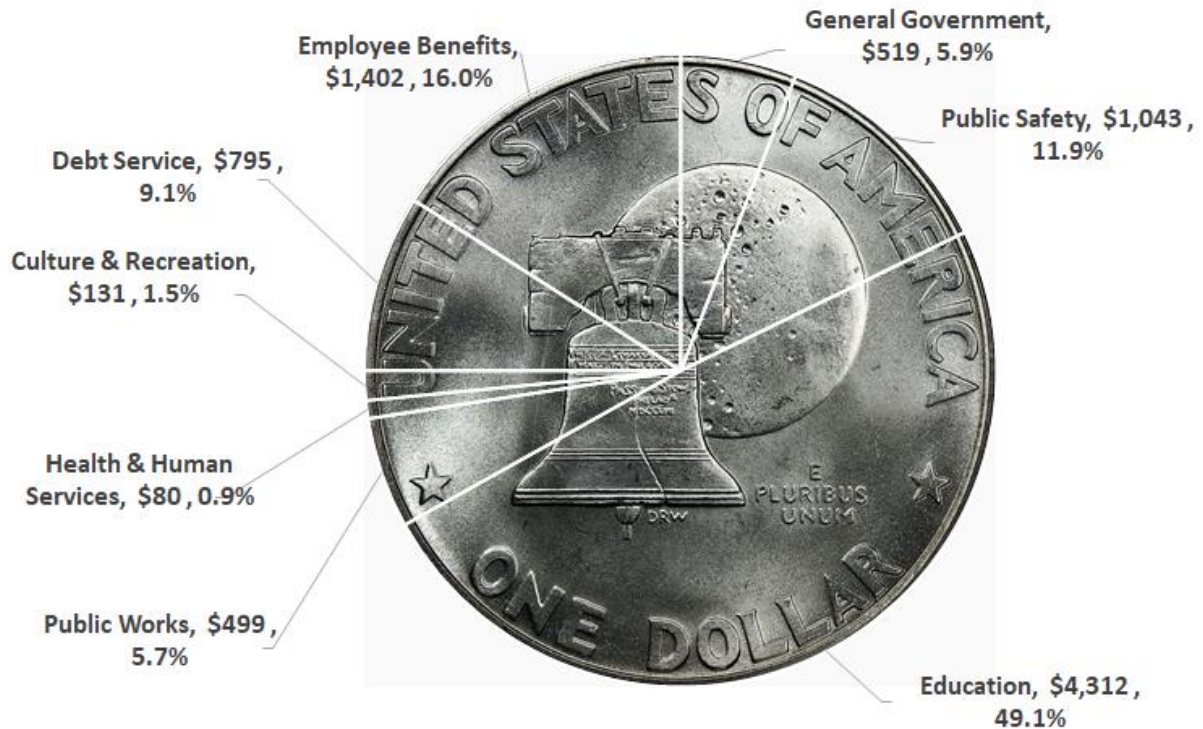


**Notes**

- (1) Middle School and Public Safety Complex include \$300,000 offset from meals tax, wind turbine and solar array revenues as approved annually by town meeting for FY16-20 and FY22 (only \$200,000 for FY21) and proposed again for FY23 which equates to approximately \$36 annual savings to average home. Average single family home assessment: FY15 - \$492,700, FY16 - \$508,367, FY17 - \$531,954, FY18 - \$553,095, FY19 - \$576,038, FY20 - \$601,671, FY21 - \$631,254 and FY22 - \$695,958
- (2) FY23 and beyond calculated based on FY22 total value and average home value and are subject to change annually.



## How Your Tax Dollars Are Spent



Average single family tax bill of \$8,783, average single family home assessed value is \$695,958

To see a listing of departments in each grouping, please refer to Annual Town Meeting Article 4, FY 2023 General Fund Budget.

## Scituate Public Schools FY23 Budget at a glance

This budget summary provides you with valuable information about the proposed budget, how it will support the education of our students, and how it will impact you and our community. We are proposing a budget that we believe maintains our community's commitment to excellence in education and carefully weighs the need for fiscal responsibility.

We are presenting a budget that represents the support provided through the combined efforts of the Town of Scituate, the Commonwealth of Massachusetts, and other revenue sources including both entitlement and competitive grants and fees. Proposed spending will increase next year by 3.81%. We believe the proposed budget thoughtfully supports today's students and positions our schools and community well for the future.

Additionally, the district has taken advantage of federal support in the form of CARES Act funding and ESSER funds, both of which were a result of federal appropriations in response to the COVID-19 pandemic.

This budget will support and prioritize our *"Two Pillars"* with continued pursuit of learning experiences for all students that are intellectually engaging, relevant, and that take place in an active learning environment while ensuring sustainability of services based on long term revenue projections.

### Scituate Public Schools *"Two Pillars"*

#### **1. Pillar 1: Culture of Excellence:**

As we move out of a focus on managing education through a pandemic we set our sights on ensuring a high quality educational system that will support students toward a path of academic excellence and the associated high achievement we expect for all students.

##### Highlights Reflected in the FY 23 Budget:

- Increased Investment in Curriculum
- Removal of Athletic Fees
- Establishment of a DEI line item

#### **2. Pillar 2: Culture of Collaboration**

The district will continue our work to ensure that policies and practices enable staff members and students to interact effectively in a culturally diverse environment in which students' backgrounds, identities, strengths, and challenges are respected. As we continue to increase communication, transparency, and develop relationships with all stakeholders we commit to enhancing opportunities for engagement. As we move toward the next steps in the planning and funding of a new consolidated Cushing and Hatherly School we continue to be good stewards of the resources provided by the Town and the taxpayers.

##### Highlights Reflected in the FY 23 Budget:

- Removal of Athletic fees for all students
- Funding a line item to provide resources toward greater diversity, equity, and inclusion
- Responsibly negotiating contracts with six bargaining units

- Doubling of the Maintenance line item to ensure that the benefits achieved through CARES Act funds utilized in FY21 are continued

The School Committee's proposed budget is \$46,349,851.75. This proposed budget represents an increase from the 2021-2022 budget in the amount of \$1,703,038.75 (3.81%). Of that, 80% represents costs related to salaries districtwide. Town support of the budget has increased by \$1,833,183.00 (4.4%)

**TOWN OF SCITUATE  
SPECIAL TOWN  
MEETING APRIL 11, 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 ELEVENTH DAY OF APRIL 2022 NEXT**

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

*\*\*\*\*\*See Appendix A for Special Town Meeting Consent Agenda\*\*\*\*\**

**ARTICLE 1. Unpaid Bills**

To see if the Town will vote to transfer the sum of **\$6,798.24**, or a greater or lesser sum, for the purpose of paying prior fiscal 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 above. This is a recurring annual accounts payable responsibility for the town.

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

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

**ARTICLE 2. FY 22 Budget Reconciliations**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$425,205.00** or a greater or lesser sum, for the purpose of fully funding the following accounts established under Articles 4, 6, 7, 8 and 9 of the April 12, 2021 Annual Town Meeting as follows:

Department	Line Item	To Amount	From Amount	Comment
Information Technology	Capital Outlay 1155580.585100	\$ 20,738.00		Replace batteries in uninterrupted power supplies (UPS) at Public Safety Building
Fire Department	Technical Services 1220520.530900	\$ 11,000.00		Consultant services to codify Standard Operating Procedures and Standard Operating Guidelines
Fire Department	Repair & Maintenance 1220520.524200	\$ 6,000.00		Repairs to Engine 3
Police & Fire Departments	Capital Outlay 1210580.585100	\$ 11,160.00		Installation of communication infrastructure improvements; CARES funds supported equipment of \$46,228; installation could not be scheduled by 12/31/21
Police Department	Capital Outlay 1210580.585100	\$ 41,102.00		Equipment replacement
School Department	School Budget	\$ 90,000.00		Capital facility projects
Contributory Insurance			\$ 180,000.00	Active plan premium holiday given by insurance carrier in July 2021
Library	Capital Outlay 1210580.585100	\$ 7,543.00		Energy efficient LED lights in book sale room
Library	Capital Outlay 1210580.585100	\$ 37,730.00		Replace public computers, server and add digital displays to meeting rooms which were not approved for CARES funding
Library	Regular Salaries 1610510.511000		\$ 45,273.00	Vacancies
Board of Health	Part-time Salaries 1510510.518000	\$ 3,500.00		Additional hours for public health nurse due to pandemic not covered by CARES funds
Conservation	Regular Salaries 1171510.511000		\$ 3,500.00	Coastal Resources Manager vacancy
Water Department	Technical Services 65450520.530900	\$ 25,000.00		Consultant services for Water Offset Policy
Water Department	Vehicle Service 65450520.524500	\$ 24,432.00		Unexpected repair to dump truck
Water Department	Chemicals & Lab Supplies 65450540.550100	\$ 25,000.00		Rising chemical costs
Water Department	Fuels & Lubricants 65450540.548100	\$ 5,000.00		Rising fuel costs
Water Enterprise Retained Earnings			\$ 79,432.00	
Widows Walk Golf Course	Capital Outlay 61661580.585100	\$ 40,000.00		Additional site work and paving
Widows Walk Retained Earnings			\$ 40,000.00	
Transfer Station	Capital Outlay 63433580.585100	\$ 25,000.00		Repairs to scale
Transfer Station Retained Earnings			\$ 25,000.00	
Sewer Department	Chemicals & Lab Supplies 64440540.550100	\$ 50,000.00		Rising chemical costs
Sewer Department	Fuels & Lubricants 64440540.548100	\$ 2,000.00		Rising fuel costs
Sewer Enterprise Retained Earnings			\$ 52,000.00	
	<b>Total</b>	<b>\$ 425,205.00</b>	<b>\$ 425,205.00</b>	

or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

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

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

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

**ARTICLE 3. Emergency Storm/ Snow and Ice Removal Related Costs**

To see if the Town will vote to transfer the sum of **\$50,000.00**, or a greater or lesser sum, for the purpose of paying emergency storm related and/or snow and ice removal costs, or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

As of this writing, this article is currently not needed but there is only \$15,000 available in the snow and ice budget without factoring the recent overtime costs or any additional salt costs. Due to the cold weather, there have been repeated salting events even when there has been no precipitation resulting in an increased need for salt. The current year's salt contract is \$56.60/ton which is \$7.35/ton more than the previous year (15.2% increase).

This article will transfer funds from Free Cash .

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

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

**\*\*\*\*\*See Appendix B for CPA Project Descriptions\*\*\*\*\***

**ARTICLE 4. Community Preservation Act**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended from Community Preservation Undesignated Funds unless otherwise indicated. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

1. \$31,159 From Community Preservation fund balance, to be reserved for the creation and support of Community Housing consistent with the Act; FY22 previously voted set-asides were insufficient to meet the 10% requirement due to additional state match being received;
2. \$31,159 From Community Preservation fund balance, to be reserved

for the acquisition and preservation of Historic Resources consistent with the Act; FY22 previously voted set-aside was insufficient to meet the 10% requirement due to additional state match being received;

3. \$5,000 From Historic Reserve, Historic survey and planning;
4. \$100,000 From Community Preservation fund balance, for the restoration of the historic Scituate Lighthouse;

Or take any other action relative thereto.

*Sponsored by: Community Preservation Committee*

**Comments:**

This article would increase the amounts previously set-aside for Community Housing and Historic Preservation in FY2022 as there were not sufficient to meet the 10% required amount after additional state matching funds were received. Proposed adjustment provided to CPC is an additional \$31,159 for each required purpose of community housing and historical resources. Also, there is an additional \$5,000 for the historic survey and planning project approved in 2018. This additional amount will enable the Historic Commission to apply for a grant that requires a \$15,000 town share match.

This article proposes to seek \$100,000 of the \$2,000,000 of funding recommended for the restoration of the Scituate Lighthouse at the Special Town meeting to facilitate the hire of an Owner's Project Manager (OPM) to keep the summer construction timeline on schedule.

Please refer to the CPC presentation presented as an appendix to this booklet for further description.

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

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

**ARTICLE 5: Construction of New Water Treatment Plant Facility and Supervisory Control and Data Acquisition (SCADA) System**

To see if the Town will vote to appropriate the sum of \$50,000,000.00, to demolish the existing water treatment plant facility, and design, construct and equip a new water treatment plant facility and supervisory control and data acquisition (SCADA) system, including the payment of costs incidental or related thereto; that to meet such appropriation authorize the Treasurer, with the approval of the Select Board, to borrow up to \$50,000,000.00 under M.G.L. Chapter 44, Section 8(4) or any other enabling authority; and further that the Select Board are authorized to apply for American Rescue Plan Act (ARPA) funds through Plymouth County and The Commonwealth of Massachusetts, grants, gifts, or donations for the purposes of this vote from federal, state, or private sources, and the said Select Board were hereby authorized to accept such American Rescue Plan Act (ARPA) funds through Plymouth County and The Commonwealth of Massachusetts, grants, gifts or donations on behalf of the Town and that the amount of the

authorized borrowing shall be reduced by the amount of American Rescue Plan Act (ARPA) funds through Plymouth County and The Commonwealth of Massachusetts, grants, gifts and donations received prior to any such borrowing; or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

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 Advisory Committee supports this proposed Article.

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

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



**TOWN OF SCITUATE  
ANNUAL TOWN MEETING  
APRIL 11, 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 ELEVENTH DAY OF APRIL 2022 NEXT**

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

*\*\*\*\*\*See Appendix C for Annual Town Meeting Consent Agenda\*\*\*\*\**

**ARTICLE 1. Compensation of Elected Officials**

To see if the Town will vote to establish the salaries and compensation of all elected Town officials as follows for a sum totaling **\$88,487.00**, or a greater or lesser sum; or take any other action relative thereto:

SELECT BOARD:	Chair & Legitimate Expenses	\$ 1,500.00
SELECT BOARD:	Members & Legitimate Expenses	\$ 2,000.00 (4@\$500)
ASSESSORS:	Chair & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00 (2@\$400)
TOWN CLERK:	Personal Services	\$82,987.00

*Sponsored By: Select Board*

**Comments:**

This is an annual recurring article which addresses town salaries for elected officials within the body of the government. Overall there were no changes with the exception of a cost of living adjustment (2.5%) for the Town Clerk.

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

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

**ARTICLE 2. Reports of Boards and Committees**

To see if the Town will vote to hear or act upon any reports from the Town officers or committees; or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

This article allows town meeting members to receive a report from town officials on the work of committees or projects of particular interest at the time of the meeting. This is a recurring annual article authorizing procedural protocol.

