

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



Report and Recommendations  
For

**SPECIAL TOWN MEETING**

**October 16, 2023**

**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  
OCTOBER 16, 2023**

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- ARTICLE 4. Establishment of Special Purpose Stabilization Funds
- ARTICLE 5. Old Stockbridge Landfill
- ARTICLE 6. Maintenance, Improvement & Protection of Open Spaces
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## **REPORT OF THE ADVISORY COMMITTEE**

### TO THE VOTERS OF SCITUATE:

In accordance with the Town of Scituate Bylaws, the Advisory Committee submits its report to the voters. This report contains the complete warrant for the Special Town Meeting, which will convene on October 16, 2023.

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

This evening, the Select Board, other town boards, and citizens by petition will propose various warrant articles, expenditures, funding transfers, bylaw changes, etc. The Special Town Meeting places before the voters a total of **sixteen (16)** articles, for your consideration.

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

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

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

Respectfully submitted,

#### **SCITUATE ADVISORY COMMITTEE**

**Elise Russo, Chair**

**Dan McGuiggin, Vice Chair**

**Patrice Metro**

**Lynda Ferguson**

**Missy Seidel**

**Jerry Kelly**

**Marc DiCosimo**

**Conor Doherty**

**Jamie Gilmore**

## **TOWN MEETING RULES AND DEFINITIONS**

1. The conduct of Scituate's Town Meeting is bound by state law, the Town's Charter and By-laws, local tradition and the publication entitled, "Town Meeting Time."
2. The Moderator presides over the Town Meeting, decides all questions of order and procedure, and announces the results of all votes. The results of all votes when announced by the Moderator shall be final except on a voice vote that may be questioned by seven (7) voters standing immediately after the announced results of a vote. In such a case, a teller-counted vote shall be taken without debate.
3. Non-voters will be seated in a special section unless permission is granted by the Town Meeting to be seated elsewhere. Non-voters may be allowed to address the Town Meeting with permission of the Moderator unless a majority of voters choose to deny such a privilege.
4. Articles in the Warrant give notice of the issues subject to discussion at a Town Meeting and establish the parameters of matters that can be debated and acted on. Amendments, motions and/or debate determined by the Moderator, with the advice of Town Counsel, to be "beyond the scope" of the articles may not be permitted.
5. In order for the Town Meeting to act on or discuss an article, a motion must be made. The Moderator will call for a motion on each article and, if no motion is made after the second call, the Moderator will "pass over" the article and move on to the next Article. In order to bring back a "passed over" article for a motion and discussion, there must be an approved "motion for reconsideration".
6. Articles may be postponed by a majority vote or advanced by a 2/3 vote.
7. To address the Town Meeting, a speaker must be recognized by the Moderator and once recognized, a speaker should first give his or her name and address for the record. No speaker will be recognized while another person is speaking except to raise "a point of order," which is used to question a ruling of the Moderator or the conduct of Town Meeting. Points of order are not to address the subject matter being discussed.
8. All matters shall be decided by a majority vote unless a 2/3 or greater vote is required. If more than a majority vote is required, the Moderator shall announce the required percentage for passage before calling the vote.
9. The Moderator may set time limits on all presentations and may terminate debate on a motion when deemed appropriate. Debate on a motion may also be

terminated by a voter “moving the question” which, if accepted by the Moderator as not being premature, shall be voted on without discussion or debate. A motion to “move the question” requires a 2/3 vote for passage.

10. Only two (2) amendments to a motion may be on the floor at any particular time. Amendments over six (6) words must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available to those attending at the entrance of the hall before the start of that particular session.

11. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. However, amendments relating to amounts to be appropriated shall be voted on in a descending order until an amount gains approval.

12. A motion may be reconsidered once for a compelling reason by a 2/3 vote. No further reconsideration will be permitted. There may be no reconsideration of a vote at a subsequent session of the Town Meeting.

13. A resolution is a non-debatable, non-binding motion on any matter calling for a consensus of the Town Meeting. A resolution must be related to the content of an article. If a resolution is over ten (10) words, it must be submitted to the Moderator in writing and, if over fifty (50) words, sufficient copies must be available at the entrance of the hall for those attending.

14. When justice or order requires, the Moderator may make exceptions to these rules, in his or her discretion, as is deemed appropriate under the circumstances.

## **MUNICIPAL FINANCE TERMS**

**APPROPRIATION:** An authorization by the Town Meeting to make obligations and payments from the treasury for a specific purpose.

**ASSESSED VALUATION:** A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

**BETTERMENT:** A betterment assessment is a charge for the cost of public improvements, which benefit a limited area, against real estate situated in that area.

**BOND:** A loan, typically over a year in maturity.

**BOND AUTHORIZATION:** The amount of money the Town Meeting approves for borrowing for a specific purpose.

**BOND ISSUE:** Generally, the sale of a certain number of bonds/notes at one time by a governmental unit.

**CAPITAL BUDGET:** A plan of proposed capital outlays and the means of financing them for the current fiscal year.

**CAPITAL OUTLAY:** Expenditure for the purchase of property or equipment and for the construction or renovation of a facility and infrastructure.

**CHERRY SHEET:** A form showing all state and county charges and reimbursements to the town as certified by the Massachusetts Department of Revenue.

**DEBT SERVICE:** Payment of interest and repayment of principal to holders of the town's debt instruments.

**ENTERPRISE FUND:** Financing of services where all or most of the costs are paid for by users.

**ENTERPRISE RETAINED EARNINGS:** If during a fiscal year an Enterprise Fund produces a surplus, such surplus shall be kept in a separate account called "retained earnings." The Department of Revenue then "certifies" that surplus as an available fund that can be used for:

1. Operating costs to offset the need to increase user charges.
2. To fund capital improvements.
3. To fund Enterprise Fund revenue deficits.

**FISCAL YEAR:** A 12-month period, commencing on July 1, to which the annual budget applies. (Abbreviated as “FY”)

**FREE CASH:** The excess of assets over liabilities, minus uncollected taxes of prior years also referred to as “available cash.” The amount is certified annually by the Massachusetts Department of Revenue. Free Cash may be appropriated by vote of a Town Meeting.

**GENERAL FUND:** The major town-owned fund which is created with town receipts and which is charged with expenditures payable from such revenues.

**GRANT:** A contribution of assets by one governmental unit or other organization to another. Typically, these contributions are made to local governments from the state and federal government. Grants are usually made for specific purposes.

