

**TOWN OF SCITUATE
ANNUAL TOWN MEETING
APRIL 26, 2017
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

WEDNESDAY, THE TWENTY SIXTH DAY OF APRIL 2017 NEXT

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

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 \$ 78,500.00, or a greater or lesser sum, or take any other action relative thereto:

SELECTMEN:	Chairman & Legitimate Expenses	\$ 1,500.00
SELECTMEN:	Members & Legitimate Expenses	\$ 2,000.00
	(4 @ \$500)	
ASSESSORS:	Chairman & Legitimate Expenses	\$ 1,200.00
ASSESSORS:	Members & Legitimate Expenses	\$ 800.00
	(2 @ \$400)	
TOWN CLERK:	Personal Services	\$73,000.00

Sponsored by: Board of Selectmen

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: Board of Selectmen

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, the following sums of money totaling \$ 7,033,276.00, or any greater or lesser sums as may be necessary, for the purpose of funding the costs of the Fiscal Year 2018 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:

Item	Department	Amount
A. Road and Sidewalk Improvements	DPW-Highway	\$400,000
B. Diesel Fuel Tank (Phase 2)	DPW-Highway	\$35,000
C. CAT Front End Loader	DPW-Highway	\$170,000
D. Renovate Station #4 (Humarock) Phase 1	Fire/Facilities	\$250,000
E. Jenkins School Swing Set	School/Facilities	\$30,000
F. Foreshore Protection	DPW-Engineering	\$200,000
G. Culvert Improvements – Bailey's/Gilson	DPW-Engineering	\$400,000
H. Cudworth Cemetery Expansion (Phase 2 of 3)	DPW-Grounds	\$ 50,000
I. Remove Hatherly and Cushing Modules	School/Facilities	\$ 40,000
J. Ceiling Tile Replacement Hatherly/Cushing	School/Facilities	\$ 40,000
K. Turf Carpet Replacement High School Field	Recreation/DPW	\$445,000
L. Zoll Monitor – (Defibrillator)	Fire	\$ 50,000
M. Demolition of Former Police Station	Police/Facilities	\$250,000
N. School Technology	School	\$100,000
O. Replace Roof Trim and Fascia -Hatherly School	School/Facilities	\$ 27,500
P. ADA Transition Plan	BOS/Facilities	\$ 50,000
Q. Transfer to Capital Stabilization-Future Debt	BOS	\$ 63,776
R. Transfer to Capital Stabilization- Fire Pumper	BOS/Fire	\$100,000
S. Upgrades to Cole Parkway Electrical System	Waterways/Facilities	\$ 68,000
T. Dock De-Icers	Waterways	\$ 74,000
U. Widow's Walk Irrigation System Design	Golf	\$ 25,000
V. Widow's Walk HVAC Replacement	Golf/Facilities	\$ 80,000
W. Transfer to Golf Stabilization – Irrigation System	Golf	\$185,000
X. Redevelopment of Public Wells	Water	\$100,000
Y. Dolan Well Field Design and Permitting	Water	\$200,000
Z. Trac Vac System Upgrade	Water	\$ 80,000
AA. Reservoir Feed Project	Water	\$120,000
BB. Granulated Activated Carbon Filter Replacement	Water	\$170,000
CC. Chevy Pick- Up	Water	\$ 40,000
DD. Landfill Gas Piping	Transfer Station	\$175,000
EE. Copper Limit Reduction Phase II	Sewer	\$420,000
FF. Infiltration/Inflow – Cedar Point	Sewer	\$2,500,000
GG. SCADA Upgrade Pump Stations (Phase 3)	Sewer	\$ 45,000
HH. Rehabilitation of Clarifier #3	Sewer	\$ 50,000

*Sponsored by: Board of Selectmen
Capital Planning Committee*

ARTICLE 4. Fiscal Year 2018 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 \$74,946,689.00, 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, 2017, or take any other action relative thereto.