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

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

**ARTICLE 3. Capital Improvement Plan**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$27,299,989.00** or any greater or lesser sums as may be necessary, for the purpose of funding the costs of the Fiscal Year 2023 Capital Improvement Plan submitted in accordance with Section 6-6 of the Scituate Town Charter and outlined as follows; or take any other action relative thereto

	Project	Department	Amount	Funding Source
A	Beach Improvements	Foreshore Protection	\$ 100,000	Free Cash
B	Foreshore Repairs-Seawall Turner Rd/Oceanside	Foreshore Protection	\$ 4,000,000	Borrowing
C	Road & Sidewalk Improvements	DPW - Highway	\$ 300,000	Free Cash, Tax Levy, Other Articles, Premiums
D	Foreshore Protection	Foreshore Protection	\$ 200,000	Free Cash
E	Foreshore Repairs - FEMA - 3rd Cliff	Foreshore Protection	\$ 2,500,000	Borrowing
F	Foreshore Repairs - FEMA - 2nd Cliff	Foreshore Protection	\$ 715,000	Borrowing
G	Foreshore Repairs - FEMA - 1st Cliff	Foreshore Protection	\$ 635,000	Borrowing
H	Foreshore Repairs - FEMA - Minot	Foreshore Protection	\$ 717,500	Borrowing
I	Foreshore Repairs - FEMA - Glades (PW361/821/1171)	Foreshore Protection	\$ 724,147	Borrowing
J	Foreshore Repairs - FEMA - Seaside (PW379)	Foreshore Protection	\$ 121,439	Capital Stabilization
K	Foreshore Repairs -FEMA-Surfside (PW1171/383)	Foreshore Protection	\$ 163,513	Capital Stabilization
L	Foreshore Repairs-FEMA-Cole Pkwy (PW357)	Foreshore Protection	\$ 66,983	Capital Stabilization
M	Harbor Resiliency Design & Engineering	Foreshore Protection	\$ 250,000	Free Cash
N	Replace Zoll monitors (2)	Fire	\$ 50,000	Free Cash
O	Truck 1-9, Diesel Pick-up Truck	DPW - Highway	\$ 65,000	Free Cash
P	Replace ADA Ramp to Maritime Center	Facilities	\$ 108,500	Free Cash
Q	Ballistic Vests	Police	\$ 92,767	Free Cash
R	Town Wide Facilities Plan - Year Two Projects	Facilities Town Wide Plan	\$ 1,166,069	Free Cash
S	MS4 Compliance	DPW-Engineering	\$ 100,000	Free Cash
T	Replace 2001 Trash Truck	DPW - Grounds	\$ 170,000	Free Cash
U	Cemetery Maintenance Database Program	DPW - Grounds	\$ 45,000	Free Cash
V	SHS Floor Replacement	School	\$ 300,000	Free Cash
W	Truck 101 Medium Duty Truck	DPW - Highway	\$ 65,000	Free Cash
X	Replace Forklift	DPW - Highway	\$ 67,300	Free Cash
Y	High School Roof Replacement	School	\$ 1,045,000	Borrowing
Z	School Technology	School	\$ 200,000	Free Cash
AA	Network Switches	Information Technology	\$ 112,000	Free Cash
BB	Replace #2-0 1999 Ford 250 Pick-up	DPW - Grounds	\$ 65,000	Free Cash
CC	Replace HVAC at 68 Capt Peirce (DPW)	Facilities	\$ 67,000	Free Cash
DD	Replace #2-2 2013 Pick-up	DPW - Grounds	\$ 65,000	Free Cash
EE	Automated License Plate Reader & Parking Management System	Police	\$ 82,500	Free Cash
FF	Replace 2010 Command Vehicle	Fire	\$ 65,000	Free Cash
GG	Center for Performing Arts Rigging	School	\$ 26,000	Free Cash
HH	Vehicle for Facilities Director	Facilities	\$ 37,000	Free Cash
II	Inflow & Infiltration Recommended 2021 Priority Areas	Sewer	\$ 4,043,285	Borrowing
JJ	SCADA Phase 5	Sewer	\$ 286,950	Borrowing
KK	Inflow & Infiltration	Sewer	\$ 220,000	Sewer Retained Earnings
LL	Automated Aeration Valves	Sewer	\$ 85,000	Sewer Retained Earnings
MM	Replace #5-1 2005 Ranger with 4x4	Sewer	\$ 71,036	Sewer Retained Earnings, Other Articles
NN	Humarock Water Mains-Construction	Water	\$ 6,300,000	Borrowing
OO	Well #19 & 22 Upgrades	Water	\$ 325,000	Water Retained Earnings, Other Articles
PP	Well #10 & 11 Upgrades	Water	\$ 564,000	Water Retained Earnings
QQ	West End Well Investigation	Water	\$ 250,000	Water Retained Earnings
RR	Redevelopment of Public Wells	Water	\$ 125,000	Water Retained Earnings, Other Articles, Premiums
SS	10 Yr Meter replacement cycle program	Water	\$ 220,000	Water Retained Earnings
TT	Maintenance and Improvement Dredging	Waterways	\$ 250,000	Waterways Retained Earnings
UU	Pump Out Station Jericho Boat Ramp	Waterways	\$ 72,000	Waterways Retained Earnings, Other Articles, Premiums
		<b>Grand Total</b>	<b>\$ 27,299,989.00</b>	

**Comments:**

The Fiscal Year 2023 capital plan addresses multiple infrastructure needs for foreshore protection, roadway maintenance, stormwater monitoring, technology improvements, equipment replacement and repair and maintenance to municipal buildings. The Capital Planning Committee reviewed all of the capital submissions for FY 23 over the past several months and recommended to the Select Board the \$50M water treatment plant and \$46.7M in additional projects as proposed in the Town Administrator's recommended capital plan. The Select Board voted to reduce the Harbor Resiliency Design project by \$150,000 which was the amount of a grant received for the project in February 2022. The Select Board also voted to defer the \$7.17M seawall replacement project for Cedar Point as this project is being done with the Army Corps of Engineers and the Corps asked for additional available funds for further design work. As the design is still not finalized and therefore the cost may change, the Select Board opted to defer the project to the fall. The final change voted by the Select Board was the reduction of the Oceanside seawall replacement project from \$16M to \$4M. This project is to be done in four phases so the \$4M would be sufficient to move forward with phase 1. Phases 2-4 are deferred to the fall town meeting pending the collection of easements, final permitting and most importantly, the outcome of multiple grant applications.

The plan before voters tonight includes \$14,487,718 for general fund projects including \$10.2M for foreshore protection, \$400,000 for roadway improvements and stormwater compliance, \$891,567 for equipment replacement, \$2,645,569 for repair and maintenance to multiple municipal buildings and \$357,000 for technology upgrades. The roadway improvement funds will be augmented with \$200,000 in the operational budget (Article 4) and Chapter 90 funds expected to be in the amount of \$550,000 for FY23. The aggressive foreshore protection plan would fund the 25% town share for the repairs to First Cliff, Second Cliff, Third Cliff, Minot and other sites damaged in Storms Sandy (2012), Nemo (2013), Juno (2015) & Riley (2018). Beach accessibility improvements of \$100,000, a harbor resiliency design project for \$250,000, foreshore protection repairs and grant match of \$200,000 and \$4M for phase 1 of the Oceanside seawall replacement project are also recommended for funding.

The general portion also includes \$1,166,069 to fund year two of the town-wide facilities plan's recommended repairs for 17 municipal buildings. Replacement of the high school roof is also recommended and the School Department has filed a Statement of Interest with the Massachusetts School Building Authority for participation in their Accelerated Repair Program for partial reimbursement of that repair. The ADA ramp at the Maritime Center is also recommended in the plan for replacement.

The Sewer Enterprise projects include \$4,043,285 to continue the elimination of major contributors of inflow and infiltration in the wastewater system. It also includes \$286,950 for phase 5 of the supervisory control and data acquisition (SCADA) system and \$220,000 for other smaller inflow and infiltration measures such as manhole replacement. The replacement of a pick-up truck and an automated aeration valve project are the final recommended projects.

The Water Enterprise projects include upgrades to wells #10, 11, 19 & 22 and redevelopment of other wells totaling \$1,014,000. Investigation of potential new wells in the West End is also

supported at \$250,000 as is \$220,000 for replacement water meters. The final project recommended to voters is \$6,300,000 for the replacement of water mains in Humarock. The water mains in this area have a loss ratio of up to 50% which is impacting the operational budget as the water for this area of town is purchased from the Town of Marshfield.

The Waterways Enterprise projects include the town share of \$250,000 for a joint dredging project with the Town of Marshfield in the South River to be coupled with a grant to complete the \$1,000,000 project. Also recommended was the pump out station at the Jericho Boat Ramp which may also be eligible for a grant to offset the cost.

The breakdown of funding sources for the recommended plan by fund is below.

<b>Recommended Project Breakdown by Fund</b>			
<b>Funding Source</b>	<b>Fund</b>	<b>Amount</b>	
Free Cash	GF	\$ 3,601,898.21	
Available Articles	GF	\$ 11,907.89	
Capital Stabilization	GF	\$ 351,935.00	
Tax Levy	GF	\$ 100,000.00	
Meals Tax	GF	\$ 84,000.00	
Borrowing	GF	\$ 10,336,647.00	
Reserved Premiums	GF	\$ 1,329.90	
<b>Total General Fund</b>	<b>GF</b>	<b>\$ 14,487,718.00</b>	<b>53.1%</b>
Retained Earnings	WTR	\$ 1,249,343.49	
Available Articles	WTR	\$ 232,942.70	
Borrowing	WTR	\$ 6,300,000.00	
Reserved Premiums	WTR	\$ 1,713.81	
<b>Total Water Enterprise</b>	<b>WTR</b>	<b>\$ 7,784,000.00</b>	<b>28.5%</b>
Retained Earnings	SWR	\$ 375,614.08	
Borrowing	SWR	\$ 4,330,235.00	
Available Articles	SWR	\$ 421.92	
Reserved Premiums	SWR		
<b>Total Sewer Enterprise</b>	<b>SWR</b>	<b>\$ 4,706,271.00</b>	<b>17.2%</b>
Retained Earnings	WWYS	\$ 260,780.97	
Available Articles	WWYS	\$ 61,170.05	
Reserved Premiums	WWYS	\$ 48.98	
<b>Total Waterways Enterprise</b>	<b>WWYS</b>	<b>\$ 322,000.00</b>	<b>1.2%</b>
<b>Grand Total</b>		<b>\$ 27,299,989.00</b>	<b>100.0%</b>

The summary of funding sources for the overall plan is provided below.

<b>Recommended Project Breakdown by Funding Source</b>		
<b>Funding Source</b>	<b>Amount</b>	<b>%</b>
Free Cash	\$ 3,601,898.21	13.2%
Enterprise Fund Retained Earnings	\$ 1,885,738.54	6.9%
Borrowing Supported by Tax Levy	\$ 10,336,647.00	37.9%
Borrowing Supported by Enterprise Fund Receipts	\$ 10,630,235.00	38.9%
Unspent Articles	\$ 306,442.56	1.1%
Capital Stabilization Funds	\$ 351,935.00	1.3%
Tax Levy	\$ 100,000.00	0.4%
Meals Tax	\$ 84,000.00	0.3%
Reserved Premiums	\$ 3,092.69	0.0%
<b>Grand Total</b>	<b>\$ 27,299,989.00</b>	<b>100.0%</b>

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

**Advisory Committee Vote:** Unanimous vote (7-0) in support of all items except B and EE in this article. Majority vote (6-1) in support of Items B & EE.

#### **ARTICLE 4. Fiscal Year 2023 Operating Budget**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds in the Treasury, the sum of **\$89,557,298.00** or a greater or lesser sum, for the purpose of funding personal services and expenses for Town operations as may be necessary for the ensuing Fiscal Year commencing July 1, 2022; or take any other action relative thereto.

<b>Article 4</b>						
<b>Fiscal Year 2023 Operating Budget</b>						
			<b>FY 2022 Appropriated</b>	<b>FY 2023 Select Board</b>	<b>FY 2023 Advisory Com</b>	<b>% of total</b>
<b>Select Board</b>						
<b>Town Administrator</b>						
123	510	Personal Services	\$ 341,500	\$ 356,035	\$ 356,035	
	520	Purchase of Services	\$ 171,160	\$ 171,160	\$ 171,160	
	530	Town Counsel	\$ 145,000	\$ 145,000	\$ 145,000	
	532	Contract Bargaining	\$ 85,201	\$ 180,331	\$ 180,331	
	540	Materials & Supplies	\$ 7,400	\$ 7,400	\$ 7,400	
	599	Salary Adjustments	\$ 10,000	\$ 10,000	\$ 10,000	
			<b>\$ 760,261</b>	<b>\$ 869,926</b>	<b>\$ 869,926</b>	<b>0.97%</b>
<b>Advisory Committee</b>						
131	510	Personal Services	\$ 2,225	\$ 2,298	\$ 2,298	
	520	Purchase of Services	\$ 250	\$ 250	\$ 250	
	540	Materials & Supplies	\$ 4,300	\$ 4,300	\$ 4,300	
			<b>\$ 6,775</b>	<b>\$ 6,848</b>	<b>\$ 6,848</b>	<b>0.01%</b>
132	<b>Reserve Fund</b>					
	570	Transfers	\$ 75,000	\$ 75,000	\$ 75,000	<b>0.08%</b>

			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
135	<b>Finance Director/Town Accountant</b>					
	510	Personal Services	\$ 354,629	\$ 365,145	\$ 365,145	
	520	Purchase of Services	\$ 67,880	\$ 64,700	\$ 64,700	
	540	Materials & Supplies	\$ 1,300	\$ 1,300	\$ 1,300	
			\$ 423,809	\$ 431,145	\$ 431,145	0.48%
	<b>Assessors</b>					
141	510	Personal Services	\$ 211,756	\$ 224,507	\$ 224,507	
	520	Purchase of Services	\$ 38,850	\$ 39,050	\$ 39,050	
	540	Materials & Supplies	\$ 500	\$ 500	\$ 500	
			\$ 251,106	\$ 264,057	\$ 264,057	0.29%
	<b>Treasurer/Collector</b>					
145	510	Personal Services	\$ 319,964	\$ 331,394	\$ 331,394	
	520	Purchase of Services	\$ 100,025	\$ 101,025	\$ 101,025	
	540	Materials & Supplies	\$ 9,000	\$ 9,000	\$ 9,000	
			\$ 428,989	\$ 441,419	\$ 441,419	0.49%
155	<b>Information Technology</b>					
	510	Personal Services	\$ 209,331	\$ 275,126	\$ 275,126	
	520	Purchase of Services	\$ 384,395	\$ 385,595	\$ 385,595	
	540	Materials & Supplies	\$ 500	\$ 500	\$ 500	
	580	Capital Outlay	\$ 30,000	\$ 30,000	\$ 30,000	
			\$ 624,226	\$ 691,221	\$ 691,221	0.77%
	<b>Tax Foreclosures</b>					
158	521	Tax Foreclosures	\$ 39,000	\$ 39,000	\$ 39,000	
			\$ 39,000	\$ 39,000	\$ 39,000	0.04%
159	<b>Cable TV</b>					
	510	Personal Services	\$ 112,646	\$ 113,732	\$ 113,732	
	520	Purchase of Services	\$ 6,500	\$ 6,500	\$ 6,500	
	540	Materials & Supplies	\$ 2,000	\$ 2,000	\$ 2,000	
	580	Capital Outlay	\$ 150,000	\$ 150,000	\$ 150,000	
			\$ 271,146	\$ 272,232	\$ 272,232	0.30%
161	<b>Town Clerk</b>					
	510	Personal Services	\$ 177,128	\$ 211,681	\$ 211,681	
	520	Purchase of Services	\$ 26,815	\$ 44,122	\$ 44,122	
	540	Materials & Supplies	\$ 4,530	\$ 4,130	\$ 4,130	
			\$ 208,473	\$ 259,933	\$ 259,933	0.29%
171	<b>Planning &amp; Community Development</b>					
175	510	Personal Services	\$ 836,842	\$ 877,477	\$ 877,477	
176	520	Purchase of Services	\$ 54,600	\$ 63,600	\$ 63,600	
182	540	Materials & Supplies	\$ 4,100	\$ 4,600	\$ 4,600	
241			\$ 895,542	\$ 945,677	\$ 945,677	1.06%