**LEVY LIMIT:** The amount of dollars a Town can raise by taxation under Proposition 2½.

**LINE ITEM BUDGET:** A format of budgeting, which organizes costs by type of expenditure - such as expenses, equipment and salaries.

**OVERLAY:** The overlay is the amount raised by the Assessors to be used for potential abatement of property taxes. The Overlay Surplus is the portion of each year’s overlay account no longer required to cover property tax abatements.

**PROPERTY TAX LEVY:** The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars” of assessed valuation.

**RESERVE FUND:** Money set aside by Town Meeting to be allocated by the Advisory Committee for extraordinary and unforeseen expenditures.

**REVOLVING FUND (Ch. 44, Sec 53E ½):** A Town may annually authorize the use of a revolving fund by separately accounting for the receipts received from a particular service or program and may expend from the revolving fund to provide such service or program without appropriation.

**STABILIZATION FUND:** A special account, which is invested until used and can only be utilized by Town Meeting appropriation.



**TOWN OF SCITUATE  
SPECIAL TOWN MEETING  
OCTOBER 16, 2023  
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 SIXTEENTH DAY OF OCTOBER 2023 NEXT**

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

**ARTICLE 1. Unpaid Prior Year Bills**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$21,294.89** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

<b>Department</b>	<b>Vendor</b>	<b>Date</b>	<b>Amount</b>	<b>Funding Source</b>
Sewer	National Grid	6/27/2023	\$ 507.51	Wastewater Ret Earn
Sewer	National Grid	6/25/2023	\$ 408.74	Wastewater Ret Earn
Water	Weston & Sampson	6/30/2023	\$ 3,750.00	Water Ret Earn
Water	Univar Solutions	6/6/2023	\$ 727.27	Water Ret Earn
Water	City Electric Supply	6/26/2023	\$ 116.20	Water Ret Earn
Water	Langlan, Eric	6/13/2023	\$ 104.00	Water Ret Earn
Water	Gemini Group	4/6/2023	\$ 3,852.00	Water Ret Earn
Town Administration	Professional Development Academy	4/15/2022	\$ 1,995.00	Free Cash
Town Administration	Lewis Brisbois Bisgaard & Smith LLP	6/30/2023	\$ 2,824.00	Free Cash
Town Administration	Ringleader	4/1/2023	\$ 96.95	Free Cash
Town Administration	Ringleader	5/1/2023	\$ 96.95	Free Cash
Town Administration	Ringleader	6/1/2023	\$ 96.95	Free Cash
Street Lights	National Grid	FY21-23	\$ 2,637.96	Free Cash
Facilities	Drain Shooter	5/24/2023	\$ 395.00	Free Cash
Facilities	Home Depot	FY19	\$ 1,246.56	Free Cash
Fire	West Marine Pro	6/8/2023	\$ 56.94	Free Cash
Police	O'Brien, Gerald	5/8/2023	\$ 150.00	Free Cash
Police	Doughboy Uniforms	5/10/2023	\$ 199.45	Free Cash
Police	West Marine Pro	6/29/2023	\$ 1,289.09	Free Cash
Police	West Marine Pro	6/29/2023	\$ 175.96	Free Cash
Police	West Marine Pro	6/29/2023	\$ 19.98	Free Cash
Police	West Marine Pro	6/29/2023	\$ 79.92	Free Cash
Police	West Marine Pro	6/29/2023	\$ 39.96	Free Cash
Historical Buildings	J C Ehrlich	6/4/2023	\$ 428.50	Free Cash
	<b>Total</b>		<b>\$ 21,294.89</b>	

*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. Compensation of Elected Officials**

To see if the Town will vote to amend Article 1 of the April 10, 2023 annual town meeting warrant and establish the Town Clerk’s salary as \$89,150.00 effective July 1, 2023 or take any other action relative thereto.

*Sponsored by: Select Board*

**Comments**

This article seeks to correct an issue discovered after the start of the fiscal year relevant to the Town Clerk’s compensation. The stipend for the Registrar of Voters function was increased from \$650 to \$5,550 to acknowledge the technical requirements of the position. As the town has only accepted local option MGL c. 41 §19G which limits the compensation to \$1,500; the increased stipend cannot be paid . To address the inconsistency and compensate the Town Clerk for the budgeted amount, an increase to the base salary of \$4,050 is proposed. As this is the FY24 budgeted salary, there is not any additional cost to be appropriated.

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

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

**ARTICLE 3. Fiscal Year 2024 Budget Reconciliations**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$384,087.00** for the purpose of balancing the Fiscal Year 2024 Operating Budgets pursuant to Articles 4, 6, 7, 8 and 9 of the April 10, 2023 Annual Town Meeting warrant; or take any other action relative thereto:

Department	Line Item	Amount	Source	Comment
Sewer Department	Short Term Interest 64440590.592500	\$ 40,500.00	Wastewater Enterprise Receipts	Additional funds for I & I project that started sooner than expected.
Sewer Department	Emergency Reserve 64440560.578000	\$ 25,000.00	Wastewater Enterprise Receipts	Additional funds for any emergency or unexpected repairs. Requires Advisory Committee approval to use.
Sewer Department	Electricity 64440520.521100	\$ 46,155.00	Wastewater Enterprise Receipts	Additional funds based on prior year actuals.
Sewer Department	Capital Outlay 64440580.585100	\$ 26,150.00	Wastewater Retained Earnings	Cost escalation of truck with crane approved Art 3V, ATM 04/2023
Sewer Department	Technical Services 64440520.530900	\$ 100,000.00	Wastewater Retained Earnings	Town share of regional sewer study with Cohasset & Hull
Widows Walk Golf Course	Capital Outlay 61661580.585100	\$ 23,500.00	Widows Walk Retained Earnings; Unused articles	Replacement of beverage cart
Widows Walk Golf Course	Short Term Interest 61661590.592500	\$ 202.00	Widows Walk Receipts	Actual short term interest on maturing BAN slightly more than estimated.
Transfer Station Enterprise	Hauling Costs 63433520.527100	(\$30,000.00)	Transfer Station Enterprise Receipts	To reduce budget due to reduction in Construction & Demolition debris
Water Enterprise	Regular Salaries 65450510.511000	\$ 125,580.00	Water Enterprise Receipts	Addition of second Assistant Water Superintendent and change in stipends for licenses
Information Technology	Capital Outlay 1155580.585100	\$ 27,000.00	Unused articles	To repair two breaks in the fiber ring that supports the town and school buildings.
	<b>Total</b>	<b>\$ 384,087.00</b>		

*Sponsored by: Select Board*

**Comments**

This article rebalances the operational budgets approved at the April 2023 Annual Town Meeting. These changes reflect the rate increases for sewer and water enterprise funds to address operational costs for FY24. The reduction for the Transfer Station reflects the need to either raise rates or reduce the budget as the actual FY23 revenues are less than the FY24 estimated revenues so an adjustment must be made or the tax rate will not be certified by the DOR.