**Article 4
Fiscal Year 2018 Operating Budget**

			FY 2017 Appropriated		FY 2018 Selectmen		FY 2018 Advisory		% of total
		Board of Selectmen							
		Town Administrator							
123	510	Personal Services	\$ 346,234	\$	352,493	\$	352,493		
	520	Purchase of Services	\$ 154,500	\$	157,800	\$	157,800		
	530	Town Counsel	\$ 110,000	\$	130,000	\$	130,000		
	532	Contract Bargaining	\$ 139,281	\$	264,349	\$	264,349		
	540	Materials & Supplies	\$ 5,900	\$	7,400	\$	7,400		
	599	Salary Adjustments	\$ 10,000	\$	10,000	\$	10,000		
			\$ 765,915	\$	922,042	\$	922,042		1.23%
		Advisory Committee							
131	510	Personal Services	\$ 1,964	\$	1,934	\$	1,934		
	520	Purchase of Services	\$ 250	\$	250	\$	250		
	540	Materials & Supplies	\$ 5,700	\$	4,000	\$	4,000		
			\$ 7,914	\$	6,184	\$	6,184		0.01%
		Reserve Fund							
	570	Transfers	\$ 90,000	\$	75,000	\$	75,000		0.10%
		Finance Director/Town Accountant							
135	510	Personal Services	\$ 291,183	\$	299,081	\$	299,081		
	520	Purchase of Services	\$ 52,000	\$	61,600	\$	61,600		
	540	Materials & Supplies	\$ 900	\$	1,300	\$	1,300		
			\$ 344,083	\$	361,981	\$	361,981		0.48%
		Assessors							
141	510	Personal Services	\$ 197,803	\$	201,974	\$	201,974		
	520	Purchase of Services	\$ 6,055	\$	5,100	\$	5,100		
	540	Materials & Supplies	\$ 500	\$	500	\$	500		
			\$ 204,358	\$	207,574	\$	207,574		0.28%
		Treasurer/Collector							
145	510	Personal Services	\$ 269,303	\$	284,442	\$	284,442		
	520	Purchase of Services	\$ 88,950	\$	94,125	\$	94,125		
	540	Materials & Supplies	\$ 1,500	\$	2,300	\$	2,300		
			\$ 359,753	\$	380,867	\$	380,867		0.51%
155		Information Technology							
	510	Personal Services	\$ 150,704	\$	152,680	\$	152,680		
	520	Purchase of Services	\$ 165,929	\$	203,980	\$	203,980		

540	Materials & Supplies	\$	400	\$	400	\$	400	
580	Capital Outlay	\$	36,000	\$	14,000	\$	14,000	
		\$	353,033	\$	371,060	\$	371,060	0.50%
	Tax Foreclosures							
158	521 Tax Foreclosures	\$	39,000	\$	39,000	\$	39,000	
		\$	39,000	\$	39,000	\$	39,000	0.05%
159	Cable TV							
510	Personal Services	\$	88,804	\$	82,470	\$	82,470	
520	Purchase of Services	\$	4,500	\$	11,500	\$	11,500	
540	Materials & Supplies	\$	3,150	\$	2,750	\$	2,750	
580	Capital Outlay	\$	31,400	\$	30,000	\$	30,000	
		\$	127,854	\$	126,720	\$	126,720	0.17%
161	Town Clerk							
510	Personal Services	\$	169,659	\$	156,481	\$	156,481	
520	Purchase of Services	\$	34,460	\$	20,745	\$	20,745	
540	Materials & Supplies	\$	3,975	\$	4,175	\$	4,175	
		\$	208,094	\$	181,401	\$	181,401	0.24%
171	Conservation							
510	Personal Services	\$	162,068	\$	214,719	\$	214,719	
520	Purchase of Services	\$	8,750	\$	5,362	\$	5,362	
540	Materials & Supplies	\$	1,300	\$	950	\$	950	
		\$	172,118	\$	221,031	\$	221,031	0.29%
175	Planning Board							
510	Personal Services	\$	129,342	\$	130,421	\$	130,421	
520	Purchase of Services	\$	10,445	\$	8,845	\$	8,845	
540	Materials & Supplies	\$	700	\$	700	\$	700	
580	Capital Outlay	\$	-	\$	270	\$	270	
		\$	140,487	\$	140,236	\$	140,236	0.19%
176	Zoning Board of Appeals							
510	Personal Services	\$	21,262	\$	21,743	\$	21,743	
520	Purchase of Services	\$	700	\$	500	\$	500	
540	Materials & Supplies	\$	400	\$	330	\$	330	
		\$	22,362	\$	22,573	\$	22,573	0.03%
	Board of Selectmen/ Economic Dev							
182	520 Purchase of Services	\$	83,500	\$	49,000	\$	49,000	
	Transfers To Econ Dev							
570	Stablztn	\$	10,000	\$	-	\$	-	
		\$	93,500	\$	49,000	\$	49,000	0.07%
192	Property/Liability Insurance							
570	Expenses	\$	538,450	\$	661,373	\$	661,373	0.88%