			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
192	<b>Property/Liability Insurance</b>					
	570	Expenses	\$ 819,214	\$ 999,983	\$ 999,983	1.12%
	<b>Total General Government</b>		<b>\$ 4,803,541</b>	<b>\$ 5,296,441</b>	<b>\$ 5,296,441</b>	<b>5.91%</b>
210	<b>Police</b>					
	510	Personal Services	\$ 3,767,772	\$ 3,943,033	\$ 3,943,033	
	520	Purchase of Services	\$ 128,991	\$ 137,145	\$ 137,145	
	540	Materials & Supplies	\$ 108,220	\$ 134,020	\$ 134,020	
	580	Capital Outlay	\$ 184,820	\$ 203,820	\$ 203,820	
			<b>\$ 4,189,803</b>	<b>\$ 4,418,018</b>	<b>\$ 4,418,018</b>	<b>4.93%</b>
220	<b>Fire</b>					
	510	Personal Services	\$ 5,083,636	\$ 5,294,042	\$ 5,294,042	
	520	Purchase of Services	\$ 57,987	\$ 71,987	\$ 71,987	
	540	Materials & Supplies	\$ 166,991	\$ 166,991	\$ 166,991	
			<b>\$ 5,308,614</b>	<b>\$ 5,533,020</b>	<b>\$ 5,533,020</b>	<b>6.18%</b>
230	<b>Combined Public Safety Dispatch</b>					
	510	Personal Services	\$ 630,636	\$ 677,891	\$ 677,891	
	520	Purchase of Services	\$ -	\$ -	\$ -	
	540	Materials & Supplies	\$ 200	\$ 400	\$ 400	
			<b>\$ 630,836</b>	<b>\$ 678,291</b>	<b>\$ 678,291</b>	<b>0.76%</b>
295	<b>Shellfish</b>					
	510	Personal Services	\$ 8,000	\$ 8,000	\$ 8,000	
	520	Purchase of Services	\$ 200	\$ 200	\$ 200	
	540	Materials & Supplies	\$ 600	\$ 600	\$ 600	
			<b>\$ 8,800</b>	<b>\$ 8,800</b>	<b>\$ 8,800</b>	<b>0.01%</b>
	<b>Total Public Safety</b>		<b>\$ 10,138,053</b>	<b>\$ 10,638,129</b>	<b>\$ 10,638,129</b>	<b>11.88%</b>
300	<b>School Committee</b>					
	505	School Expenses	\$ 41,523,689	\$ 43,356,872	\$ 43,356,872	48.41%
310	<b>South Shore Regional School</b>					
	560	Intergovernmental	\$ 627,785	\$ 614,185	\$ 614,185	0.69%
	<b>Total Schools</b>		<b>\$ 42,151,474</b>	<b>\$ 43,971,057</b>	<b>\$ 43,971,057</b>	<b>49.10%</b>
	<b>Public Works</b>					
400	510	Personal Services	\$ 1,820,620	\$ 1,857,258	\$ 1,857,258	
	520	Purchase of Services	\$ 557,503	\$ 575,320	\$ 575,320	
	540	Materials & Supplies	\$ 280,033	\$ 265,389	\$ 265,389	
	580	Capital Outlay	\$ 435,360	\$ 412,260	\$ 412,260	
			<b>\$ 3,093,516</b>	<b>\$ 3,110,227</b>	<b>\$ 3,110,227</b>	<b>3.47%</b>



			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
<b>410</b>	<b>Facilities</b>					
	510	Personal Services	\$ 417,883	\$ 513,910	\$ 513,910	
	520	Purchase of Services	\$ 523,753	\$ 506,818	\$ 506,818	
	540	Materials & Supplies	\$ 235,955	\$ 249,300	\$ 249,300	
	580	Capital Outlay	\$ 63,000	\$ 83,000	\$ 83,000	
			\$ 1,240,591	\$ 1,353,028	\$ 1,353,028	1.51%
<b>423</b>	<b>Snow &amp; Ice</b>					
	510	Personal Services	\$ 107,906	\$ 101,401	\$ 101,401	
	520	Purchase of Services	\$ 176,909	\$ 150,000	\$ 150,000	
	540	Materials & Supplies	\$ 212,299	\$ 245,714	\$ 245,714	
			\$ 497,114	\$ 497,115	\$ 497,115	0.56%
<b>424</b>	<b>Street Lights &amp; Beacons</b>					
	520	Purchase of Services	\$ 125,000	\$ 125,000	\$ 125,000	0.14%
		<b>Total Public Works</b>	\$ 4,956,221	\$ 5,085,370	\$ 5,085,370	5.68%
<b>510</b>	<b>Board of Health</b>					
	510	Personal Services	\$ 292,084	\$ 301,882	\$ 301,882	
	520	Purchase of Services	\$ 12,575	\$ 12,575	\$ 12,575	
	540	Materials & Supplies	\$ 1,735	\$ 1,735	\$ 1,735	
	580	Capital Outlay	\$ 125	\$ 125	\$ 125	
			\$ 306,519	\$ 316,317	\$ 316,317	0.35%
<b>541</b>	<b>Council on Aging</b>					
	510	Personal Services	\$ 238,186	\$ 247,832	\$ 247,832	
	520	Purchase of Services	\$ 5,540	\$ 5,440	\$ 5,440	
	540	Materials & Supplies	\$ 27,500	\$ 28,000	\$ 28,000	
	580	Capital Outlay	\$ 5,200	\$ 5,200	\$ 5,200	
			\$ 276,426	\$ 286,472	\$ 286,472	0.32%
<b>543</b>	<b>Veterans Agent</b>					
	510	Personal Services	\$ 86,803	\$ 89,590	\$ 89,590	
	520	Purchase of Services	\$ 126,160	\$ 120,915	\$ 120,915	
	540	Materials & Supplies	\$ 2,150	\$ 2,150	\$ 2,150	
			\$ 215,113	\$ 212,655	\$ 212,655	0.24%
<b>549</b>	<b>Commission on Disabilities</b>					
	520	Purchase of Services	\$ 5,000	\$ 5,000	\$ 5,000	
	540	Materials & Supplies	\$ -	\$ -	\$ -	
			\$ 5,000	\$ 5,000	\$ 5,000	0.01%
	<b>Total Health &amp; Human Services</b>		\$ 803,058	\$ 820,444	\$ 820,444	0.92%

			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
610	<b>Library</b>					
	510	Personal Services	\$ 827,399	\$ 828,278	\$ 828,278	
	520	Purchase of Services	\$ 141,414	\$ 148,183	\$ 148,183	
	540	Materials & Supplies	\$ 136,250	\$ 139,000	\$ 139,000	
	580	Capital Outlay	\$ 2,000	\$ 5,000	\$ 5,000	
			\$ 1,107,063	\$ 1,120,461	\$ 1,120,461	1.25%
630	<b>Recreation</b>					
	510	Personal Services	\$ 158,717	\$ 164,521	\$ 164,521	
	520	Purchase of Services	\$ 1,420	\$ 1,710	\$ 1,710	
	540	Materials & Supplies	\$ 150	\$ 150	\$ 150	
	580	Capital Outlay	\$ -	\$ -	\$ -	
			\$ 160,287	\$ 166,381	\$ 166,381	0.19%
650	<b>Beautification</b>					
	540	Materials & Supplies	\$ 29,586	\$ 30,000	\$ 30,000	
			\$ 29,586	\$ 30,000	\$ 30,000	0.03%
691	<b>Historical Buildings</b>					
	520	Purchase of Services	\$ 23,200	\$ 23,200	\$ 23,200	
			\$ 23,200	\$ 23,200	\$ 23,200	0.03%
	<b>Total Recreation &amp; Resources</b>		\$ 1,320,136	\$ 1,340,042	\$ 1,340,042	1.50%
720	<b>Debt &amp; Interest</b>					
	590	Debt Service	\$ 8,417,125	\$ 8,111,167	\$ 8,111,167	9.06%
			\$ 8,417,125	\$ 8,111,167	\$ 8,111,167	9.06%
911	<b>Plymouth County Retirement</b>					
	512	Other Personal Services	\$ 5,875,196	\$ 6,338,175	\$ 6,338,175	7.08%
912	<b>Workers' Compensation</b>					
	515	Employee Benefits	\$ 523,715	\$ 210,000	\$ 210,000	0.23%
913	<b>Unemployment Insurance</b>					
	515	Employee Benefits	\$ 130,000	\$ 65,000	\$ 65,000	0.07%
914	<b>Contributory Group Insurance</b>					
	515	Employee Benefits	\$ 6,461,034	\$ 6,833,077	\$ 6,833,077	7.63%

			FY 2022 Appropriated	FY 2023 Select Board	FY 2023 Advisory Com	% of total
916	<b>Federal Taxes</b>					
	515	Employee Benefits	\$ 811,862	\$ 848,396	\$ 848,396	0.95%
	<b>Total Employee Benefits</b>		\$ 13,801,807	\$ 14,294,648	\$ 14,294,648	15.96%
	<b>Total General Fund</b>		\$ 86,391,415	\$ 89,557,298	\$ 89,557,298	100.00%

*Sponsored By: Select Board*

**Comments:**

The general fund operating budget is a level service budget striving to maintain those services provided in the prior fiscal year. The budget does include one new full-time 40 hour per week Information Technology position to start in September 2022, the addition of 7 hours per week for existing senior center food service personnel and one full-time position funded as a shared cost of an HVAC Technician for all municipal buildings. The fixed costs continue to be a concern for the Town with the pension assessment increasing by 8%.

The Fiscal Year 22 year-to-date revenues and expenses are currently trending within the financial forecast but there are concerns for some repair lines and fuel costs that may

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

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

**ARTICLE 5. Waterways Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$1,063,001.00**, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$	443,756
Other Expenses	\$	619,245
<b>Total</b>	<b>\$</b>	<b>1,063,001</b>

*Sponsored By: Select Board*

**Comments:**

The Advisory Board voted unanimously to approve the Waterways budget. It presented no issues.

The Waterways Enterprise budget reflects contractual increases for salaries but no new personnel. The overall budget increase from the FY22 is 1.6%. The main increase in the budget besides contractual payroll increases is an increase to the indirect costs due to a new insurance policy to cover the docks and piers which are no longer covered under by the insurer under the Town's main property insurance policy. Debt service decreased by \$28,482. The operational

budget as recommended is self-supporting. If all items in STM and ATM are approved by voters, there will be \$213,054.03 in retained earnings remaining.

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

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

## **ARTICLE 6. Golf Course Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,423,498.00**, or a greater or lesser sum, for the purpose of funding the Widow's Walk Golf Course operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$	242,644
Other Expenses	\$	1,180,854
Total	\$	1,423,498

*Sponsored By: Select Board*

### **Comments:**

The Golf Course Enterprise budget reflects contractual increases for salaries but no new personnel. The overall budget increase from the FY22 voted budget is 5.6%. The management fee for the final year of the course management contract increased by \$11,139. There are also small increases in the handicap service, technical services for credit card fees due to increased play, and indirect costs for insurance. The merchandise supplies line was increased by \$10,000 to expand the offerings at the pro-shop. This is the second year of debt service in the budget for the clubhouse improvements. The operational budget does not rely on any retained earnings and is self-supporting. If all items in STM and ATM are approved by voters, there will be \$174,508.73 in retained earnings remaining.

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

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

## **ARTICLE 7. Wastewater Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$3,574,773.00**, or a greater or lesser sum, for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$	619,933
Other Expenses	\$	2,954,840
Total	\$	3,574,773

*Sponsored By: Select Board*

**Comments:**

The Wastewater (Sewer) Enterprise budget reflects contractual increases for salaries but no new personnel. The main budget drivers are personnel costs, electricity, natural gas, technical services and vehicle service. The department requested major increases in equipment arts (\$87,988), chemical (\$93,666), rentals for sludge cake disposal (\$34,400) which were not recommended as the current recommendation will require a 3-4% rate increase to remain self-supporting. The overall budget increase from FY22 is 1.5%. The budget will need to be re-visited at the fall special town meeting if the global factors affecting chemicals, fuels, equipment, and utilities result in a shortfall. **The Select Board will take up FY23 rate discussions in June 2022.** *If all items in STM and ATM are approved by voters, there will be \$365,926.73 in retained earnings remaining.*

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

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

**ARTICLE 8. Transfer Station Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,480,924.00**, or a greater or lesser sum, for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$	288,138
Other Expenses	\$	1,192,786
Total	\$	1,480,924

*Sponsored By: Select Board*

**Comments:**

The Transfer Station Enterprise budget reflects contractual increases for salaries but no new personnel. The department would like to add a fifth full-time person in the future rather than rely on overtime and borrowing personnel from Highway & Public Grounds divisions to cover sick, vacation and personal time. The hauling costs remain elevated due to current market conditions. The overall budget increase from the FY22 budget is 8.2%. The operational budget does not rely on any retained earnings and is self-supporting. *If all items in STM and ATM are approved by voters, there will be \$216,744.88 in retained earnings remaining*

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

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

**ARTICLE 9. Water Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$6,198,546.00**, or a greater or lesser sum, for the purpose of

funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$	1,231,669
Other Expenses	\$	4,966,877
Total	\$	6,198,546

*Sponsored By: Select Board*

**Comments:**

The Water Enterprise budget reflects contractual increases for salaries but no new personnel. Debt service increases due to investment in infrastructure are reflected. The Town’s Capital Improvement Plan for FY ’23 continues to address the capital needs of the water system including projects for the Surface Water Treatment Plant (SWTP). The operational budget does not rely on any retained earnings and is self-supporting. The Advisory Committee unanimously supports this article. This is done every year to fund the Water Division operations for the ensuing fiscal year

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

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

**ARTICLE 10.            Stabilization Fund Excess Levy**

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with M.G.L. c. 40, § 5B; or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

This article would appropriate funds to the Stabilization Fund, which serves as the town’s “rainy day” account. The amount to be appropriated would be the remainder of the Fiscal Year 2023 levy limit (the total amount the town may raise in taxes) after the levy net, which is the amount needed to pay for services provided by the town, is removed. By state law, the levy limit is the amount raised through taxation in the previous fiscal year plus an additional 2.5%, taxation on new property, and any capital or debt exclusions from overrides. The Stabilization Fund is an important emergency cushion for the town which may be used for unforeseen expenses.

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

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

**ARTICLE 11.            Revolving Fund Limits**

To see if the Town will vote to set the annual spending limits for the revolving funds authorized under General Bylaw Section 10260 for Fiscal Year 2023, in accordance with M.G. L., c. 44, § 53E1/2 as follows; or take any other action relative thereto.

<b>Revolving Fund</b>	<b>FY23 Expenditure Limit</b>
Senior Program Revolving	\$70,000
Senior Center Food Service	\$40,000
Planning Board Application	\$15,000
Food Establishment Inspection	\$40,000
School Transportation	\$400,000
Beach Sticker	\$500,000
Public Health Vaccinations	\$50,000
Wind Turbine	\$750,000
Maintenance of Public Ways	\$10,000
GATRA Transport	\$130,000
Solar Array	\$485,000
Recreation Program	\$485,000
Athletic Fields	\$50,000
Maritime Center Rental	\$40,000
Scituate Harbor Community Building Rental	\$10,000
Aquaculture	\$5,000
Perc Witness Fees	\$50,000

*Sponsored By: Select Board*

**Comments:**

This is the authorization of annual spending limits for the revolving funds used to provide the referenced services. It is required annually by state law.

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

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

***\*\*\*\*\*See Appendix B for CPA Project Descriptions\*\*\*\*\****

**ARTICLE 12. 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.

2. \$251,417 From Community Preservation FY 2023 estimated revenues, to be reserved for the creation and support of Community Housing consistent with the Act;
2. \$251,417 From Community Preservation FY 2023 estimated revenues, to be reserved for the acquisition and preservation of Historic Resources consistent with the Act;
3. \$251,417 From Community Preservation FY 2023 estimated revenues, to be reserved for acquisition and preservation of Open Space consistent with the Act;
4. \$62,854 From Community Preservation FY 2023 estimated revenues, for Administrative Expense of the Community Preservation Committee;
5. \$281,800 From Community Preservation FY 2023 estimated revenues and premiums reserved for payment of debt relevant to the Athletic Field Renovation Project voted as Article 12 ATM 04/2019;
6. \$1,900,000 For Historic Resources – Scituate Lighthouse restoration;
7. \$41,000 For Open Space – Land Acquisition Hollett Street – Parcel 20-4-38;
8. \$1,200 For Historic Resources – Town Archives, digitization of WPA project documents;
9. \$13,560 For Recreation Purposes – Feasibility Study for Restoration of High School Tennis Courts;
10. \$29,833 For Recreation Purposes – Small Dog Park;
11. \$400,000 For Open Space – Land Acquisition Mordecai Lincoln property;

*Sponsored By: Community Preservation Committee*

**Comments:**

CPC voted all articles unanimously.

Items 1-5, 7, and 8 were voted unanimously by the Advisory Committee. Item 9 was voted 7-0-1, with one member abstaining because of personal involvement. Item 10 was voted 6-2. Item 11 was voted 7-1.

Please refer to the CPC presentation attached as an appendix to this booklet for complete description of all items.



The largest project being proposed is for the restoration of Scituate Lighthouse. The lighthouse is the iconic symbol of Scituate. It was built in 1811 and is the eleventh oldest lighthouse in the country. The last renovation was done in 1977, with the last major renovation dating back to the 1930's.

The estimated cost for the repairs is \$2,000,000, with \$100,00 being requested through the Special Town Meeting. A major component of the project is the rebuild of the lantern room. Of note, the Historical Society is seeking to apply for grant funds from a number of agencies to defray some of this expense. The dissenting Committee member expressed concern that funds would have to be transferred from the undesignated CPC pool to the historic pool to meet the expense and suggested that the project be postponed until the historic pool had accumulated the full cost of the project.