1. Sewer Enterprise Short Term Interest - \$40,500.00; Pursuant to the FY24 sewer rate review presented to the Select Board on June 13 and 27, 2023, the earlier than expected start to the Oceanside I & I project resulted in a short term borrowing in FY23 that is payable in FY24.
2. Sewer Enterprise Emergency Reserve - \$25,000.00; Pursuant to the FY24 sewer rate review presented to the Select Board on June 13 and 27, 2023, the FY24 budget is being increased to

include \$25,000 for an emergency reserve as in other enterprise funds. These funds cannot be accessed without a vote of the Advisory Committee.

3. Sewer Enterprise Electricity - \$46,155.00; Pursuant to the FY24 sewer rate review presented to the Select Board on June 13 and 27, 2023, the FY24 budget is being increased to reflect the FY23 actual costs for electricity.
4. Sewer Enterprise Capital Outlay - \$26,150.00; Cost escalation for replacement truck with crane authorized at ATM 04/2023, Art 3V.
5. Sewer Enterprise Technical Services - \$100,000.00; Town share for regional sewer study with Towns of Hull and Cohasset. Funds will close out as of 06/30/24 if project does not move forward.
6. Widows Walk Capital Outlay - \$23,500; To replace the beverage cart which was purchased used a few years ago. The lead time is 3-4 months so waiting until the April 2024 town meetings will not allow use for most of the 2024 season.
7. Widows Walk Short Term Debt Interest - \$202; To correct the budget estimate for short term debt interest to the actual amount on the maturing BAN.
8. Transfer Station Hauling Costs – (\$30,000); The FY23 revenues are \$30,000 less than the FY24 projections. The DOR will not certify our tax rate unless the town raises rates, reduces the budget or provides a compelling reason why it thinks the additional revenue will be generated. As C & D tonnage is down which is the cause of the revenue deficit; the associated hauling costs are less.
9. Water Enterprise Personal Services - \$125,580.00; Pursuant to the FY24 water rate review presented to the Select Board on June 13 and 27, 2023, the FY24 budget is being increased to reflect the addition of a second Assistant Water Superintendent and an increase in stipends for licenses. These changes will assist with succession planning, recruitment and retention.
10. Information Technology Capital Outlay - \$27,000; Two breaks in the town's fiber ring have been discovered this summer which are impacting the senior center and the inclusion of sewer pump stations. The fiber ring supports the town and school buildings.

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

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

#### **ARTICLE 4. Establishment of Special Purpose Stabilization Funds**

To see if the Town will vote to establish an Opioid Stabilization Fund and a Per- and Polyfluoroalkyl Substances (PFAS) Stabilization Fund pursuant to M.G.L. c. 40, §5B, for the purpose of allocating funds from the opioid and PFAS settlement distributions for the allowable purposes of said distributions and further to transfer **\$204,382.55** from available funds in the Treasury to the Opioid

Stabilization Fund and any further settlement disbursements to the new funds respectively; or take any other action relative thereto.

*Sponsored by: Select Board*

**Comments**

The Department of Revenue required that all opioid settlement funds be closed out to Free Cash as of 6/30/23 as there was not any enabling legislation to allow the funds to be reserved for the purposes required by the settlement agreements. This article would establish a new stabilization fund for opioid settlement disbursements and transfer \$204,382.55 from Free Cash into it to reflect the amount received to date in settlement funds. Additionally, the town is also a party in the per- and polyfluoroalkyl (PFAS) class action suit and would like to set up a second stabilization fund for those settlement disbursements. To date, the town has not received any settlement funds for the PFAS case. The disbursements can only be used for purposes outlined in the settlement agreements and will require a 2/3rds vote of town meeting to expend funds if approved as a special purpose stabilization funds. Future settlement funds will automatically be transferred into the respective funds without an additional town meeting vote. Any interest earned on the distributions will stay with the funds.

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

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

**ARTICLE 5. Old Stockbridge Landfill**

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury or otherwise provide the sum of **\$250,000.00**, for the purpose of continuing the required studies of the Old Stockbridge capped landfill, or take any other action relative thereto.

*Sponsored by: Select Board*

**Comments**

The MA Department of Environmental Protection has requested the town complete a comprehensive site assessment of the old Stockbridge landfill. After 41 years as a landfill, the site was closed in 1976. The landfill was unlined, and the extent to which the contents have contaminated the surrounding land and/or water table is not fully understood. The advisory committee is unanimously in favor of fully funding the continued assessment of the 10 Acre site.

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

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

**ARTICLE 6. Maintenance, Improvement & Protection of Open Spaces**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of **\$35,000.00** to be expended under the direction of the Conservation Commission,

for the purpose of maintaining, improving, protecting, or otherwise conserving and properly utilizing open spaces, pursuant to M.G.L. Chapter 40, Section 8C, or take any other action relative thereto.

*Sponsored by: Conservation Commission*

**Comments**

This article proposes to replenish the funds needed in the Conservation Fund so that the Conservation Commission can make repairs, manage, improve, and protect the town properties, including trails, picnic areas, parking lots and other open spaces. Although work has been funded occasionally by CPC, it is mostly completed by volunteers and with the increase in use of these properties these funds are needed.

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

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

**ARTICLE 7. Grant Matches**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$108,500.00** to provide matching funds for grants; or take any other action relative thereto:

<b><u>Purpose</u></b>	<b><u>Amount</u></b>	<b><u>Source</u></b>
Old Gates Feasibility Study	\$8,500.00	Free Cash
Community Health Needs Assessment	\$20,000.00	Free Cash
Design/Engineering Harbormaster Building	\$80,000.00	Waterways Enterprise Retained Earnings & Unused articles

*Sponsored by: Select Board*

**Comments**

Old Gates Feasibility Study: These funds represent our share of a \$67,000 grant which we have been awarded for the purpose of determining what to do with the Old Gates school.

Community Health Needs Assessment: Hingham, Cohasset, and Scituate have applied for a Public Health Excellence Grant that may fund a community health needs assessment for the three communities. The estimated cost for Scituate is \$20,000 which would be reduced by the grant if approved.