Total General Government		\$ 3,466,921	\$ 3,766,042	\$ 3,766,042	5.02%
210	Police				
510	Personal Services	\$ 3,494,659	\$ 3,249,212	\$ 3,249,212	
520	Purchase of Services	\$ 109,160	\$ 119,891	\$ 119,891	
540	Materials & Supplies	\$ 73,864	\$ 80,800	\$ 80,800	
580	Capital Outlay	\$ 143,000	\$ 164,021	\$ 164,021	
		\$ 3,820,683	\$ 3,613,924	\$ 3,613,924	4.82%
220	Fire				
510	Personal Services	\$ 4,633,185	\$ 4,446,993	\$ 4,446,993	
520	Purchase of Services	\$ 86,250	\$ 55,100	\$ 55,100	
540	Materials & Supplies	\$ 161,675	\$ 163,975	\$ 163,975	
		\$ 4,881,110	\$ 4,666,068	\$ 4,666,068	6.23%
230	Public Safety Comm. Center				
510	Personal Services	\$ -	\$ 558,181	\$ 558,181	
520	Purchase of Services	\$ -	\$ 2,000	\$ 2,000	
540	Materials & Supplies	\$ -	\$ 200	\$ 200	
		\$ -	\$ 560,381	\$ 560,381	0.75%
241	Inspections				
510	Personal Services	\$ 308,130	\$ 316,797	\$ 316,797	
520	Purchase of Services	\$ 3,050	\$ 2,900	\$ 2,900	
540	Materials & Supplies	\$ 1,250	\$ 900	\$ 900	
		\$ 312,430	\$ 320,597	\$ 320,597	0.43%
295	Shellfish				
510	Personal Services	\$ 8,000	\$ 8,000	\$ 8,000	
520	Purchase of Services	\$ 575	\$ 275	\$ 275	
540	Materials & Supplies	\$ 100	\$ 400	\$ 400	
		\$ 8,675	\$ 8,675	\$ 8,675	0.01%
Total Public Safety		\$ 9,022,898	\$ 9,169,645	\$ 9,169,645	12.23%
300	School Committee				
505	School Expenses	\$ 34,961,956	\$ 36,120,900	\$ 36,120,900	48.20%
310	South Shore Regional School				
560	Intergovernmental	\$ 706,301	\$ 754,321	\$ 754,321	1.01%
Total Schools		\$ 35,668,257	\$ 36,875,221	\$ 36,875,221	49.20%
Public Works					
400	510 Personal Services	\$ 1,490,182	\$ 1,604,182	\$ 1,604,182	
	520 Purchase of Services	\$ 453,240	\$ 452,358	\$ 452,358	
	540 Materials & Supplies	\$ 199,100	\$ 202,675	\$ 202,675	