The next largest project being proposed is for an additional \$400,000 to purchase the Mordecai Lincoln property. In 2019 Town Meeting approved the expenditure of \$900,000, based on the price agreed at that time; however, a Purchase and Sale agreement (P&S) was not signed. Since that agreement, the sellers have requested an additional \$400,000 given rising valuations. Note that the 2019 appraisal was twice the approved purchase price, so even with the additional \$400,000, CPC considers this to be a good price. CPC is sponsoring this request which would come with the following requirements: that the P & S be signed prior to Town Meeting, and that an acceptable inspection is completed. The inspection has been completed, and the CPC expects the P & S to be signed shortly. The dissenting Committee member expressed concern regarding the increased purchase price, as he felt it fell outside the price range the town should be paying, despite the appraised value.

Item 10 was the only other item which was not approved unanimously by the Advisory Board. Item 10 is the expenditure of \$29,833 for completion of the dog park project started in 2018, by constructing a small dog park. The Stanton Foundation is providing 50% of the funding for the park, and the Friends of Scituate Dog Park is providing \$5,000. The two dissenting voters questioned why a town like Scituate needed two dog parks when it has other recreational open space which can be used for dog exercise.

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

**Advisory Committee Vote:** Unanimous vote (8-0) in support of Items 1-5, 7-8 in this article. Majority vote in favor (7-1) for Item 6 and 11. Majority vote in favor for Item 9 (7-0-1) with one abstention. Majority vote in favor of Item 10 (6-2).

### **ARTICLE 13. Community Preservation Act Reconciliations**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling **\$123,130.04**, or a greater or lesser sum, and to transfer said funds into the Reserve or General Fund Balance from which they were originally appropriated, in accordance with the provisions of the Community Preservation Act; or take any other action relative thereto.

<u>Project</u>	<u>Authorization</u>	<u>Amount</u>
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Preservation of Bailey Ellis House	Art 13-06, ATM 04/2014	\$1,251.94
Preservation Documents & Photos	Art 11-07, ATM 04/2017	\$1,139.80
Roach Baseball Field Parking	Art 11-15, ATM 04/2015	\$15,738.30
WW I Plaque Restoration	Art 12-06, ATM 04/2018	\$5,000.00
Emergency Rental Assistance	Art 12-6, ATM 04/2021	\$100,000.00

*Sponsored By: Community Preservation Committee*

**Comments:**

Article 13 was unanimously recommended by CPC.

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

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

**ARTICLE 14. Wind Turbine Partial Curtailment**

To see if the Town will vote to authorize the Select Board to enter into a curtailment agreement with Scituate Wind, LLC, so-called, for the cessation of operation of the wind turbine located at 161 Driftway year round from the hours of 11:00 pm – 6:00 am; or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

As voted by our town, Scituate entered a 30-year contract with Scituate Wind LLC in 2010. The agreement was approved again by town meeting in 2013. Various studies have been completed, from 2013 to 2020 at the request of affected neighbors, as well as the town, to ensure compliance. In 2016, to help the affected neighbors with the noise, the town and Scituate Wind, agreed to the turbine shutdown during the overnight hours for certain high impact periods, costing the town \$59,450 annually. In 2021, the shutdown was extended to April-October, 11pm-6am, costing \$72,165 annually. This current proposal to shut the wind turbine down over night year-round would cost the town \$300,000 annually.

The Advisory Committee voted 7-0 in favor of approving this article to mitigate the wind turbine noise issue for the affected neighbors on a regular basis, while keeping intact Scituate residents’ request (as voted at the Annual Town Meetings 2008, 2009, 2010 and 2013) to make use of alternative energy sources, as well as, limiting the financial burden to the town.

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

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

**ARTICLE 15. Affordable Housing Trust - Small Grant Non Deed Restricted Program**

To see if the Town will vote to create a Small Grant Non Deed Restricted Program to be administered by the Affordable Housing Trust and to fund such program appropriate the sum of **\$25,000**; or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

This article seeks to create a small grant program to be administered by the Affordable Housing Trust. This program is not recommended to be supported with Community Preservation funds as it could only be applied to the four units created through CPA funds. These funds will serve as seed funds to pursue grants for the program which would provide small, less than \$5,000, grants for owner occupied properties for repairs and modifications pursuant to program guidelines including limits, re-payment if sale of property occurs within one year, and income eligibility.

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

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

**ARTICLE 16. Massachusetts General Laws Chapter 91 Liability**

To see if the Town will vote to assume liability in the manner provided by M.G.L. c. 91, § 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with M.G.L. c. 91, §11 and to authorize the Select Board to execute and deliver a bond on indemnity therefor to the Commonwealth; or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

This is a routine (annual) article in which the Town would assume liability for any damages as a result of the state performing maintenance work on the town's waterways. This allows maintenance work, such as dredging, to be performed in the harbor.

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

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

**ARTICLE 17. Zoning Bylaw Amendment – Section 440.5 Business Districts**

To see if the Town will vote to amend the Zoning Bylaws Section 440.5 Business Districts by inserting the words “and/or VCN (Village Center & Neighborhood)” as shown below; or take any other action relative thereto.

440.5 BUSINESS DISTRICTS

In a B and/or VCN (Village Center & Neighborhood) District, all uses permitted as of

right or by special permit and all uses accessory thereto shall be conducted wholly within an enclosed building, except for the following:

1. Uses permitted as of right in R-1, R-2 and R-3 Districts.
2. Outdoor dining areas accessory to a restaurant, hotel *or* microbrewery on the same premises, and serving only persons seated at tables.
3. Parking lots for passenger automobiles.
4. Exterior signs, as hereinafter permitted.
5. Plants growing in the soil.

*Sponsored by: Planning Board*

**Comments:**

Advisory Committee voted unanimously to pass Article 17. It is a simple amendment meant to add clarifying language.

The changes to this article allow for the listed accessory uses in this section to be included in the Village Center and Neighborhood Districts (VCN).

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

**Advisory Committee Vote:** Majority vote (7-0-1) in support of this article.

**ARTICLE 18. Zoning Bylaw Amendment – Section 610.1 Lot Area and Width Requirements**

To see if the Town will vote to amend the Zoning Bylaws Section 610.1 B as indicated below or take any other action relative thereto.

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**SECTION 600 - DIMENSIONAL REGULATIONS**

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**610 LOT SIZE REGULATIONS FOR DWELLINGS**

**610.1 LOT AREA AND WIDTH REQUIREMENTS**

- A. In all districts, except as herein provided, no dwelling shall hereafter be erected on a lot having less area, exclusive of any part of said lot within the line of a street or way or below mean high water, than the "Required Lot Area," or having less width measured through that part of the dwelling erected, or to be erected, thereon, where said lot is the narrowest, than the "Required Lot Width," specified in the following table for the district in which said lot is located. Lot width shall be measured between side lot lines and parallel to the lot frontage, or as close to parallel to lot frontage as is practicable on irregularly shaped lots.

District	Required Lot Area	Required Lot Width
"R 1"	40,000 sq. ft.	175 feet
"R 2"	20,000 sq. ft.	125 feet
"R 3"	10,000 sq. ft.	100 feet
"B"	10,000 sq. ft.*	100 feet

\*for each family occupying the dwelling, except in the case of accessory dwellings

The Required Lot Areas specified above shall be exclusive of any land under water bodies, bogs, swamps, wet meadows or marshes, as defined in Massachusetts General Laws Chapter 131, Section 40.

- B. Any lot, created after April 11, 2022, shall have dimensions sufficient that a circle of 30 feet diameter can be drawn tangent to the exterior of any property line at all points without the boundaries of said circle passing over the opposite property line.

Any portion of any lot created after 4/11/2022 that does not meet the above criteria shall not be counted toward the buildable lot area. All buildable lot area must be contiguous.

*Sponsored by: Planning Board*

**Comments:**

The Advisory Board has voted unanimously in support of Article 18 to change the bylaws in an effort to prevent “rattail” lots.

To amend Section 610.1 Lot Area and Width Requirements of the zoning bylaws to address rat tail lots.

The Planning Board hereby reports that in accordance with MGL Ch. 40 A, a public hearing was held on this article on February 10, 2022 and continued until February 24, 2022 when the hearing was closed. On March 10, 2022, the Board voted unanimously to support passage of the Article at the April 11, 2022 Annual Town Meeting.

The changes to this article allow for lot width criteria to be added to help prevent rattail lots and where the rattails are not prevented by adding the criteria of a 30’ diameter circle to be drawn tangent to the exterior property line, the area that does not meet the requirement cannot be counted toward the buildable lot area. The Planning Board supports this article. This article requires a 2/3 vote.

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

**Advisory Committee Vote:** Majority vote (7-0-1) in support of this article.

**ARTICLE 19. Zoning Bylaw Amendment – Section 800 Nonconforming Structures and Uses**

To see if the Town will vote to amend the Zoning Bylaws as indicated below or take any other action relative thereto.

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## SECTION 800 - NON CONFORMING STRUCTURES AND USES

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### 810 STRUCTURES AND USES ALREADY IN EXISTENCE

#### 810.1 EXISTING USES AND STRUCTURES

Any lawful structure or any lawful use of land or structure, existing ~~in whole or in substantial part at as of~~ the effective date of this bylaw or any amendment thereto, subject to the limitations established in Massachusetts General Laws, Chapter 40A, Section 6, as amended, or any construction or operation for which a building ~~or other~~ permit has been issued prior to the effective date of this bylaw or any amendment thereto may be continued, although not in conformity with the provisions thereof, unless or until abandoned or not used for a period of ~~two~~ four years or more, ~~except that this time limit may be waived by the Zoning Board of Appeals by means of a special permit and/or finding. Modifications to structures or uses of land or structure lawfully existing as of the effective date of this bylaw, April 11, 2022, shall be governed by the following subsections with the further provisions that no nonconforming use, once abandoned or not used for a period of four years or more, shall be allowed to be restored as a nonconforming use and~~ no nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

#### 810.2 ALTERATION OF ~~SINGLE AND TWO FAMILY~~ NONCONFORMING STRUCTURES

The Building Commissioner may permit the repair, alteration, reconstruction, extension or structural change of a lawful, dimensionally nonconforming ~~single or two family dwelling- structure~~, or a portion thereof, or accessory structures thereto, provided the proposed repair, alteration, reconstruction, extension or structural change meets the following conditions:

- A. In the case of a ~~building or~~ structure which is nonconforming solely because of insufficient lot frontage or lot area, or both, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side and rear yard setbacks, and maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming ~~single or two family home- structure~~ which existed on the date that the ~~single or two family home- structure~~ became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.
- B. In the case of a dimensionally nonconforming ~~building or~~ structure with sufficient lot frontage and lot area, where said ~~building structure~~ or a portion thereof is nonconforming as to one or more of the dimensional requirements for front, side or rear yard setbacks or maximum height, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side, or rear yard setbacks or maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming ~~single or two family home structure~~ which existed on the date that the ~~single or two family~~

~~home structure~~ became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.

- C. In all other instances of alteration, reconstruction, extension or structural change to ~~single- or two-family dwellings structures governed by this bylaw~~, the applicant may petition the Board of Appeals for a finding under General Laws Chapter 40A, Section 6 to allow the proposed repair, alteration, reconstruction, extension or structural change, ~~which the Board may grant if the Board finds the proposed repair, alteration, reconstruction, extension or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.~~ The repair, alteration, reconstruction, extension or structural change of such nonconforming structure so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard setback, shall require the issuance of a variance from the Board of Appeals.

### ~~810.3 NONCONFORMING STRUCTURES OTHER THAN SINGLE AND TWO FAMILY~~

~~The Board of Appeals may allow the repair, alteration, reconstruction, extension or structural change of a nonconforming structure other than a single or two family dwelling (or structures accessory thereto) if the board makes a finding that such repair, alteration, reconstruction, extension or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The repair, alteration, reconstruction, extension or structural change of such nonconforming structure so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard setback, shall require the issuance of a variance from the board of appeals.~~

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## CHANGE OF NONCONFORMING USE

The Board of Appeals may by a finding under General Laws Chapter 40A Section 6 authorize a nonconforming use to be changed to a specified use not substantially different in character, or not substantially more detrimental or injurious to the neighborhood than the existing nonconforming use, subject to the following limitations:

1. If the pre-existing, nonconforming use is located within the Water Resources Protection District, such use may not be changed to a use specifically prohibited by the Use Regulations of the Water Resources Protection District enumerated in Section 510.4.
2. If the pre-existing, nonconforming use is located within the Water Resources Protection District, such use may not be changed to another nonconforming use if the changed use would result in a greater average daily sewage discharge, as determined by Title V, the State Environmental Code, than average daily sewage discharge of the pre-existing use or greater storage, usage or disposal of toxic or hazardous material.

Pre-existing nonconforming uses may be extended or altered provided that there is a finding by the Board of Appeals that the extension or alteration shall not be substantially more detrimental to the neighborhood.

## **830 REPAIR AND RESTORATION OF NONCONFORMING STRUCTURES AND USES**

~~A non-conforming structure or use damaged or destroyed by accidental causes may be repaired, reconstructed or restored either within the same portion of the lot or within a different portion of the lot provided that doing so renders the structure less non-conforming than previously and used as before, provided that such repair, reconstruction or restoration shall be completed within four years of said accidental damage or destruction; and further if an application for a finding under General Laws Chapter 40A, Section 6 special permit or building permit necessary for the repair, reconstruction or restoration of the nonconforming building, structure or use has been filed by the third anniversary of such accidental damage or destruction, and if, in the opinion of the Building Commissioner the issuance of said permits is faithfully and continuously pursued, the four year time limit may be extended by the Building Commissioner by the period of time between application for and issuance of all such permits (including all periods of time attributable to litigation involving such permits) or as necessary to allow sufficient time to complete the permitted repair, reconstruction or restoration work in accordance with the Massachusetts Building Code, (provided said building or structure existed or had the right to exist at the time of application in accordance with Section 800 of the bylaw.)~~

*Sponsored by: Zoning Board of Appeals*

### **Comments:**

The Advisory Committee voted unanimously to approve this article in an effort to aid the restoration of derelict properties in Town.

To amend Section 810 to address derelict properties.

The changes to this article allow for the by-right window of redevelopment of a damaged property from two years to four years providing a more realistic timeframe in which to accomplish a restoration before any rebuilt effort would require approval from the Zoning Board of Appeals. It also allows for all time periods to be waived with a Special Permit from the Zoning Board of Appeals. The new provisions apply only to any lawful structure or lawful use of land or structure existing in whole or substantial part as of the effective date of the bylaw. The Zoning Board of Appeals can grant the requested relief only if it finds the repair, alteration, reconstruction, extension or structural change will not be substantially more detrimental to the neighborhood. The intent is to provide a continuing opportunity for derelict properties to be rehabilitated while preventing inappropriate redevelopment of properties that would result in undesirable conditions or situations. The Planning Board supports this article. This article requires a 2/3 vote.

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

**Advisory Committee Vote:** Majority vote (7-0-1) in support of this article.



**ARTICLE 20. Zoning Bylaw Amendment – Section 440.2 – Replace existing Section 440.2 – Registered Marijuana Dispensaries with a new Section 440.2 Medical Marijuana Treatment Centers**

To see if the Town will vote to delete the definition of Registered Marijuana Dispensary in Section 200, to delete EE. Registered Marijuana Dispensary in Section 420 Table of Uses and to delete the existing Section 440.2 Registered Marijuana Dispensaries and replace with a new definition Medical Marijuana Treatment Center (MTC) in Section 200, replace with EE. Medical Marijuana Treatment Center (MTC) in Section 420 and replace with a new Section 440.2 with updated language and requirements as indicated below.