Design/Engineering Harbormaster Building: We are applying for a Seaport Economic Advisory Council (SEAC) grant for this project and this amount represents the town's share in the project. Prior success with SEAC grants has shown that having the town share in place improves the likelihood of success. Funds would come from the Waterways Enterprise Retained Earnings which has an available balance of \$353,274. Note the docks adjacent to the Harbormaster Building have already been replaced with this type of grant.

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

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

## ARTICLE 8. Transfers to Reserves

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$1,487,774.00** for the following purposes; or take any other action relative thereto:

<u>To</u>	<u>Amount</u>	<u>Reason</u>
Water Enterprise Capital Stabilization	\$100,000.00	For future capital projects
Capital Stabilization	\$500,000.00	For future capital projects
Transfer Station Capital Stabilization	\$ 50,000.00	For future capital projects
Other Post Employment Benefits Trust	\$250,000.00	Additional funding for OPEB liability
Other Post Employment Benefits Trust	\$ 39,698.00	50% of unfunded OPEB liability – Widows Walk (Golf) Enterprise Fund
Other Post Employment Benefits Trust	\$314,156.00	50% of unfunded OPEB liability – Water Enterprise Fund
Other Post Employment Benefits Trust	\$ 88,803.00	50% of unfunded OPEB liability – Transfer Station Enterprise Fund
Other Post Employment Benefits Trust	\$113,734.00	25% of unfunded OPEB liability – Wastewater (Sewer) Enterprise Fund
Other Post Employment Benefits Trust	\$ 31,383.00	25% of unfunded OPEB liability – Waterways Enterprise Fund

*Sponsored by: Select Board*

### Comments

This article will transfer funds available from Free Cash and Retained Earnings to various capital stabilization funds for future capital projects.

The transfers from enterprise funds' retained earnings will go toward funding their portion of the OPEB (Other Post Employment Benefits) unfunded liability thus reducing the annual chargeback on the indirect costs to these funds. Also, a transfer of \$250,000 from the general fund will decrease the remaining liability. These transfers increase the balance of the OPEB Trust Fund by 37.1%.

The \$100,000 transfer to the Water Enterprise Capital Stabilization Fund will bring its balance to \$250,000 – the same amount as is currently in the Sewer Capital Stabilization Fund. Available Water Enterprise Retained Earnings are \$2,761,193.

The \$500,000 transfer to the Capital Stabilization Fund will increase its balance to \$644,000. The purpose of this funding is to provide a method to fund capital projects without burdening the operational budget with debt service costs. Currently, i.e. before the transfer takes place, there is a balance of \$144,952 of which there is a reservation for FEMA foreshore costs of \$102,297. Available Free Cash is \$6,613,053.

The \$50,000 transfer to the Transfer Station Capital Stabilization Fund would increase the balance to \$75,000 - also providing a method to fund capital projects without burdening the operational budget with debt service costs. Available Transfer Station Enterprise Retained Earnings are \$546,766.

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

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

## **ARTICLE 9. Retirement of Debt**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$1,077,618.00** for the purpose of retiring the debt for the following purposes

<b><u>Project</u></b>	<b><u>Authorized</u></b>	<b><u>Amount</u></b>
Widows Walk Clubhouse & Parking	ATM 04/21, Art 3CC	\$295,000.00
High School Roof	ATM 04/22, Art 3Y	\$782,618.00

*Sponsored by: Select Board*

### **Comments**

This article seeks to permanently paydown the remaining balance of \$295,000 of the original \$770,000 bond anticipation note for improvements to the Widows Walk clubhouse and parking lot with Widows Walk Enterprise Retained Earnings which has an available balance of \$434,853.

Also, this article seeks to pay off the High School roof capital project of \$782,618 from Free Cash rather than incur borrowing. We seek to do this in anticipation of a debt issuance for the Jenkins School roof project.

Note: MSBA funding was not obtained for the high school roof project as it was for repair only and not a full replacement. MSBA funding was also not obtained for the Jenkins School project as the timing required immediate action due to the poor condition of the existing roof. It is expected that funding for Jenkins roof will be included in an upcoming December bond issuance.

This article was recommended unanimously by the Advisory Board. The Widows Walk Enterprise Retained Earnings will have a balance of approximately \$140,000 after the paydown.

The Free Cash balance will be approximately \$4,100,000 after the \$782,618 repayment for the roof project and other recommended payments are made.

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

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

## **ARTICLE 10. Rescission of Borrowing Authorizations**

To see if the Town will vote to rescind the following borrowing authorizations for the stated purposes.

<b><u>Project</u></b>	<b><u>Authorized</u></b>	<b><u>Amount</u></b>	<b><u>Reason</u></b>
Upgrade Well 17A	ATM 04/18, Art 3RR	\$810,510	Project complete
Well 17A Green Sand Filter Const	ATM 04/19, Art 3U	\$1,413,613	Project complete
Cedar Point Sewer-Betterment	STM 06/20, Art 4	\$846,205	Project complete
High School Roof	ATM 04/22, Art 3Y	\$262,382	Project complete
Senior Center & Vets Mem Gym	STM 05/19, Art 1	\$32,450	Project complete



Or take any other action relative thereto.

*Sponsored by: Select Board*

**Comments**

This article was indefinitely postponed in the 2023 spring Special Meeting because the referenced projects were not complete at that time. This is good news. The projects are now complete. The Town will not be expending the above amounts and the Town will not be issuing the previously approved debt.

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

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

**ARTICLE 11. Capital Improvement Plan**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, the following sums of money totaling **\$4,064,993.00**, for the purpose of funding the following capital project costs; or take any other action relative thereto:

	<b>Project</b>	<b>Department</b>	<b>Amount</b>	<b>Funding Source</b>
<b>A</b>	HS Locker Room Phase 2	School	\$262,382	Free Cash
<b>B</b>	Public Safety Complex-Video Security System-End of Life Replacement	Information Technology/ Public Safety	\$302,611	Free Cash; Unused Articles
<b>C</b>	Replace Water Mains	Water	\$3,500,000	Water Enterprise Supported Borrowing, Unused Articles & Retained Earnings
	<b>Total</b>		<b>\$4,064,993</b>	

*Sponsored by: Select Board*

**Comments**

All items are projects that were previously approved. The additional funds requested appear reasonable, and the projects are all beneficial to the Town.

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

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

**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 2024 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 2024; (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 2024 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds unless otherwise specified below. All such sums appropriated are further to be expended subject to all of the terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items; or take any other action relative thereto.