580	Capital Outlay	\$ 421,100	\$ 401,825	\$ 401,825	
		\$ 2,563,622	\$ 2,661,040	\$ 2,661,040	3.55%
410	Facilities				
510	Personal Services	\$ 262,040	\$ 310,377	\$ 310,377	
520	Purchase of Services	\$ 175,161	\$ 358,832	\$ 358,832	
540	Materials & Supplies	\$ 219,650	\$ 199,500	\$ 199,500	
580	Capital Outlay	\$ 151,000	\$ 120,000	\$ 120,000	
		\$ 807,851	\$ 988,709	\$ 988,709	1.32%
423	Snow & Ice				
510	Personal Services	\$ 88,851	\$ 93,555	\$ 93,555	
520	Purchase of Services	\$ 192,160	\$ 188,456	\$ 188,456	
540	Materials & Supplies	\$ 216,102	\$ 215,102	\$ 215,102	
		\$ 497,113	\$ 497,113	\$ 497,113	0.66%
424	Street Lights & Beacons				
520	Purchase of Services	\$ 200,000	\$ 60,000	\$ 60,000	0.08%
	Total Public Works	\$ 4,068,586	\$ 4,206,862	\$ 4,206,862	5.61%
510	Board of Health				
510	Personal Services	\$ 168,333	\$ 167,187	\$ 167,187	
520	Purchase of Services	\$ 9,575	\$ 9,225	\$ 9,225	
540	Materials & Supplies	\$ 1,685	\$ 1,735	\$ 1,735	
580	Capital Outlay	\$ 125	\$ 125	\$ 125	
		\$ 179,718	\$ 178,272	\$ 178,272	0.24%
541	Council on Aging				
510	Personal Services	\$ 206,229	\$ 203,309	\$ 203,309	
520	Purchase of Services	\$ 12,880	\$ 13,750	\$ 13,750	
540	Materials & Supplies	\$ 2,275	\$ 2,100	\$ 2,100	
580	Capital Outlay	\$ 500	\$ 2,000	\$ 2,000	
		\$ 221,884	\$ 221,159	\$ 221,159	0.30%
543	Veterans Agent				
510	Personal Services	\$ 80,073	\$ 74,982	\$ 74,982	
520	Purchase of Services	\$ 124,345	\$ 121,950	\$ 121,950	
540	Materials & Supplies	\$ 1,250	\$ 1,250	\$ 1,250	
		\$ 205,668	\$ 198,182	\$ 198,182	0.26%
549	Commission on Disabilities				
520	Purchase of Services	\$ 5,000	\$ 4,700	\$ 4,700	
540	Materials & Supplies	\$ -	\$ 300	\$ 300	
		\$ 5,000	\$ 5,000	\$ 5,000	0.01%

Total Health & Human Services		\$	612,270	\$	602,613	\$	602,613	0.80%
610	Library							
510	Personal Services	\$	775,048	\$	778,518	\$	778,518	
520	Purchase of Services	\$	71,220	\$	110,969	\$	110,969	
540	Materials & Supplies	\$	135,450	\$	117,600	\$	117,600	
580	Capital Outlay	\$	5,000	\$	2,000	\$	2,000	
		\$	986,718	\$	1,009,087	\$	1,009,087	1.35%
630	Recreation							
510	Personal Services	\$	138,176	\$	147,754	\$	147,754	
520	Purchase of Services	\$	695	\$	945	\$	945	
540	Materials & Supplies	\$	250	\$	150	\$	150	
580	Capital Outlay	\$	-	\$	500	\$	500	
		\$	139,121	\$	149,349	\$	149,349	0.20%
650	Beautification							
540	Materials & Supplies	\$	20,500	\$	21,500	\$	21,500	
		\$	20,500	\$	21,500	\$	21,500	0.03%
691	Historical Buildings							
520	Purchase of Services	\$	13,744	\$	13,744	\$	13,744	
		\$	13,744	\$	13,744	\$	13,744	0.02%
Total Recreation & Resources		\$	1,160,083	\$	1,193,680	\$	1,193,680	1.59%
720	Debt & Interest							
590	Debt Service	\$	7,715,806	\$	7,589,131	\$	7,589,131	10.13%
		\$	7,715,806	\$	7,589,131	\$	7,589,131	10.13%
910	Non-Contributory Pensions							
512	Other Personal Services	\$	27,040	\$	27,460	\$	27,460	0.04%
911	Plymouth County Retirement							
512	Other Personal Services	\$	4,461,124	\$	4,620,880	\$	4,620,880	6.17%
912	Workers' Compensation							
515	Employee Benefits	\$	200,000	\$	210,000	\$	210,000	0.28%
913	Unemployment Insurance							
515	Employee Benefits	\$	66,000	\$	130,000	\$	130,000	0.17%