**REGISTERED MARIJUANA DISPENSARY**

~~Any registered marijuana dispensary, defined under state law as a not for profit entity (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.~~

**MEDICAL MARIJUANA TREATMENT CENTER (MTC) (FORMERLY KNOWN AS REGISTERED MARIJUANA DISPENSARY OR RMD)**

An entity licensed under 935 CMR 501.000 that acquires, cultivates, possesses, processes (including development of related products such as Edibles, MIP’s, Tinctures, aerosols, oils, or ointments), repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS <sup>1</sup>										
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY										NORTH SCITUATE
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV		
<b>3. Commercial Uses</b>																
EE.	<del>Registered marijuana dispensary</del> Medical Marijuana Treatment Center (MTC)	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N

**440.2 REGISTERED MARIJUANA DISPENSARIES**

~~The zoning of Registered Marijuana Dispensaries in the Town of Scituate shall be governed in accordance with this section.~~

- A. ~~Purpose.— The purpose of this section is to regulate the locations for Registered Marijuana Dispensaries which serve a legitimate need for human health, in order to minimize any potential adverse impacts on residents of the Town, including impacts on residential neighborhoods and incompatible land uses, children and vulnerable populations.~~

- B. ~~Applicability. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited except as permitted under this Section, except for personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013.~~

~~Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not for profit entity, or otherwise fails to meet the definition of a Registered Marijuana Dispensary.~~

~~In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any other use, other than personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000.~~

C. ~~Procedures.~~

- ~~1. Applications. Applicants for special permits under this section shall include the following information with the application:
  - a. All requirements for a Major Site Plan Review, as described in Section 770.5;
  - b. A deed, purchase and sale agreement or lease as evidence of the Applicant's right to use the site;
  - c. A copy of the license from the Mass. Dept. of Public Health (MDPH) for the Registered Marijuana Dispensary, including the detailed written operating procedures submitted to MDPH and any conditions of operation specific to the proposed operation;
  - d. A labeled, dimensioned floor plan by a licensed architect showing the different functions within the building in which the Registered Marijuana Dispensary will be located, and the area to be occupied by the Registered Marijuana Dispensary, with square footage;
  - e. The proposed hours of operation, number of employees and number of vehicles used for regular operations;
  - f. A description of the proposed system of fire protection;
  - g. A detailed description of proposed security measures to ensure the safety of customers, employees and property, and to protect the premises from theft including lighting, fencing, gates and alarms;~~

- ~~etc. as required to meet the standards of 105 CMR 125.000.~~
- ~~h. Identification of any of the following facilities within five hundred (500') linear feet of the proposed location, with stated distance to any of the following as applicable:
    - ~~i. Any school, library, park, ballfield or other recreation facility typically used by children;~~
    - ~~ii. Any other Registered Marijuana Dispensary or related activity including but not limited to an independent testing laboratory;~~
    - ~~iii. Any drug or alcohol rehabilitation facility;~~
    - ~~iv. Any correctional facility, half-way house or similar facility.~~~~
- ~~2. Distribution. Applications for special permits for Registered Marijuana Dispensaries shall be distributed to the Superintendent of Schools and Police Chief, in addition to the departments and boards listed in Section 940, referrals.~~
- ~~3. Process. The Planning Board shall be the special permit granting authority for Registered Marijuana Dispensaries. The process for application shall be governed by MGL Ch 40A, § 9 and this section.~~
- ~~4. Standard of Review.~~
- ~~a. In reviewing a special permit application under this section, the Planning Board shall insure the proposal meets the Standard of Review contained in Section 770.6 Site Plan Review, Standards of Review.~~
  - ~~b. The Special Permit Granting Authority must also find all the following:
    - ~~i. That the Registered Marijuana Dispensary including its site plan is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;~~
    - ~~ii. That the Registered Marijuana Dispensary demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and~~
    - ~~iii. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw/Ordinance;~~
    - ~~iv. That the site plan for the Registered Marijuana Dispensary adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.~~~~
  - ~~c. The special permit review shall also be subject to the procedure and conditions of approval set forth in Section 950.2 and 950.3 of the Zoning Bylaw, and the Planning Board~~

may issue further conditions to the special permit, in addition to those stated herein.

- ~~5. Any Registered Marijuana Dispensary permitted under this Section shall be located only in a zoning district that is designated for its use within this Zoning Bylaw.~~
- ~~6. Location. No Registered Marijuana Dispensary shall be located within five hundred (500) linear feet of the nearest point of the property line where the following activities or uses occur:
  - ~~a. Any school, library, park, ballfield or other recreation facility typically used by children;~~
  - ~~b. Any other Registered Marijuana Dispensary or related activity including but not limited to an independent testing laboratory;~~
  - ~~c. Any drug or alcohol rehabilitation facility;~~
  - ~~d. Any correctional facility, half-way house or similar facility.~~~~

The five hundred (500) linear foot distance under this section is measured in a straight line from the nearest point of the property line to the proposed Registered Marijuana Dispensary.
- ~~7. As a condition of its special permit, off-site signage or advertising for a Registered Marijuana Dispensary shall not be permitted.~~
- ~~8. As a condition of its special permit, the appearance and/or aroma of marijuana products or treatment, or of associated activities shall not be detectable from the exterior of a Registered Marijuana Dispensary.~~
- ~~9. As a condition of its special permit, a Registered Marijuana Dispensary shall provide the Scituate Police Department, Building Commissioner, and the Planning Board with the names, phone numbers, and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the Registered Marijuana Dispensary.~~
- ~~10. A special permit granted to an applicant under this Section is non-transferable and shall have a term limited to the earlier of the duration of the applicant's ownership or control of the premises as a Registered Marijuana Dispensary.~~
- ~~11. In the event the Massachusetts Department of Public Health license for cultivation of marijuana, manufacture of marijuana products, or operation of a Registered Marijuana Dispensary is not renewed, is cancelled, or is otherwise terminated for any reason, its special permit shall immediately become void.~~

- ~~12. As a condition of its special permit, the holder shall file an annual report to the Planning Board no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the Registered Marijuana Dispensary and its owners and demonstrate continued compliance with all conditions of the special permit.~~

## **440.2 MEDICAL MARIJUANA TREATMENT CENTERS (MTC)**

### **A. PURPOSE**

1. To provide for placement of Medical Marijuana Treatment Centers (MTC) in appropriate places and under strict conditions in accordance with the passage of this bylaw and M.G.L. c. 94I and 935 CMR 501.000.
2. To minimize the adverse effects on adjacent properties, residential neighborhoods, schools, local historic districts, and other land uses potentially incompatible with said facilities.
3. To regulate the siting, design, placement, security, safety, monitoring, modification and removal of Medical Marijuana Treatment Centers (MTC).

### **B. APPLICABILITY**

1. The commercial cultivation (unless it meets the requirements for an agricultural exemption under M.G.L. c. 40A § 3), production, processing, assembly, packaging, retail or wholesale trade, distribution or dispensing of Marijuana for Medical use is prohibited unless granted a special permit in accordance with this bylaw.
2. Nothing in this bylaw shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs.

### **C. SEVERABILITY**

1. If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

### **D. GENERAL REQUIREMENTS AND CONDITIONS FOR ALL MEDICAL MARIJUANA TREATMENT CENTERS (MTC)**

1. MTCs shall be contained within a building or structure.
2. The hours of operation shall be set by the Special Permit Granting Authority.

3. No MTC shall be located within 500 feet of the nearest point of the property line where the following activities or uses occur: a public or private school providing education in kindergarten or any grades 1 through 12, or any daycare or preschool facility licensed by the Massachusetts Department of Early Education and Care, religious educational facilities, addiction treatment or recovery center, playgrounds, libraries or ballfields, provided that such a school, daycare, preschool, religious educational facility, addiction treatment or recovery center, playgrounds, libraries or ballfields pre-exists the MTC's date of application submittal. The 500-foot distance under this section is measured in a straight line from the nearest point of the property line to the nearest point of the proposed Medical Marijuana Treatment Center.
4. No smoking, burning or consumption of any product containing THC or marijuana-related products is permissible on the premises of an MTC.
5. MTCs shall not be located inside a building containing residential units.
6. Signage shall be in accordance with Section 710 of this bylaw.
  - a. MTCs may develop a logo to be used in labeling, signage, and other materials.
  - b. Signs shall identify the building by its registered name, or authorized business name.
  - c. Signs shall not utilize graphics related to marijuana or paraphernalia on the exterior of the building in which the MTC is located.
7. MTCs shall not display on the exterior of the facility advertisements for marijuana.
8. MTCs shall provide the Scituate Police Department, Building Commissioner/Zoning Enforcement Officer, and Planning Board with the names, phone numbers and email addresses of the appropriate management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or key holders.

#### E. PROCEDURES

1. Applications: Applicants for special permits under this section shall include the following information with the application:
  - a. All requirements for a Major Site Plan Review, as described in Section 770.5;
  - b. A deed, purchase and sale agreement, binding LOI, or lease as evidence of the Applicant's right to use the site;

- c. A copy of the MTC's application materials to the Cannabis Control Commission, available at the time of submittal to the town, which may include the MTC's detailed written operation procedures (some of these operating materials may constitute intellectual property of the MTC or provide internal security information, in which case the Special Permit Granting Authority or other municipal department shall receive such materials under seal and not disclose them to the general public). The Applicant shall not be required to submit a copy of any security plan directly to the Planning Board, but shall submit such plan to the Scituate Police Chief;
- d. A labeled, dimensioned floor plan by a licensed architect showing the different functions within the building in which the MTC will be located, and the area to be occupied by the MTC with square footage;
- e. The proposed hours of operation, number of employees and number of vehicles used for regular operations;
- f. A description of the proposed system of fire protection, if any.
- g. A letter from the Scituate Police Chief, or designee, acknowledging review and approval of the MTC's security plan. To extent allowed by law, all such documents submitted by the applicant to the Scituate Police Chief shall be confidential. Such security measures shall include the ability for law enforcement to access the MTC's security cameras from a remote computer or device operated by the Scituate Police Department. MTCs shall maintain compliance with any Town Police Department approved security and public safety plans as the Police Department may require, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations. A MTC shall notify the Police Department in the event of a reportable incident in accordance with 935 CMR 501.110(9).
- h. Access to Limited Access Areas within a MTC shall be in accordance with 935 CMR 501.110(4).
- i. MTCs shall file an emergency response plan with the Town's Fire, Police and Health Departments and any updates to them in the event they are modified.
- j. A MTC shall identify any pre-existing public or private schools providing education in grades kindergarten through 12 within 500 feet of the MTC and any daycare and preschool facility licensed by the Massachusetts Department of Early Education and Care, religious facility, addiction treatment or recovery center, playgrounds, library and ballfield that pre-exists the date of the MTC's application submittal. The

Special Permit Granting Authority may reduce the buffer zone to less than 500 feet but no less than 400 feet upon a showing by the applicant that it is unreasonably impracticable to gain site control over a site that complies with the 500-foot distance stipulated in the section above.

2. Distribution. Applications for special permits for MTCs shall be distributed in accordance with § 940, Referrals, under these bylaws.
3. Process. The Planning Board shall be the Special Permit Granting Authority for MTCs. The process for application shall be governed by MGL ch. 40A, § 9, this section, and other relevant portions of this bylaw.
4. Standard of Review.
  - a. In reviewing a special permit application under this section, the Special Permit Granting Authority shall ensure the proposal meets the Standards of Review contained in § 770.6 Site Plan Review, Standards of Review.
  - b. The Special Permit Granting Authority must also find all the following:
    - i. That the MTC, including consideration of the proposed site plan, is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
    - ii. That the MTC demonstrates that it will meet all the permitting requirements of all the applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
    - iii. That the application has satisfied all the conditions and requirements of this Section and other applicable Sections of this Bylaw/Ordinance;
    - iv. That the site plan for the MTC adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility and its impact on neighboring uses.
  - c. The special permit review shall also be subject to the procedure and conditions of approval set forth in § 970 of the Zoning Bylaw, and the Planning Board may issue further conditions to the special permit in addition to those stated herein.
  - d. Any MTC permitted under this section shall be located only in a zoning district in accordance with the Table of Use under this bylaw.



- e. Size of MTC Activities. The dispensing facility of an MTC shall be limited to a maximum of 3,000 square feet. The cultivation of cannabis for medical use shall be limited to 5,000 square foot of Canopy as defined in this Bylaw. The square footage allowed for Product Manufacturing activity of a MTC shall be limited to 2,500 square feet unless contained within a cultivation facility then the square footage shall be limited to the amount reasonably required to meet its scale of operations.
  - f. All marijuana establishments shall be ventilated in such a manner that no:
    - i. Pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
    - ii. Odor from marijuana cannot be detected by a person with a normal sense of smell at the property line of the establishment.
5. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the MTC. A special permit may be transferred only by the approval of the Special Permit Granting Authority after a public hearing and supported by all updated information required herein.
  6. In the event the Massachusetts Cannabis Control Commission license for cultivation of marijuana, manufacture of marijuana products, or operation of a MTC is not renewed, is cancelled or is otherwise terminated for any reason, its special permit shall immediately become void. A special permit shall lapse if not exercised within one year of issuance. A MTC shall be required to remove all materials, plants, equipment, and other paraphernalia within three months of ceasing operations.
  7. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the marijuana establishment. A special permit may be transferred only by the approval of the Special Permit Granting Authority after a public hearing and supported by all updated information required herein.
  8. As a condition of its special permit, the holder shall file an annual report to the Planning Board no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the MTC and its owners and demonstrate continued compliance with all conditions of the special permit.

*Sponsored By: Planning Board*

**Comments:**

Article 20 is a zoning bylaw amendment referring to medical marijuana establishments. The Town is being asked to replace the current name and definition of 'Registered Marijuana

Dispensary’ with the new name ‘Medical Marijuana Treatment Center (MTC)’ and a new Section 440.2 with updated language and requirements.

The purpose of the amendment is to provide for placement of Medical Marijuana Treatment Centers (MTC) in appropriate places and under strict conditions; to minimize the adverse effects; and to regulate siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Treatment Centers (MTC).

The section sets out general requirements and conditions for all Medical Marijuana Treatment Centers (MTC) including:

- Hours of operation to be set by the Special Permit Granting Authority
- Location with reference to schools, daycare, playgrounds, ballfields, libraries, religious educational facilities, addiction treatment or recovery center, etc.
- Signage
- Ban on smoking, burning or consumption of any product containing THC or marijuana-related products is permissible on the premises of an MTC
- Required operational information reporting, such as staffing and keyholders, to be provided to SPD and others

The Planning Board shall be the Special Permit Granting Authority for MTCs, and requirements for applicants for special permits as well as standards of review and conditions to be met by special permit holders have been detailed.

Given that it is our understanding that towns are not permitted to enact bans on medical marijuana establishments, it seems prudent to accept these updated zoning regulations and definitions. The Advisory Committee voted 7 to 0 with one abstention in favor of this article.

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

**Advisory Committee Vote:** Majority vote (7-0-1) in support of this article.

## **ARTICLE 21 – Zoning Bylaw Amendment – Add a new Section 440.3 – Marijuana Establishments (Adult Use Marijuana Establishments)**

To see if the Town will vote to add a new Section 440.3 Marijuana Establishments (Adult Use Marijuana Establishments) to include definitions found in Section 200, a Table of Uses found in Section 420 and a new Section 440.3 with language and requirements as indicated below and to renumber the remaining sections in Section 440 to follow 440.3.

### **CANOPY (FOR MEDICAL MARIJUANA TREATMENT CENTERS AND MARIJUANA ESTABLISHMENTS)**

An area to be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain Flowering and/or Vegetative plants larger than eight inches tall and eight inches wide at any point in time, including all of the spaces(s) within the boundaries. Canopy may be noncontiguous, but each unique area included in the total Canopy calculations shall be separated by an identifiable boundary which includes, but is not limited to; interior walls, shelves, Greenhouse walls, hoop house walls, garden benches, hedge rows, fencing, garden beds, or garden

plots. If Flowering and/or Vegetative plants larger than eight inches tall and eight inches wide are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

### **CRAFT MARIJUANA COOPERATIVE**

A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, Manufacture, Process, package, brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.

### **MANUFACTURE MARIJUANA**

To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

### **MARIJUANA ACCESSORIES**

Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

### **MARIJUANA CULTIVATOR**

An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

### **MARIJUANA COURIER**

An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

### **MARIJUANA DELIVERY OPERATOR OR DELIVERY OPERATOR**

An entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under M.G.L. c. 94G, S4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b)

## **MARIJUANA ESTABLISHMENT**

A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana delivery courier, marijuana delivery operator, marijuana retailer, marijuana transporter or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center (MTC).