- 1. \$9,543 From Community Preservation fund balance, to be reserved for the creation and support of Community Housing consistent with the Act;
- 2. \$125,000 Recreation – High School Tennis Courts Final Design

*Sponsored By: Community Preservation Committee*

**Comments**

These funds were derived from a quote made by Activas (consulting firm) of \$110,730 for the final design, permitting and bidding/construction administration, plus a contingency of \$14,270. These funds will be appropriated from CPC’s undesignated fund.

Note: this project is to completely renovate the existing high school tennis courts which are in disrepair, and to add a fifth court for competition play. Should the final design plan be approved, a future request for construction will be made upon completion of the final plan.

Both requests were unanimously approved by CPC. The Advisory Committee recommended them as well, unanimously with one abstention.

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

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

**\*\*\*\*\*Please see Community Preservation Report in Appendix B\*\*\*\*\***

**ARTICLE 13. Amend Street Acceptance – Cavanagh Road**

To see if the Town will vote to amend the vote under Article 68 of the 1961 annual town meeting to correct the spelling of Cavanaugh Road to Cavanagh Road; or take any other action relative thereto.

*Sponsored by: Select Board*

**ARTICLE 14. Remove Police Officers, Sergeants and Lieutenants from Civil Service**

To see if the Town will vote revoke its acceptance of the former Section 48 of Chapter 31 of the General Laws of the Commonwealth of Massachusetts, voted to under Article 38 of the Warrant for the 1934 Annual Town Meeting, and any amendments thereto insofar as such chapter and section relate to the civil service status of the positions of officers, sergeants and lieutenants of the Police Department of the Town of Scituate, so that the positions of officers, sergeants and lieutenants of the Police Department shall no longer be subject to the provisions of Chapter 31 and the rules and regulations relating thereto except that such revocation shall not affect any civil service rights which have come into existence between the Town and any employee of the Police Department as a result of the original acceptance of the former Section 48.

*Sponsored by: Select Board*

**Comments**

The Civil Service Program is a state agency that was created in 1884 to combat political patronage and increase fairness in the hiring process. The agency has not evolved to stay relevant with modern hiring practices and greatly limits a department's ability to hire the most qualified candidates. This has led to at least 37 police departments in the state leaving the program in the last 10 years (including Cohasset, Norwell and Rockland) and the number is expected to continue to grow. The police union is in favor of this article, as it will allow us to hire qualified candidates we currently cannot due to the restrictions that program puts in place. Passage of this article also ensures the Civil Service protections that current employees have will remain in place for them. The advisory committee is unanimously in favor of passing Article 14.

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

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

**ARTICLE 15. Petition – Seawall Funding**

To see if the Town will vote to appropriate \$7,000,000.00 for the purpose of rebuilding the seawall beginning in front of 181 Turner Road and going southeasterly to 3 Rebecca Road and to repair the existing seawall across the street from 6 Rebecca Road to 14 Rebecca Road, and further to authorize the Treasurer with the approval of the Select Board to raise, borrow, or transfer from available funds, said sum; or take any action relative thereto.

*Sponsored by Petition*

**Comments**

Members of the Advisory Committee observed the wall and listened to the petitioners' concerns. It was clear that there are large parts of the wall where concrete is deteriorating. We can understand their worry that the wall might be breached in a storm, and the result might be an overspill which could cut off access to Lighthouse Point and possibly threaten the harbor as well.

The petitioners estimated the total cost of rebuilding one wall and repairing the other based on an earlier published cost of the Oceanside seawall. They further suggested that if the town citizens were to vote for a \$7million appropriation, applications for grants and/or other State and Federal funding would be more favorably considered.

The Advisory Committee shares the petitioners' frustration with the time it takes for seawall decisions, rebuilds, and repairs and for what appears to be the bureaucratic quagmire impeding decisions.

However:

- The town has an ordered work plan to address the condition of all the town's seawalls and was in the process of working through rebuilds and repairs as funding and permits became available. The town had started with the worst area in Oceanside (it protects the sewer pump station which supports 40% of users) and had been moving down that section until permitting requirements changed. The Oceanside project is fully designed and has a \$6m grant, but it can't go out to bid because of permitting issues. Multiple coastal projects statewide are stalled. The town's plan had been to stop at the end of Oceanside, and then the Army Corps of Engineers would carry on from there. The town is continuing talks with the Army Corps. Meanwhile, the town has retained a consultant to pursue other federal grants and file applications for Lighthouse Point. If the Army Corps pulls out, the town can move forward and could use the \$2m previously agreed at town meeting to start the design, engineering and permitting of that section. The design work will take at least a year and, again, there is the problem of State permitting. Easements would also be required from residents.
- While the petitioners believe their \$7million request will be adequate, it appears that the Army Corps of Engineers has calculated that the cost to be much greater. If it takes on the project, it will only build their design which is 4 ft. higher. If the town were to do the full section, which would not necessarily follow the Corps design, there would have to be a debt exclusion and it will require town meeting approval.
- The petitioners argued that a \$7m approval at town meeting would improve chances of obtaining further funding. But, the town has not been able to spend that \$2million previously voted or the \$6million the town has obtained in grant funding. It is very unlikely that any applications for further funding would be successful when the town hasn't been able to spend either that \$6million grant or the \$2million.
- The town has armor stone located nearby that can be used to ameliorate a break if one were to happen at these Lighthouse Rd. seawalls.
- The town has a well-developed and often-used plan for the evacuation of Lighthouse Point and other residents in advance of threats to their safety and that of the emergency responders.

Therefore, the Advisory Committee does not support this article. We believe that town staff should continue to work through their existing plans for seawall replacement and repairs, proceed with efforts with the Army Corps and State permitting, and, when needed, recommend further courses of action to accomplish the essential work.

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

**Advisory Committee Vote:** Unanimous vote (0-8) against this article.

\*\*\*\*\**Please see map in Appendix C*\*\*\*\*\*

**ARTICLE 16. Petition – Discretion in Law Enforcement**

We the tax payers in the town of Scituate, MA, move to amend the General Bylaws Section 30460, to read:

1. “Important Information for Pet Owners” / Scituate Bylaws-

Current wording:

“All dogs are to be leashed at all times when off the owner’s property.”

New Wording: “All dogs are to be leashed or otherwise under owner’s control by voice command or e-collar, at all times.”

2. “Rules for Scituate Conservation Trails”

Current wording:

“Dogs must be leashed.”

New Wording: “Dogs must be leashed or otherwise under owner’s control by voice command or e-collar, at all times.”