## **(MARIJUANA) INDEPENDENT TESTING LABORATORY**

A laboratory that is licensed or registered by the Commission and is:

- a) Currently and validly licensed under 935 CMR 500.101, or formerly and validly registered by the Commission;
- b) Accredited to ISO 174025: 2017 or the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- c) Independent financially from an MTC Marijuana Establishment or Licensee; and
- d) Qualified to test Marijuana and Marijuana Products, including MIP's, in compliance with M.G.L. c. 94C, §34; M.G.L. c. 94G §15; 935 CMR 500.000; 935 CMR 501.0000: Medical Use of Marijuana; and Commission protocol (s).

## **(MARIJUANA) MICROBUSINESS**

An entity that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, in compliance with the operating procedures for each License and, if in receipt of a Delivery Endorsement issued by the Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments for the purpose of Marijuana Product manufacturing by the Licensee.

## **MARIJUANA PRODUCT MANUFACTURER**

An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

## **MARIJUANA PRODUCTS**

Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

## **MARIJUANA RETAILER**

Means an entity licensed to purchase, repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

## MARIJUANA RESEARCH FACILITY

An academic institution, nonprofit corporation or domestic corporation or entity authorized to do business in the Commonwealth, including a licensed Marijuana Establishment or MTC, that is licensed to conduct research.

## (MARIJUANA) RESEARCH PERMIT

A certificate indicating Commission approval to conduct a specified research project over a specified and finite period. To the extent that a Research License is subject to other IRB, institutional, industry or professional standards, they shall demonstrate compliance with those standards.

## MARIJUANA TESTING FACILITY

An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants

## MARIJUANA TRANSPORTER

An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to possess Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments or MTCs, but not to Consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-party Transporter.

## (MARIJUANA) SOCIAL CONSUMPTION ESTABLISHMENT

An entity licensed to sell Marijuana or Marijuana Products and allow Consumers to consume Marijuana or Marijuana Products solely on its premises.

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS <sup>1</sup>									
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY								NORTH SCITUATE	
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV	
<b>2. Agricultural, Horticultural, Floricultural Uses</b>															
F.	Marijuana Cultivator	N	N	N	N	N	N	N	N	N	SP	N	N	N	N
G.	Marijuana Product Manufacturer	N	N	N	N	N	N	N	N	N	SP	N	N	N	N
<b>3. Commercial Uses</b>															
EE.	Medical Marijuana Treatment Center (MTC)	N	N	N	N	N	N	N	N	N	SP	N	N	N	N
GG.	Marijuana Retailer	N	N	N	SP	SP	SP	SP	N	SP	N	N	SP	SP	
HH.	Marijuana Delivery Operator or Marijuana Courier	N	N	N	N	SP	SP	SP	N	SP	N	N	SP	SP	
II.	Marijuana Transporter	N	N	N	N	SP	SP	SP	N	SP	N	N	SP	SP	
JJ.	Craft Marijuana Cooperative	N	N	N	N	N	N	N	N	SP	N	N	N	N	
KK.	(Marijuana) Social Consumption Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N	
LL.	(Marijuana) Microbusiness	N	N	N	N	N	N	N	N	SP	N	N	N	N	
<b>4. Industrial Uses</b>															
M.	(Marijuana) Independent Testing Facility	N	N	N	N	N	N	N	N	SP	N	N	N	N	
N.	Marijuana Testing Facility	N	N	N	N	N	N	N	N	SP	N	N	N	N	
O.	Marijuana Research Facility	N	N	N	N	N	N	N	N	SP	N	N	N	N	
P.	(Marijuana) Research Permit	N	N	N	N	N	N	N	N	SP	N	N	N	N	

### 440.3 MARIJUANA ESTABLISHMENTS (ADULT USE MARIJUANA ESTABLISHMENTS)

#### A. Purpose.

1. To provide for the placement of marijuana establishments in appropriate places under conditions in accordance with the provisions of M.G.L. ch. 94G and in compliance with any state regulations issued thereunder.
2. To minimize the adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools, and other sensitive land uses.
3. To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of marijuana establishments.

#### B. Applicability.

1. Marijuana establishments shall not be established except in compliance with the provisions of this § 440.3.
2. Nothing in this section shall be construed to supersede federal or state laws governing the sale and distribution of narcotic drugs.
3. **No Marijuana Establishment shall be sited or allowed unless and until such time as Section 492 of the Zoning Bylaw and Section 32060 of the General Bylaw are removed.**

C. Severability. If any provision of this section or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

#### D. General requirements.

1. Consistent with M.G.L. c. 94G, §3(a)(2)(ii), the number of Marijuana Retailers shall not exceed twenty percent (20%) of the number of alcohol licenses issued pursuant to M.G.L. c. 138, §15 for retail sale of alcohol not to be drunk on the premises in the Town of Scituate, said 20% figure to be rounded up to the next whole number.
2. All marijuana establishments shall be contained within a secure building or structure.
3. The hours of operation of marijuana establishments shall be set by the Special Permit Granting Authority.
4. No Marijuana Establishment shall be located within 500 feet of the property line of the nearest point of the property line where the following activities or uses occur: a public or private school providing education in grades kindergarten 12, or any daycare or preschool facility licensed by the Massachusetts Department of Early Education and Care, any religious educational facility, addiction treatment or recovery center, playgrounds, libraries or ballfields, provided that such a school, daycare, preschool, religious educational facility, addiction treatment or recovery center, playgrounds, libraries or ballfields pre-exists the marijuana establishment's date of application submittal. The 500-foot distance under this section is measured in a straight line from the nearest point of the property line to the nearest point of

the marijuana establishment. The Special Permit Granting Authority may reduce that buffer zone to less than 500 feet but not less than 400 feet should the applicant make a showing, satisfactory to the Special Permit Granting Authority, that it is unreasonably impracticable to gain site control or lease as evidence of the Applicant's right to use the site over a site that complies with the 500-foot distance stipulated above.

5. No smoking, burning or consumption of any product containing THC or marijuana-related products shall be permitted on the premises.
6. Marijuana establishments shall not be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a car, van, truck, trailer cargo container. This section shall not prohibit the approval of a delivery business that otherwise complies with this Bylaw and the laws and regulations of the Commonwealth of Massachusetts.
7. Marijuana establishments shall not have drive-through service.
8. No signage shall be permitted that contains designs or symbols that depict or display in any way marijuana products, equipment or plants, or other similar materials.
9. No outside displays or storage of marijuana-related supplies or promotional materials are allowed.
10. All marijuana establishments shall be ventilated in such a manner that no:
  - a. Pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.
  - b. Odor from marijuana cannot be detected by a person with a normal sense of smell at the property line of the establishment.
11. Square Foot Limitations
  - a. A Marijuana Retailer shall be limited to a maximum of 3,000 square feet.
  - b. A Marijuana Cultivator shall be limited to a maximum of 5,000 square feet of Canopy as defined in this Bylaw.
  - c. A Marijuana Product Manufacturer shall be limited to 2,500 square feet unless contained within a cultivation facility then the square footage shall be limited to the amount reasonably required to meet its scale of operations.
  - d. A Marijuana Cultivator cannot be within 1,000 ft. of another Marijuana Cultivator the distance shall be measured in a straight line from the geometric center of the marijuana cultivator entrance to the geometric center of the next marijuana cultivator unless there is an Impassable Barrier within those 1,000 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the marijuana cultivator entrance to the geometric center of the next marijuana cultivator center entrance.

E. Special permit requirements.

1. The Planning Board shall be the Special Permit Granting Authority for Marijuana Establishments.
2. A marijuana establishment shall only be allowed by special permit from the Special Permit Granting Authority in accordance with M.G.L. c. 40A, § 9, these Zoning Bylaws, including § 970, and subject to the requirements of this Section E.
3. No special permit shall be issued without a site plan approval by the Planning Board under § 770.
4. Any applicant for a special permit shall have first executed a **host community agreement** with the Town governing the responsibilities of the Town and the marijuana establishment and may include a community impact fee of up to 3% of gross sales to be paid to the Town.
5. The special permit shall limit marijuana establishments to one or more of the following uses:
  - i. Marijuana Courier
  - ii. Marijuana Cultivator
  - iii. Marijuana Delivery Operator
  - iv. Marijuana Product Manufacturer
  - v. Marijuana Retailer
  - vi. Marijuana Testing Facility
  - vii. Marijuana Transporter
  - viii. Craft Marijuana Cooperative
  - ix. (Marijuana) Microbusiness
  - x. (Marijuana) Independent Testing Facility
  - xi. (Marijuana) Research Permit
  - xii. Marijuana Research Facility
6. In addition, an application for a marijuana establishment shall include the following:
  - a. Name and address with contact phone number and email of owner/applicant of the facility.
  - b. Copies of all required approvals and permits (to said same owner of the facility) by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the facility available at the time of submission.
  - c. Evidence of the applicant's right to use the site as a marijuana establishment by means of a purchase and sale agreement, deed, owner's authorization, binding letter of intent or lease.



- d. A letter from the Scituate Police Chief, or designee, acknowledging review and approval of the Marijuana Establishment's security plan. To extent allowed by law, all such documents submitted by the applicant to the Scituate Police Chief shall be confidential. Such security measures shall include the ability for law enforcement to access the Marijuana Establishment's security cameras from a remote computer or device operated by the Scituate Police Department. Marijuana Establishments shall maintain compliance with any Town Police Department approved security and public safety plans as the Police Department may require, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations. A Marijuana Establishment shall notify the Police Department in the event of a reportable incident. in accordance with 935 CMR 500.110(9).
      - e. Provide the Police Department with the names, phone numbers and email addresses of the appropriate management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or keyholders.
    7. As a condition to any Special Permit prior to commencing operations, a marijuana establishment must submit to the Special Permit Granting Authority evidence of licensure from the Cannabis Control Commission. The marijuana establishment must maintain compliance with all state licensure requirements during its operations and is operated in compliance with all state laws and regulations, including without limitation, 935 CMR 500 et seq., which are incorporated herein by reference to the extent that the same do not conflict with permissible local regulations.
  - F. Findings. The Special Permit Granting Authority shall not issue a special permit to/for a recreational marijuana establishment unless it finds the following:
    1. The establishment is designed to minimize and mitigate any adverse impacts on abutters and other parties of interest, as defined in M.G.L. c. 40A, § 11.
    2. The marijuana establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state and local laws and regulations. This will require that the Marijuana Establishment provide the draft or the final license application information consistent with 935 CMR 500.
    3. The applicant has satisfied all the requirements set forth in this Bylaw.
  - G. Transfer of special permit. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the marijuana establishment. A special permit may be transferred only by the approval of the Special Permit Granting Authority after a public hearing and supported by all updated information required herein.

- H. Abandonment or discontinuance of use. In the event the Massachusetts Cannabis Control Commission license for a Marijuana Establishment is not renewed, is cancelled or is otherwise terminated for any reason, its special permit shall immediately become void.
- I. A special permit shall lapse if not exercised within one year of issuance.
- J. A Marijuana Establishment shall be required to remove all materials, plants, equipment, and other paraphernalia within three months of ceasing operations.

~~440.3~~ **440.4 GARAGE FOR COMMERCIAL VEHICLES**

A private, fully enclosed one-story garage for housing not more than two commercial vehicles used in conjunction with the principal occupation of the occupant of the residence, provided that:

1. The residence and the garage shall be on one parcel of land or contiguous parcels held by the same owner, and that the common ownership shall be a continuing requirement and in the event that said ownership conditions cease, the permitted use shall terminate forthwith.
2. The architecture of the building shall be compatible in appearance with dwellings in the vicinity.
3. A plan, with architectural elevations of the building and its location on the lot, shall be submitted to the Board of Appeals.
4. The garage shall be suitably screened from view of the abutters and/or the public. Screening shall be by natural vegetation, landscaping, or other means approved by the Board of Appeals.
5. The building shall not exceed one thousand square feet in floor area.
6. The building shall not exceed eighteen feet in height.
7. The height of the doors of said garage shall not exceed eleven feet.
8. Said garage shall not be less than forty feet from side and rear lot lines and sixty feet from any street line.
9. There shall be no exterior signs, except as otherwise permitted herein.
10. No stock in trade shall be regularly maintained on the premises.
11. That there is no outside storage of material or equipment.
12. That the hours of normal operation, except for school buses and emergency vehicles, shall not commence before 6:00 A.M. and shall cease by 7:00 P.M. No Sunday or holiday operation permitted.
13. No offensive noise, dust, smoke, odor, glare, or heat is produced.

**440.4 440.5 BUSINESS ACCESSORY USE**

Such industry or light manufacturing (including processing, assembly and repairs) as is usual in connection with a permitted principal business use, provided that it does not occupy an area exceeding fifty percent of the total floor area occupied by the principal use, that the major portion of all products manufactured are to be sold at retail on the premises, and that no more than five persons are regularly employed therein.

**440.5 440.6 BUSINESS DISTRICTS**

In a B District, all uses permitted as of right or by special permit and all uses accessory thereto shall be conducted wholly within an enclosed building, except for the following:

1. Uses permitted as of right in R-1, R-2 and R-3 Districts.
2. Outdoor dining areas accessory to a restaurant, hotel or microbrewery on the same premises, and serving only persons seated at tables.
3. Parking lots for passenger automobiles.
4. Exterior signs, as hereinafter permitted.
5. Plants growing in the soil.

*Sponsored By: Planning Board*

**Comments:**

Article 21 asks the Town if it will vote to add this new section to the zoning bylaws, to include definitions, and also a Table of Uses; and to re-number the subsequent unrelated sections that would follow it. The new Section 440.3 creates zoning for Adult Use Marijuana Establishments.

The Advisory Committee voted not to add the new amendment.

It was pointed out that Scituate voted 3 times against marijuana establishments: twice as a temporary moratorium via a zoning bylaw amendment, and most recently in 2018 via a general bylaw amendment to prohibit marijuana establishments. Scituate also voted against legalizing marijuana on the 2016 ballot initiative.

A main concern regarding Article 21 was the number of marijuana establishments that would be allowed. Some did suggest that it would have been better to have limited the overall number to 2 retailers, but the zoning includes the following:

- Marijuana retailers are limited to 20% of the number of alcohol licenses for retail sales in Scituate (rounded up). At the moment, that would mean there could be 2 marijuana retailers.
- Other marijuana establishments could have one or more of the following uses:
  - Marijuana Courier
  - Marijuana Cultivator
  - Marijuana Delivery Operator
  - Marijuana Product Manufacturer
  - Marijuana Testing Facility
  - Marijuana Transporter
  - Craft Marijuana Cooperative
  - (Marijuana) Microbusiness
  - (Marijuana) Independent Testing Facility
  - (Marijuana) Research Permit

- Marijuana Research Facility

It was noted that cannabis is a fast growing, new industry with many unknowns – business and social. Allowing two retail businesses and more than one of many other types of marijuana establishments seems precipitous and unwise.

Further concerns were raised regarding number 4 in the section ‘D. General requirements’ which stipulates the location of marijuana establishments with reference to schools, daycare and other special facilities. It was argued that the 500-foot distance between the marijuana establishment and the schools etc should be measured from property line to property line. The current zoning states: “The 500-foot distance under this section is measured in a straight line from the nearest point of the property line to the nearest point of the marijuana establishment.”

It was noted that marijuana is still an ‘all cash’ business, and the delivery business especially might be vulnerable. A view from the police would be helpful along with a check to see if there has been any increased crime in areas where these businesses are in place.

An informal estimate was offered that the 3% tax on retail cannabis could provide around \$90,000 in annual revenue to the town. It would be sensible to get a proper analysis.

The Advisory Board recommends against adding a new Section 440.3 Marijuana Establishments (Adult Use Marijuana Establishments) to include definitions found in Section 200, a Table of Uses found in Section 420 and a new Section 440.3 with language and requirements as indicated below and to renumber the remaining sections in Section 440 to follow 440.3.

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

**Advisory Committee Vote:** The article failed by a vote of 3 in favor, 4 against, 1 abstention.

## **ARTICLE 22 – Zoning Bylaw Amendment – Section 491. Temporary Moratoria**

To see if the Town will vote to delete the Temporary Moratorium on the Sale and Distribution of Recreational Marijuana as the time period for it has expired and add the existing definitions in the Section to Section 200 Definitions.

*Sponsored By: Planning Board*

**Comments:**

This is a simple housekeeping article. The time period for the previously approved Temporary Moratorium on the Sale and Distribution of Recreational Marijuana has expired.

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

**Advisory Committee Vote:** Majority vote (7-0-1) in support of this article.

## **ARTICLE 23 – Zoning Bylaw Amendment – Section 492. Prohibition of Marijuana Establishments**

To see if the Town will vote to remove the prohibition of marijuana establishments.

*Sponsored By: Planning Board*

**Comments:**

This article refers to the zoning bylaw.

The Advisory Committee recommends that the prohibition of marijuana establishments not be removed. The reasons are detailed in the discussion of Article 21 above.

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

**Advisory Committee Vote:** The article failed by a vote of 3 in favor, 4 against, 1 abstention.

\*\*\*\*\**See Appendix D for Statute Text*\*\*\*\*\*

**ARTICLE 24 – Local Option Recreational Marijuana Excise Tax**

To accept M.G.L. c.64N, Section 3(a) as amended by Section 13 of Chapter 55 of the Acts of 2017, and impose a sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment, at the rate of 3% of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

*Sponsored by: Planning Board*

**Comments:**

This article sets a local sales tax rate of 3% on sales by marijuana retailers. The tax would apply should the Town vote to allow marijuana retail in Scituate.

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

**Advisory Committee Vote:** Majority vote (7-0-1) in support of this article.

**ARTICLE 25 – General Bylaw Amendment - Section 32060: Prohibition on Marijuana Establishments**

To see if the Town will vote to remove the prohibition of marijuana establishments; or take any other action relative thereto.

*Sponsored By: Planning Board*

**Comments:**

This article refers to the general bylaw.

The Advisory Committee again recommends that the prohibition of marijuana establishments not be removed. The reasons are detailed in the discussion of Article 21 above.

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

**Advisory Committee Vote:** The article failed by a vote of 3 in favor, 4 against, 1 abstention.

**ARTICLE 26. General Bylaw Amendment – New Section 30125 – Tenting, Camping and Sleeping in Public**

To see if the Town will vote to amend the Town of Scituate General By-Laws, Section 30100 Miscellaneous, by adding the following new section:

**Section 30125 – Tenting, Camping, Sleeping in Public.**

No person shall between the hours of 8:00 P.M. and 8:00 A.M. on private property without the written permission of the landowner or on Town-owned property without the permission of the Select Board set up a tent, camp, sleep in a vehicle, or sleep in the open within the limits of the Town of Scituate. Any person violating this bylaw shall be punished by a fine of not more than two hundred (\$200.00) dollars; or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

This article would ban camping and sleeping on Town-owned property between 8:00 pm and 8:00 am every day, and would require that those doing the same on private land receive written approval from the relevant landowner; a \$200.00 fine would be imposed for each violation. This article is proposed by the Police Chief, who reports it is an attempt to stop recreational vehicles and motor homes from parking for extended periods in Cole Parkway. Unfortunately, on its face it may also have the real-world effect of banning homelessness in Scituate by subjecting it to the \$200.00 fine. While four members of the Advisory Committee understand and appreciate Chief Thompson’s stated intent to stop the long-term parking of vehicles in the Harbor by motorists who have the financial means to overnight elsewhere, the language as presented in this article exceeds this intent by seeming to transform an unfortunate societal condition into a civil law violation.

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

**Advisory Committee Vote:** Tied vote (4-4) on this article.

*\*\*\*\*\*See Appendix E for Map\*\*\*\*\**

**ARTICLE 27. Acceptance of Land Donation – Deer Common Drive**

To see if the Town will vote to accept Parcel 37-02-18 located near Deer Common Drive; or take any other action relative thereto.

*Sponsored By: Select Board*

**Comments:**

This article would accept the donation of a piece of land across from Deer Common Drive of 8,000 sf with an assessed value of \$10,800. Please see map to follow.

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

**Advisory Committee Vote:** Majority vote (7-1) in support of this article.

**ARTICLE 28. Petition – Shut Down of Wind Turbine**

To see if the Town will vote to adopt the following resolution or take any other action relative thereto:

Given that protecting public health is one of the highest priorities of our government, we, the residents of the Town of Scituate, direct the Town to shut down the wind turbine operations to remedy the nuisance conditions which have been consistently experienced by neighbors in the form of noise of varying types and frequencies, vibrations and light strobing.

*By Petition*

**Comments:**

Based on new information from studies on various wind turbine impacts located in other towns regarding the negative health effects and disturbances of wind turbines near existing homes, it is enough to give significant pause in allowing the Scituate Turbine to continue operating. The current cost (to void contract, remove the wind turbine and loss of annual town revenue) to permanently shut down the turbine would be more than 9.4 million dollars; however, it is hoped that with assistance from various state, federal and local energy companies, the actual cost to shut down the turbine permanently would be far less.

The Advisory Committee voted 6-1 in favor of this article, to shut down the turbine operations completely to alleviate the affected neighbor’s health concerns.

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

**Advisory Committee Vote:** Majority vote (6-1) in support of this article.

## Appendix A – Special Town Meeting Consent Agenda

# 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, APRIL 11, 2022.**

### CONSENT AGENDA MOTION

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

*1 – Unpaid Bills,*

*2 – FY22 Budget Reconciliations,*

*3 – Emergency Storm and Snow & Ice Removal Related Costs and*

*4 – Community Preservation Act,*

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

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

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



**ARTICLE 1. Unpaid Bills**

To see if the Town will vote to transfer the sum of **\$6,798.24**, or a greater or lesser sum, for the purpose of paying prior fiscal year unpaid bills, or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 1. Unpaid Bills**

I move that the Town transfer the sum of **\$6,798.24** from Free Cash for the purpose of paying prior fiscal year unpaid bills.

**ARTICLE 2. FY 22 Budget Reconciliations**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$425,205.00** or a greater or lesser sum, for the purpose of fully funding the following accounts established under Articles 4, 6, 7, 8 and 9 of the April 12, 2021 Annual Town Meeting as follows:

Department	Line Item	To Amount	From Amount	Comment
Information Technology	Capital Outlay 1155580.585100	\$ 20,738.00		Replace batteries in uninterrupted power supplies (UPS) at Public Safety Building
Fire Department	Technical Services 1220520.530900	\$ 11,000.00		Consultant services to codify Standard Operating Procedures and Standard Operating Guidelines
Fire Department	Repair & Maintenance 1220520.524200	\$ 6,000.00		Repairs to Engine 3
Police & Fire Departments	Capital Outlay 1210580.585100	\$ 11,160.00		Installation of communication infrastructure improvements; CARES funds supported equipment of \$46,228; installation could not be scheduled by 12/31/21

Department	Line Item	To Amount	From Amount	Comment
Police Department	Capital Outlay 1210580.585100	\$ 41,102.00		Equipment replacement
School Department	School Budget	\$ 90,000.00		Capital facility projects
Contributory Insurance			\$ 180,000.00	Active plan premium holiday given by insurance carrier in July 2021
Library	Capital Outlay 1210580.585100	\$ 7,543.00		Energy efficient LED lights in book sale room
Library	Capital Outlay 1210580.585100	\$ 37,730.00		Replace public computers, server and add digital displays to meeting rooms which were not approved for CARES funding
Library	Regular Salaries 1610510.511000		\$ 45,273.00	Vacancies
Board of Health	Part-time Salaries 1510510.518000	\$ 3,500.00		Additional hours for public health nurse due to pandemic not covered by CARES funds
Conservation	Regular Salaries 1171510.511000		\$ 3,500.00	Coastal Resources Manager vacancy
Water Department	Technical Services 65450520.530900	\$ 25,000.00		Consultant services for Water Offset Policy
Water Department	Vehicle Service 65450520.524500	\$ 24,432.00		Unexpected repair to dump truck
Water Department	Chemicals & Lab Supplies 65450540.550100	\$ 25,000.00		Rising chemical costs
Water Department	Fuels & Lubricants 65450540.548100	\$ 5,000.00		Rising fuel costs
Water Enterprise Retained Earnings			\$ 79,432.00	
Widows Walk Golf Course	Capital Outlay 61661580.585100	\$ 40,000.00		Additional site work and paving
Widows Walk Retained Earnings			\$ 40,000.00	
Transfer Station	Capital Outlay 63433580.585100	\$ 25,000.00		Repairs to scale
Transfer Station Retained Earnings			\$ 25,000.00	
Sewer Department	Chemicals & Lab Supplies 64440540.550100	\$ 50,000.00		Rising chemical costs
Sewer Department	Fuels & Lubricants 64440540.548100	\$ 2,000.00		Rising fuel costs
Sewer Enterprise Retained Earnings			\$ 52,000.00	
	<b>Total</b>	<b>\$ 425,205.00</b>	<b>\$ 425,205.00</b>	

or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 2. FY 22 Budget Reconciliations**

I move that the Town appropriate the sum of **\$425,205.00** for the purpose of fully funding the following accounts established under Articles 4, 6, 7, 8 and 9 of the April 12, 2021 Annual Town Meeting and to meet such appropriation transfer funds as indicated in the printed warrant.

**ARTICLE 3. Emergency Storm/ Snow and Ice Removal Related Costs**

To see if the Town will vote to transfer the sum of **\$50,000.00**, or a greater or lesser sum, for the purpose of paying emergency storm related and/or snow and ice removal costs, or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 3. Emergency Storm/ Snow and Ice Removal Related Costs**

I move that the Town transfer the sum of **\$50,000.00 from Free Cash** for the purpose of paying emergency storm and snow and ice removal related costs.

**ARTICLE 4. Community Preservation Act**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended from Community Preservation Undesignated Funds unless otherwise indicated. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

- 3. \$31,159 From Community Preservation fund balance, to be reserved for the creation and support of Community Housing consistent with the Act; FY22 previously voted set-asides were insufficient to meet the 10% requirement due to additional state match being received;
- 2. \$31,159 From Community Preservation fund balance, to be reserved for the acquisition and preservation of Historic Resources consistent with the Act; FY22 previously voted set-aside was insufficient to meet the 10% requirement due to additional state match being received;
- 3. \$5,000 From Historic Reserve, Historic survey and planning;
- 4. \$100,000 From Community Preservation fund balance, for the restoration of the historic Scituate Lighthouse;

Or take any other action relative thereto.

*Sponsored by: Community Preservation Committee*

**MOTION ARTICLE 4. Community Preservation Act**

I move that the Town act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended from Community Preservation Undesignated Funds unless otherwise indicated. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

4. \$31,159 From Community Preservation fund balance, to be reserved for the creation and support of Community Housing consistent with the Act; FY22 previously voted set-asides were insufficient to meet the 10% requirement due to additional state match being received;
  
2. \$31,159 From Community Preservation fund balance, to be reserved for the acquisition and preservation of Historic Resources consistent with the Act; FY22 previously voted set-aside was insufficient to meet the 10% requirement due to additional state match being received;
  
3. \$5,000 From Historic Reserve, Historic survey and planning;
  
4. \$100,000 From Community Preservation fund balance, for the restoration of the historic Scituate Lighthouse;

## Appendix B – STM Article 4 and ATM Article 12

### April 11, 2022 Town Meeting Proposed CPC Projects

1. **Historic Survey & Plan** – \$5,000 (Historic)

The Scituate Historical Commission has been invited by the Massachusetts Historical Commission (MHC) to apply for a grant to develop a comprehensive, community-wide Historic Preservation Plan for the Town of Scituate. This is a \$15,000 grant from MHC requiring a \$15,000 match from the Town for a total of \$30,000. The Scituate Historical Commission currently has a \$10,000 Community Preservation grant approved at the 2018 Annual Town Meeting that will be used for the match. An additional \$5,000 is requested from the CPC to secure the qualifying match for the state grant.

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 on other preservation methods and strategies to assist in preserving the town's character and architectural history. If awarded this grant by MHC, 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 work is anticipated in four phases including: (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. If funded, the project is expected to begin in September 2022 with completion by June 2023.

This \$5,000 request is being proposed from the account reconciliations (due to Scituate receiving additional state funding) in the Special Town Meeting in order to have the funds available prior to the deadline of July 1, 2022.

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

2. **Scituate Lighthouse Restoration** – \$2,000,000 (**\$100,000 Special Town Meeting; \$1,900,000 Annual Town Meeting**) (Historic/Undesignated)

The Scituate Historical Society is requesting funding to restore the iconic Scituate Lighthouse which is the 11<sup>th</sup> oldest lighthouse in the United States and is one of the foremost symbols of Scituate. Thousands of people visit this lighthouse every year and many couples have been engaged or married there. Built in 1811, the lighthouse was added to the National Register of Historic Places in 1987. Owned by the Town of Scituate, the lighthouse is managed by the Historical Society who maintains the structure and hosts public tours periodically each year.

In recent years, the Scituate Historical Society hired two separate consultants who conducted analyses of the lighthouse with the common conclusion that significant repairs and restoration are needed in the lantern room and throughout the structure to prevent further deterioration of the structural and architectural components of the lighthouse. While it has been maintained over the years, no major repairs have been done in several decades. The assessments reveal significant water leakage in the lantern room, deterioration of the copper sheathing, instances of mold within the interior, and the discovery of extensive corrosion of the wrought iron structural elements which were originally installed in 1930. Due to the seriousness of the corrosion, the Historical Society has hired a local contractor to install temporary bracing to stabilize the structure until the final comprehensive repair and restoration can occur.

This project will entail a complete rebuilding of the lantern room walls with new iron structural frame, weather-resistant window frames and glazing, new copper cladding, rebuilding the catwalk flooring, interior woodwork, finishes, electrical components, and automatically controlled interior ventilation system. The restoration work also includes replacement of the tower's interior wood stairway, repairs to the masonry, new finish coat, and new mahogany storm windows. All work will be designed and constructed in a manner that preserves the historic appearance of the lighthouse and will be in accordance with the U.S. Department of the Interior's standards for historic preservation.

The Historical Society has received preliminary quotes ranging from \$800,000 to \$1.5 million for the engineering and construction work. This project will need to be publicly bid to comply with state law and will determine the actual cost of construction. In addition, this funding request includes hiring an Owner's Project Manager (OPM) with documented experience in lighthouse restoration who will oversee the construction project on behalf of the Historical Society and the Town of Scituate. The OPM will serve to ensure the Society's and Town's goals are met, ensure the work is carried out to the highest standards, and will advise the Town on the proper disbursement of funds at construction milestones. The Historical Society would like to begin this project in July 2022 as soon as funding becomes available.

The CPC has approved a total of \$2 million for this request to cover the cost of engineering and construction, funds for an Owner's Project Manager, and a construction cost contingency. The CPC approved more than the Historical Society's request as it is the CPC's opinion that the project cost may increase due to increased pricing for construction materials (copper, wood, mahogany, etc.) as well as labor costs. The increased funding approval should ensure that all restoration work can be completed and within a timely manner. As always, any funds unused on the project will be returned to CPC via rescission. The Scituate Historical Society is actively researching and applying for additional grants and funding from state, federal, and private resources. If awarded outside grants, the amount of CPC funds expended will be reduced commensurate with the awarded grants. The funds for this request will be

appropriated through a combination of the CPC's historic and undesignated fund accounts.

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

3. **Hollett Street Land Acquisition** – \$41,000 (Open Space)

This funding request is for the Town of Scituate to purchase a 2.3-acre undeveloped lot of land abutting the Purple Dinosaur Playground and Field. This proposal is from the property's owner, Mr. Tony Meschini, who resides on Hollett Street. The property is landlocked and borders the rear of the town-owned playground on the south, the MBTA railroad on the north, and private abutters on the east and west. Acquisition of this upland parcel is desirable to the Town as it would double the size of the town-owned park and could be used for recreational trails or future expansion of the athletic fields to suit the Town's growing needs. The parcel is Lot 20-4-38-A and is shown on the aerial map below.