*Sponsored by Petition*

**Comments**

The Committee spent a considerable amount of time engaged in discussion with the Petitioner of this article when it was presented to us. The Committee suggested alternative language or alternative ideas that do not pose the same amount of risk that exists as written. As such there was no amended language and as written we do not view this in the best interest of the Town.

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

**Advisory Committee Vote:** Unanimous vote (0-8) against this article.

**\*\*\*\*\*Please see full bylaw in Appendix D\*\*\*\*\***

## APPENDIX A

# CONSENT AGENDA-SPECIAL TOWN MEETING

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

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

**THE CONSENT AGENDA WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF THE SPECIAL TOWN MEETING ON MONDAY, OCTOBER 16, 2023.**

### CONSENT AGENDA MOTION

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

- 1 – Unpaid Prior Year Bills,***
- 2 – Compensation of Elected Officials***
- 3 – FY24 Budget Reconciliations,***
- 4 – Establishment of Special Purpose Stabilization Funds,***
- 6 – Maintenance, Improvement & Protection of Open Spaces,***
- 7 – Grant Matches,***
- 8 - Transfers to Reserves,***
- 9 – Retirement of Debt,***
- 10 – Rescission of Borrowing Authorizations and***
- 13 – Amend Street Acceptance – Cavanagh Road***

***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 Prior Year Bills**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$21,294.89** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

Department	Vendor	Date	Amount	Funding Source
Sewer	National Grid	6/27/2023	\$ 507.51	Wastewater Ret Earn
Sewer	National Grid	6/25/2023	\$ 408.74	Wastewater Ret Earn
Water	Weston & Sampson	6/30/2023	\$ 3,750.00	Water Ret Earn
Water	Univar Solutions	6/6/2023	\$ 727.27	Water Ret Earn
Water	City Electric Supply	6/26/2023	\$ 116.20	Water Ret Earn
Water	Langlan, Eric	6/13/2023	\$ 104.00	Water Ret Earn
Water	Gemini Group	4/6/2023	\$ 3,852.00	Water Ret Earn
Town Administration	Professional Development Academy	4/15/2022	\$ 1,995.00	Free Cash
Town Administration	Lewis Brisbois Bisgaard & Smith LLP	6/30/2023	\$ 2,824.00	Free Cash
Town Administration	Ringleader	4/1/2023	\$ 96.95	Free Cash
Town Administration	Ringleader	5/1/2023	\$ 96.95	Free Cash
Town Administration	Ringleader	6/1/2023	\$ 96.95	Free Cash
Street Lights	National Grid	FY21-23	\$ 2,637.96	Free Cash
Facilities	Drain Shooter	5/24/2023	\$ 395.00	Free Cash
Facilities	Home Depot	FY19	\$ 1,246.56	Free Cash
Fire	West Marine Pro	6/8/2023	\$ 56.94	Free Cash
Police	O'Brien, Gerald	5/8/2023	\$ 150.00	Free Cash
Police	Doughboy Uniforms	5/10/2023	\$ 199.45	Free Cash
Police	West Marine Pro	6/29/2023	\$ 1,289.09	Free Cash
Police	West Marine Pro	6/29/2023	\$ 175.96	Free Cash
Police	West Marine Pro	6/29/2023	\$ 19.98	Free Cash
Police	West Marine Pro	6/29/2023	\$ 79.92	Free Cash
Police	West Marine Pro	6/29/2023	\$ 39.96	Free Cash
Historical Buildings	J C Ehrlich	6/4/2023	\$ 428.50	Free Cash
	<b>Total</b>		<b>\$ 21,294.89</b>	

*Sponsored by: Select Board*

**MOTION ARTICLE 1. Unpaid Prior Year Bills**

I move that the Town appropriate the sum of **\$21,294.89** for the purpose of paying prior year unpaid bills as printed in the warrant and to fund such appropriation, transfer **\$11,829.17 from Free Cash**, transfer **\$8,549.47 from Water Enterprise Fund Retained Earnings** and transfer **\$916.25 from Wastewater (Sewer) Enterprise Fund Retained Earnings**.

**ARTICLE 2. Compensation of Elected Officials**

To see if the Town will vote to amend Article 1 of the April 10, 2023 annual town meeting warrant and establish the Town Clerk’s salary as \$89,150.00 effective July 1, 2023 or take any other action relative thereto.

*Sponsored by: Select Board*

**MOTION ARTICLE 2. Compensation of Elected Officials**

I move that the Town amend Article 1 of the April 10, 2023 annual town meeting warrant and establish the Town Clerk’s salary as \$89,150.00 effective July 1, 2023.

**ARTICLE 3. Fiscal Year 2024 Budget Reconciliations**

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$384,087.00** for the purpose of balancing the Fiscal Year 2024 Operating Budgets pursuant to Articles 4, 6, 7, 8 and 9 of the April 10, 2023 Annual Town Meeting warrant; or take any other action relative thereto:

Department	Line Item	Amount	Source	Comment
Sewer Department	Short Term Interest 64440590.592500	\$ 40,500.00	Wastewater Enterprise Receipts	Additional funds for I & I project that started sooner than expected.
Sewer Department	Emergency Reserve 64440560.578000	\$ 25,000.00	Wastewater Enterprise Receipts	Additional funds for any emergency or unexpected repairs. Requires Advisory Committee approval to use.
Sewer Department	Electricity 64440520.521100	\$ 46,155.00	Wastewater Enterprise Receipts	Additional funds based on prior year actuals.
Sewer Department	Capital Outlay 64440580.585100	\$ 26,150.00	Wastewater Retained Earnings	Cost escalation of truck with crane approved Art 3V, ATM 04/2023
Sewer Department	Technical Services 64440520.530900	\$ 100,000.00	Wastewater Retained Earnings	Town share of regional sewer study with Cohasset & Hull
Widows Walk Golf Course	Capital Outlay 61661580.585100	\$ 23,500.00	Widows Walk Retained Earnings; Unused articles	Replacement of beverage cart
Widows Walk Golf Course	Short Term Interest 61661590.592500	\$ 202.00	Widows Walk Receipts	Actual short term interest on maturing BAN slightly more than estimated.
Transfer Station Enterprise	Hauling Costs 63433520.527100	(\$30,000.00)	Transfer Station Enterprise Receipts	To reduce budget due to reduction in Construction & Demolition debris
Water Enterprise	Regular Salaries 65450510.511000	\$ 125,580.00	Water Enterprise Receipts	Addition of second Assistant Water Superintendent and change in stipends for licenses
Information Technology	Capital Outlay 1155580.585100	\$ 27,000.00	Unused articles	To repair two breaks in the fiber ring that supports the town and school buildings.
	<b>Total</b>	<b>\$ 384,087.00</b>		

*Sponsored by: Select Board*



### **MOTION ARTICLE 3. Fiscal Year 2024 Budget Reconciliations**

I move that the Town appropriate the sum of **\$384,087.00** for the purpose of balancing the Fiscal Year 2024 Operating Budgets as printed in the warrant pursuant to Articles 4, 6, 7, 8 and 9 of the April 10, 2023 Annual Town Meeting warrant and to fund such appropriation; transfer **\$27,000.00 from Article 7-5, STM 11/2022 Permitting System**, transfer **\$2,363.11 from Sewer Premiums Reserved for Debt**, raise **\$111,655.00 in Wastewater (Sewer) Enterprise Fund receipts**, raise **\$125,580.00 in Water Enterprise Fund receipts**, raise **\$202.00 in Widows Walk Enterprise Fund receipts**, transfer **\$2,350.00 from Article 3U, ATM 04/2017 Irrigation System Design**, transfer **\$4,806.00 from Article 3V, ATM 04/2017 HVAC Replacement**, transfer **\$566.67 from Article 3A, ATM 04/2018 Design & Engineering Improvements**, transfer **\$1,250.00 from Article 3C, ATM 04/2018 Netting Replacement**, transfer **\$123,786.89 from Wastewater (Sewer) Enterprise Fund Retained Earnings** and transfer **\$14,527.33 from Widows Walk Enterprise Fund Retained Earnings** and further to reduce the **Transfer Station Enterprise Fund receipts raised by \$30,000.00**.

### **ARTICLE 4. Establishment of Special Purpose Stabilization Funds**

To see if the Town will vote to establish an Opioid Stabilization Fund and a Per- and Polyfluoroalkyl Substances (PFAS) Stabilization Fund pursuant to M.G.L. c. 40, §5B, for the purpose of allocating funds from the opioid and PFAS settlement distributions for the allowable purposes of said distributions and further to transfer **\$204,382.55** from available funds in the Treasury to the Opioid Stabilization Fund and any further settlement disbursements to the new funds respectively; or take any other action relative thereto.

*Sponsored by: Select Board*

### **MOTION ARTICLE 4. Establishment of Special Purpose Stabilization Funds**

I move that the Town establish an Opioid Stabilization Fund and a Per- and Polyfluoroalkyl Substances (PFAS) Stabilization Fund pursuant to M.G.L. c. 40, §5B, for the purpose of allocating funds from the opioid and PFAS settlement distributions for the allowable purposes of said distributions and further to transfer **\$204,382.55 from Free Cash** to the Opioid Stabilization Fund and any further settlement disbursements to the two new funds respectively.

### **ARTICLE 6. Maintenance, Improvement & Protection of Open Spaces**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of **\$35,000.00** to be expended under the direction of the Conservation Commission, for the purpose of maintaining, improving, protecting, or otherwise conserving and properly utilizing open spaces, pursuant to M.G.L. Chapter 40, Section 8C, or take any other action relative thereto.

*Sponsored by: Conservation Commission*

**MOTION ARTICLE 6. Maintenance, Improvement & Protection of Open Spaces**

I move that the Town appropriate the sum of **\$35,000.00** to be expended under the direction of the Conservation Commission, for the purpose of maintaining, improving, protecting, or otherwise conserving and properly utilizing open spaces, pursuant to M.G.L. Chapter 40, Section 8C and to fund such appropriation transfer **\$35,000.00 from Free Cash**.

**ARTICLE 7. Grant Matches**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$108,500.00** to provide matching funds for grants; or take any other action relative thereto:

<u>Purpose</u>	<u>Amount</u>	<u>Source</u>
Old Gates Feasibility Study	\$8,500.00	Free Cash
Community Health Needs Assessment	\$20,000.00	Free Cash
Design/Engineering Harbormaster Building	\$80,000.00	Waterways Enterprise Retained Earnings & Unused articles

*Sponsored by: Select Board*

**MOTION ARTICLE 7. Grant Matches**

I move that the Town appropriate the sum of **\$108,500.00** to provide matching funds for grants as printed in the warrant and to fund such appropriation; transfer **\$28,500.00 from Free Cash**, transfer **\$4,220.92 from Article 3BB, ATM 04/2021 Repowering Unit 1**, transfer **\$1,493.05 from Article 3BB, ATM 04/2023 Replace Truck 2**, transfer **\$582.63 from Waterways Enterprise premiums reserved for debt** and transfer **\$73,703.40 from Waterways Enterprise Fund Retained Earnings**.

**ARTICLE 8. Transfers to Reserves**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$1,487,774.00** for the following purposes; or take any other action relative thereto:

<u>To</u>	<u>Amount</u>	<u>Reason</u>
Water Enterprise Capital Stabilization	\$100,000.00	For future capital projects
Capital Stabilization	\$500,000.00	For future capital projects
Transfer Station Capital Stabilization	\$ 50,000.00	For future capital projects
Other Post Employment Benefits Trust	\$250,000.00	Additional funding for OPEB liability
Other Post Employment Benefits Trust	\$ 39,698.00	50% of unfunded OPEB liability – Widows Walk (Golf) Enterprise Fund
Other Post Employment Benefits Trust	\$314,156.00	50% of unfunded OPEB liability – Water Enterprise Fund

Other Post Employment Benefits Trust	\$ 88,803.00	50% of unfunded OPEB liability – Transfer Station Enterprise Fund
Other Post Employment Benefits Trust	\$113,734.00	25% of unfunded OPEB liability – Wastewater (Sewer) Enterprise Fund
Other Post Employment Benefits Trust	\$ 31,383.00	25% of unfunded OPEB liability – Waterways Enterprise Fund

*Sponsored by: Select Board*

**MOTION ARTICLE 8. Transfers to Reserves**

I move that the Town appropriate the sum of **\$1,487,774.00** to existing reserves for the purposes as listed in the warrant and to fund such appropriation transfer **\$750,000.00 from Free Cash**, transfer **\$414,156.00 from Water Enterprise Fund Retained Earnings**, transfer **\$113,734.00 from Wastewater (Sewer) Enterprise Fund Retained Earnings**, transfer **\$138,803.00 from Transfer Station Enterprise Fund Retained Earnings**, **\$31,383.00 from Waterways Enterprise Fund Retained Earnings** and transfer **\$39,698.00 from Widows Walk Enterprise Fund Retained Earnings**.