This funding request is for \$41,000 for the Town of Scituate's acquisition of this land. The CPC hired a professional appraiser, and the funding request is equal to the appraiser's determination of market value. The seller has agreed and signed a purchase and sale agreement contingent on Town Meeting approval. The funds for this request will be appropriated from the CPC's undesignated fund.

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

4. **Town Archives** – \$1,200

(Historic)

This request is from the Town Archivist to fund the digitization of historic town records. The Town currently has 16 binders of historical data transcribed and indexed in the 1930's as part of the WPA (Works Progress Administration) project. The binders are currently stored in the basement of Town Hall which is not climate-controlled or conducive to the preservation of sensitive historic documents and materials. This project will digitize and preserve those WPA-era files and is based on quoted estimates for the project. The duration of the digitization process is expected to take no more than one month to complete. This project is part of an ongoing process to digitize hundreds of years of the Town's historic documents with the future opportunity to make much of these records digitally available to the public. The CPC approved \$1,200 in funding for this request, which will be appropriated from the CPC's historic fund.

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

5. **High School Tennis Courts Restoration** – \$13,560 (Recreation/Undesignated)

This request is to fund a feasibility study and preliminary design for potential upgrades and expansion of the existing tennis courts on the High School campus. The existing tennis courts at the high school are in very poor condition and are underutilized as a result. Because the Recreation Department's tennis courts at the Old Gates School are in far superior condition, these courts are overutilized and are at a premium. Upgrades to the high school courts and the possible expansion of the number of courts will improve their use and allow them to be used for competition play.

The goal of this initial programming and preliminary design phase is to establish the scope and finish quality of the final improvements and to determine a realistic project budget (which would be publicly bid according to state law). The work of this initial feasibility study will include the following:

- Layout options for expansion and renovation of the existing 4 tennis courts; explore option to expand to at least 5 courts
- Options for post tension concrete and asphalt tennis courts and options for various surfacing systems
- Layout options for fencing and gates
- Layout options for sports lighting system
- Perimeter circulation and landscape improvements including universally accessible routes to/from the proposed facility

The result of this project will be a preliminary design plan and estimate of probable construction cost. The expectation is once the study is complete, the Town will consider moving forward with a final design and construction phase. The funding



request is for \$13,560 which includes a 10% contingency for unforeseen costs. The funds for this request will be appropriated from the CPC's undesignated fund.

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

6. **Scituate Dog Park Expansion** – \$29,833

(Recreation/Undesignated)

The Friends of Scituate Dog Park is requesting funding for Phase II of the original dog park proposal to expand the existing park with a separate 1/2-acre “small dog park”. In 2018, the Town approved funding for Phase I of the Scituate Dog Park. At that time the master plan for the Dog Park included a “large dog” park and a separate “small dog” park of which the large dog park and the parking lot were constructed. Phase I of the dog park has been extremely successful over the past few years and there is a strong desire to construct Phase II of the park. Phase II will include tree and vegetation removal, earthwork grading, drainage improvements, new surfacing, and chain link fencing. The Friends of Scituate Dog Park has obtained a preliminary quote based on prevailing wages. Construction will need to be publicly bid according to state law and will be administered by the Town.

Below is a design plan illustrating the expanded dog park:



The CPC has approved \$29,833 in funding. In addition to the CPC funding, the Stanton Foundation is providing nearly 50% of the remaining funding and the Friends of

Scituate Dog Park (FoSDP) will provide an additional \$5,000. The funds for this request will be appropriated from the CPC's undesignated fund.

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

7. **Mordecai Lincoln Property Acquisition - \$400,000** (Historic/Undesignated)

This funding request is for an additional \$400,000 toward the purchase of the historic Mordecai Lincoln property at 62-68 Mordecai Lincoln Road on the Gulf River. At the 2020 Annual Town Meeting, the voters approved \$900,000 in funds to purchase the property, which includes an historic 1695 house owned by the great, great, great grandfather of President Abraham Lincoln as well as a second antique house built around 1850 and an historic mill. The property includes approximately 6.65 acres of which 4.95 acres is upland. An additional \$24,000 was approved at the 2020 Fall Town Meeting for the cost of historic and conservation restrictions on the property and closing costs.

In late 2019, the sellers approached the Scituate Historical Commission and the Town with an offer to purchase the property at \$900,000. The CPC hired a professional appraiser who determined the market value at approximately \$1,870,000 at that time. Although the sellers were offered a higher price, they declined and asked the town to approve \$900,000 for the purchase. Since that time, the sellers, through their attorney, have contacted the CPC and the Town with a new offer to purchase the property at the price of \$1,300,000.

This historic value of this property is significant, and its location on a peninsula bordering the Gulf River and Bound Brook would offer public access to these resources that are not currently accessible to the public from town-owned land. Aside from the one-year demolition delay for historic buildings in town, there are currently no restrictions preventing the redevelopment of this property.

This request is for an additional \$400,000 to fund the Town's purchase of the Mordecai Lincoln property at the current asking price. The CPC sought guidance from the Community Preservation Coalition, a state-level organization that provides support to communities who have adopted the CPA, to develop a policy requiring sellers of land seeking CPC funds to sign a purchase and sale agreement with the town prior to Town Meeting with the purchase contingent upon Town Meeting approval. The CPC is adopting this policy to provide a level of protection and security for the Town and taxpayers for future land acquisitions. The sellers have agreed and signed a purchase and sale agreement contingent on Town Meeting approval. The funds for this request will be appropriated from the CPC's undesignated fund.

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

## Appendix C – Annual Town Meeting Consent Agenda

# CONSENT AGENDA-ANNUAL 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 ANNUAL TOWN MEETING ON MONDAY, APRIL 11, 2022.**

### CONSENT AGENDA MOTION

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

- 1 – Compensation of Elected Officials,*
- 2 – Reports of Boards and Committees,*
- 5 – Waterways Enterprise Fund Budget,*
- 6 – Golf Course Enterprise Fund Budget,*
- 7 – Wastewater Enterprise Fund Budget,*
- 8 – Transfer Station Enterprise Budget,*
- 9 – Water Enterprise Fund Budget,*
- 10 – Stabilization Fund Excess Levy Capacity,*
- 11 – Revolving Fund Limits,*
- 13 – Community Preservation Reconciliations,*
- 16 – MGL Chapter 91 Liability and*
- 27 – Acceptance of Land – Deer Common Drive*

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

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

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

**ARTICLE 1. Compensation of Elected Officials**

To see if the Town will vote to establish the salaries and compensation of all elected Town officials as follows for a sum totaling **\$88,487.00**, or a greater or lesser sum; or take any other action relative thereto:

SELECT BOARD:	Chair & Legitimate Expenses	\$ 1,500.00
SELECT BOARD:	Members & Legitimate Expenses	\$ 2,000.00
		(4@\$500)
ASSESSORS:	Chair & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
		(2@\$400)
TOWN CLERK:	Personal Services	\$82,987.00

*Sponsored By: Select Board*

**MOTION ARTICLE 1. Compensation of Elected Officials**

I move that the Town establish the salaries and compensation of all elected Town officials as follows for a sum totaling **\$88,487.00**.

SELECT BOARD:	Chair & Legitimate Expenses	\$ 1,500.00
SELECT BOARD:	Members & Legitimate Expenses	\$ 2,000.00
		(4@\$500)
ASSESSORS:	Chair & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
		(2@\$400)
TOWN CLERK:	Personal Services	\$82,987.00

**ARTICLE 2. Reports of Boards and Committees**

To see if the Town will vote to hear or act upon any reports from the Town officers or committees; or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 2. Reports of Boards and Committees**

I move that the Town hear and act upon any reports from the Town officers or committees.

**ARTICLE 5. Waterways Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$1,063,001.00**, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$	443,756
Other Expenses	\$	619,245
Total	\$	1,063,001

*Sponsored By: Select Board*

**MOTION ARTICLE 5. Waterways Enterprise Fund**

I move that the Town transfer from Waterways Enterprise Receipts the sum of **\$1,063,001.00** for the purpose of funding the Waterways Enterprise operations and expenses for the ensuing fiscal year commencing July 1, 2022.

Personal Services	\$	443,756
Other Expenses	\$	619,245
Total	\$	1,063,001

**ARTICLE 6. Golf Course Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,423,498.00**, or a greater or lesser sum, for the purpose of funding the Widow's Walk Golf Course operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$	242,644
Other Expenses	\$	1,180,854
Total	\$	1,423,498

*Sponsored By: Select Board*

**MOTION ARTICLE 6. Golf Course Enterprise Fund**

I move that the Town transfer from Widows Walk Enterprise receipts the sum of **\$1,423,498.00** for the purpose of funding the Widow's Walk Golf Course operations and expenses for the ensuing fiscal year commencing July 1, 2022.

Personal Services	\$	242,644
Other Expenses	\$	1,180,854
Total	\$	1,423,498

**ARTICLE 7. Wastewater Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$3,574,773.00**, or a greater or lesser sum, for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$ 619,933
Other Expenses	\$ 2,954,840
Total	\$ 3,574,773

*Sponsored By: Select Board*

**MOTION ARTICLE 7. Wastewater Enterprise Fund**

I move that the Town transfer from the Wastewater Enterprise receipts the sum of **\$3,574,773.00** for the purpose of funding Wastewater Treatment Plant operations and expenses, for the ensuing fiscal year commencing July 1, 2022.

Personal Services	\$ 619,933
Other Expenses	\$ 2,954,840
Total	\$ 3,574,773

**ARTICLE 8. Transfer Station Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury the sum of **\$1,480,924.00**, or a greater or lesser sum, for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$ 288,138
Other Expenses	\$ 1,192,786
Total	\$ 1,480,924

*Sponsored By: Select Board*

**MOTION ARTICLE 8. Transfer Station Enterprise Fund**

I move that the Town transfer from Transfer Station Enterprise receipts the sum of **\$1,480,924.00** for the purpose of funding the Landfill and Transfer Station operations and expenses for the ensuing fiscal year commencing July 1, 2022.

Personal Services	\$ 288,138
Other Expenses	\$ 1,192,786
Total	\$ 1,480,924

**ARTICLE 9. Water Enterprise Fund**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds in the Treasury, the sum of **\$6,198,546.00**, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2022; or take any other action relative thereto.

Personal Services	\$ 1,231,669
Other Expenses	\$ 4,966,877
Total	\$ 6,198,546

*Sponsored By: Select Board*

**MOTION ARTICLE 9. Water Enterprise Fund**

I move that the Town transfer from Water Enterprise receipts, the sum of **\$6,198,546.00** for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2022.

Personal Services	\$ 1,231,669
Other Expenses	\$ 4,966,877
Total	\$ 6,198,546

**ARTICLE 10. Stabilization Fund Excess Levy**

To see if the Town will vote to raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with M.G.L. c. 40, § 5B; or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 10. Stabilization Fund Excess Levy**

I move that the Town raise and appropriate the difference between the levy net and the levy limit to the Stabilization Fund, in accordance with M.G.L. c. 40, § 5B.

**ARTICLE 11. Revolving Fund Limits**

To see if the Town will vote to set the annual spending limits for the revolving funds authorized under General Bylaw Section 10260 for Fiscal Year 2023, in accordance with M.G. L., c. 44, § 53E1/2 as follows; or take any other action relative thereto.

<b>Revolving Fund</b>	<b>FY23 Expenditure Limit</b>
Senior Program Revolving	\$70,000
Senior Center Food Service	\$40,000
Planning Board Application	\$15,000
Food Establishment Inspection	\$40,000
School Transportation	\$400,000
Beach Sticker	\$500,000
Public Health Vaccinations	\$50,000
Wind Turbine	\$750,000
Maintenance of Public Ways	\$10,000
GATRA Transport	\$130,000
Solar Array	\$485,000
Recreation Program	\$485,000
Athletic Fields	\$50,000
Maritime Center Rental	\$40,000
Scituate Harbor Community Building Rental	\$10,000
Aquaculture	\$5,000
Perc Witness Fees	\$50,000

*Sponsored By: Select Board*

**MOTION ARTICLE 11. Revolving Fund Limits**

I move that the Town set the annual spending limits for the revolving funds authorized under General Bylaw Section 10260 for Fiscal Year 2023, in accordance with M.G. L., c. 44, § 53E1/2 as printed in the warrant.



<b>Revolving Fund</b>	<b>FY23 Expenditure Limit</b>
Senior Program Revolving	\$70,000
Senior Center Food Service	\$40,000
Planning Board Application	\$15,000
Food Establishment Inspection	\$40,000
School Transportation	\$400,000
Beach Sticker	\$500,000
Public Health Vaccinations	\$50,000
Wind Turbine	\$750,000
Maintenance of Public Ways	\$10,000
GATRA Transport	\$130,000
Solar Array	\$485,000
Recreation Program	\$485,000
Athletic Fields	\$50,000
Maritime Center Rental	\$40,000
Scituate Harbor Community Building Rental	\$10,000
Aquaculture	\$5,000
Perc Witness Fees	\$50,000

**ARTICLE 13. Community Preservation Act Reconciliations**

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling **\$123,130.04**, or a greater or lesser sum, and to transfer said funds into the Reserve or General Fund Balance from which they were originally appropriated, in accordance with the provisions of the Community Preservation Act; or take any other action relative thereto.

<u>Project</u>	<u>Authorization</u>	<u>Amount</u>
Preservation of Bailey Ellis House	Art 13-06, ATM 04/2014	\$1,251.94
Preservation Documents & Photos	Art 11-07, ATM 04/2017	\$1,139.80
Roach Baseball Field Parking	Art 11-15, ATM 04/2015	\$15,738.30
WW I Plaque Restoration	Art 12-06, ATM 04/2018	\$5,000.00
Emergency Rental Assistance	Art 12-6, ATM 04/2021	\$100,000.00

*Sponsored By: Community Preservation Committee*

**MOTION ARTICLE 13. Community Preservation Act Reconciliations**

I move that the Town hear and act on recommendations from the Community Preservation Committee to rescind the balance of funds authorized but unexpended totaling **\$123,130.04** and transfer said funds into the Reserve or General Fund Balance from which they were originally appropriated, in accordance with the provisions of the Community Preservation Act.

<u>Project</u>	<u>Authorization</u>	<u>Amount</u>
Preservation of Bailey Ellis House	Art 13-06, ATM 04/2014	\$1,251.94
Preservation Documents & Photos	Art 11-07, ATM 04/2017	\$1,139.80
Roach Baseball Field Parking	Art 11-15, ATM 04/2015	\$15,738.30
WW I Plaque Restoration	Art 12-06, ATM 04/2018	\$5,000.00
Emergency Rental Assistance	Art 12-6, ATM 04/2021	\$100,000.00

**ARTICLE 16. Massachusetts General Laws Chapter 91 Liability**

To see if the Town will vote to assume liability in the manner provided by M.G.L. c. 91, § 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with M.G.L. c. 91, §11 and to authorize the Select Board to execute and deliver a bond on indemnity therefor to the Commonwealth; or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 16. Massachusetts General Laws Chapter 91 Liability**

I move that the Town assume liability in the manner provided by M.G.L. c. 91, § 29, as amended, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach in accordance with M.G.L. c. 91, §11 and authorize the Select Board to execute and deliver a bond on indemnity therefor to the Commonwealth.

**\*\*\*See Appendix E for Map\*\*\***

**ARTICLE 27. Acceptance of Land Donation – Deer Common Drive**

To see if the Town will vote to accept Parcel 37-02-18 located near Deer Common Drive; or take any other action relative thereto.

*Sponsored By: Select Board*

**MOTION ARTICLE 27. Acceptance of Land Donation – Deer Common Drive**

I move that the Town accept Parcel 37-02-18 located near Deer Common Drive.

## **Appendix D – ATM Article 24 Local Option Acceptance**

M.G.L. Chapter 64N, Section 3: **Local tax option**

**Section 3. (a) A city or town that accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at a rate not greater than 3 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. The marijuana retailer shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.**

(b) All sums received by the commissioner under this section shall, at least quarterly, be distributed, credited and paid by the treasurer and receiver-general upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of the sums received in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a city or town on the first day of the calendar quarter following 30 days after its acceptance by the city or town or on the first day of a later calendar quarter that the city or town may designate.