**ARTICLE 9. Retirement of Debt**

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$1,077,618.00** for the purpose of retiring the debt for the following purposes

<u>Project</u>	<u>Authorized</u>	<u>Amount</u>
Widows Walk Clubhouse & Parking	ATM 04/21, Art 3CC	\$295,000.00
High School Roof	ATM 04/22, Art 3Y	\$782,618.00

*Sponsored by: Select Board*

**MOTION ARTICLE 9. Retirement of Debt**

I move that the Town appropriate the sum of **\$1,077,618.00** for the purpose of retiring the debt for the purposes listed in the warrant and to fund such appropriation; transfer **\$295,000.00 from Widows Walk Enterprise Fund Retained Earnings** and transfer **\$782,618.00 from Free Cash**.

**ARTICLE 10. Rescission of Borrowing Authorizations**

To see if the Town will vote to rescind the following borrowing authorizations for the stated purposes.

<b>Project</b>	<b>Authorized</b>	<b>Amount</b>	<b>Reason</b>
Upgrade Well 17A	ATM 04/18, Art 3RR	\$810,510	Project complete
Well 17A Green Sand Filter Const	ATM 04/19, Art 3U	\$1,413,613	Project complete
Cedar Point Sewer-Betterment	STM 06/20, Art 4	\$846,205	Project complete
High School Roof	ATM 04/22, Art 3Y	\$262,382	Project complete
Senior Center & Vets Mem Gym	STM 05/19, Art 1	\$32,450	Project complete

Or take any other action relative thereto.

*Sponsored by: Select Board*

**MOTION ARTICLE 10. Rescission of Borrowing Authorizations**

I move that the Town rescind the borrowing authorizations for the purposes as listed in the printed warrant.

**ARTICLE 13. Amend Street Acceptance – Cavanaugh Road**

To see if the Town will vote to amend the vote under Article 68 of the 1961 annual town meeting to correct the spelling of Cavanaugh Road to Cavanaugh Road; or take any other action relative thereto.

*Sponsored by: Select Board*

**MOTION ARTICLE 13. Amend Street Acceptance – Cavanaugh Road**

I move that the Town amend the vote under Article 68 of the 1961 annual town meeting to correct the spelling of Cavanaugh Road to Cavanaugh Road.

**APPENDIX B - Report from the Community Preservation Committee**

Scituate Community  
Preservation Committee

Project Descriptions for Special  
Town Meeting, October 2023

**October 16, 2023 Special Town Meeting Proposed CPC Projects**

1. **HFY23 Community Housing Set-Aside – \$9,543** (Community Housing)

The estimated set-aside for FY23 Community housing was less than the 10% required by the Community Preservation Act. This amount is to make up that shortfall.

2. **High School Tennis Courts Final Design – \$125,000**  
(Recreation/Undesignated)

The existing tennis courts at the High School are in disrepair and in need of significant work to make them playable and safe. There is also a need for expansion of the existing facility from four courts to five courts for competition play, which currently occurs at the Old Gates School at the Recreation Department tennis courts. At the Annual Town Meeting in April 2022, the feasibility study and initial conceptual design for the renovation and expansion of the high school tennis courts was approved with funding by the CPC. This work was complete in Spring 2023 and the next step is to finalize the design so that the project can be publicly bid for construction.

This application is to provide funding for final design and engineering, development of technical drawings and specifications for bidding, permitting, and bidding/construction administration. The project would include complete renovation of the existing facility with an additional court proposed (5<sup>th</sup> court at the High School). This would enable full implementation of competitive tennis programs at the High School as well as community recreation. This will also alleviate demand on the Recreation Department tennis courts, allowing for improved community use of those courts.

The proposed project would include the following:

- Existing Conditions survey update
- Preliminary Subsurface Exploration Plan
- Design Development, including Cost Options and Review Meeting
- Project permitting and community consensus meetings
- Detailed design and construction documents
- Project bidding services and services during construction

The cost of the final design, permitting, and bidding/construction administration work has been quoted at \$110,730 with a contingency of \$14,270 to make the final request for CPC funding \$125,000. The funds for this request will be appropriated from the CPC's undesignated fund. There would be a future construction phase and additional funding request if this project is approved.

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

## APPENDIX C – Map of Seawall Area



## APPENDIX D – General Bylaws, Section 30460

### SECTION 30460 LEASH LAW

- A. No owner or keeper of a dog shall permit said dog to be in any street, including public or private ways or ways in existence prior to the adoption of these bylaws, or public place, or on the property of another without the express permission of the owner or occupant of such property, without such dog being effectively restrained by chain or leash, which chain or leash shall be under the direct and positive control of such owner, keeper or other person. No owner or keeper of a dog shall permit said dog, whether leashed or unleashed, to be on a beach between the hours of 10 a.m. and 6 p.m. from June fifteenth through September fifteenth, inclusive or on school property, playgrounds, cemeteries and athletic fields maintained by the Town at any time.

The penalty for the first violation of this subsection within a calendar year shall be fifty dollars (\$50); the penalty for the second violation of this subsection within a calendar year shall be one hundred dollars (\$100); and the penalty for a third violation of this subsection within the same calendar year shall be three hundred dollars (\$300); and the penalty for a fourth or subsequent violation of this subsection within the same calendar year shall be five hundred dollars (\$500).

- B. The Animal Control Officer shall impound any dog running at large contrary to this section. If the owner of said dog is known, the Animal Control Officer shall give notice to such owner immediately. If the owner claims the dog, furnishes proof of payment of outstanding license fees, together with the current impoundment, the dog shall be returned to the owner. Said owner shall also be responsible for emergency veterinary care required during impoundment.

Whenever a dog running at large contrary to this section is quarantined pursuant to General Laws Chapter 129, §21, the animal shall be impounded for the duration of the quarantine period and its owner, if known, shall be liable for the payment of the impoundment fee. Whenever the Animal Control Officer has reason to believe that a dog running at large contrary to this section has bitten more than one person, said Officer shall be required to make a complaint in writing to the Animal Control Board, which may order impoundment of said dog and its owner, if known, shall be liable for the payment of the daily impoundment fee. Any dog which has been impounded for the mandatory holding period and which remains unclaimed by its owner or keeper may be placed for adoption. The Animal Control Officer may order the confinement of any unspayed female in estrous cycle, commonly termed "in heat," for the purpose of abating a public nuisance.