914	Contributory Group Insurance				
515	Employee Benefits	\$ 5,656,298	\$ 5,860,000	\$ 5,860,000	7.82%
916	Federal Taxes				
515	Employee Benefits	\$ 678,200	\$ 695,155	\$ 695,155	0.93%
	Total Employee Benefits	\$ 11,088,662	\$ 11,543,495	\$ 11,543,495	15.40%
	Total General Fund	\$ 72,803,483	\$ 74,946,689	\$ 74,946,689	100.00%

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 \$953,112.00, or a greater or lesser sum, for the purpose of funding the Waterways Enterprise Fund for the ensuing fiscal year commencing July 1, 2017, or take any other action relative thereto.

Sponsored By: Board of Selectmen

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 \$932,729.00, or a greater or lesser sum, for the purpose of funding the Widow's Walk Golf Course for the ensuing fiscal year commencing July 1, 2017, or take any other action relative thereto.

Sponsored By: Board of Selectmen

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 \$3,601,548.00, 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, 2017, or take any other action relative thereto.

Sponsored By: Board of Selectmen

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 \$1,117,405.00, 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, 2017, or take any other action relative thereto.

Sponsored By: Board of Selectmen

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 \$4,045,567.00, or a greater or lesser sum, for the purpose of funding Water Division operations and expenses for the ensuing fiscal year commencing July 1, 2017, or take any other action relative thereto.

Sponsored By: Board of Selectmen

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 Massachusetts General Laws, Chapter 40, Section 5B, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 11. 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 2018 Community Preservation budget and pursuant to Massachusetts General Laws, Chapter 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 2018; (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 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 2018 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds. 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.

1. \$181,854 from Community Preservation FY 2018 estimated revenues, to be reserved for the creation and support of Community Housing consistent with the Act;
2. \$181,854 from Community Preservation FY 2018 estimated revenues, to be reserved for acquisition and preservation of Historic Resources consistent with the Act;
3. \$181,854 from Community Preservation FY 2018 estimated revenues, to be reserved for acquisition and preservation of Open Space consistent with the Act;
4. \$90,927 from Community Preservation FY 2018 estimated revenues, for Administrative Expense of the Community Preservation Committee;
5. \$900,000 for Community Housing - Creation of Affordable Senior Rental Housing
6. \$1,000,000 for Undesignated Funds – Creation of Affordable Senior Rental Housing

7. \$31,919 for Historic Resources – Preservation of Documents and Photos
8. \$24,950 for Historic Resources – Replacement of Mann Farmhouse Roof
9. \$ 9,000 for Historic Resources – Restoration of Historic Plaques
10. \$48,700 for Undesignated Funds – Creation of Dog Park
11. \$51,357 for Undesignated Funds – Boardwalk and Mats for Beaches
12. \$27,025 for Undesignated Funds – Restoration of Glades Road Pocket Park
13. \$17,378 for Undesignated Funds - Permanent benches and trash receptacles at Cedar Point Park
14. \$130,926 for Undesignated Funds - Rehabilitation of Central Fields
15. \$89,300 for Undesignated Funds - Improvements at Roach Baseball Field
16. \$40,000 for Undesignated Funds - Study of town-owned land at Clapp Road for playing fields

or take any other action relative thereto.

Sponsored By: Community Preservation Committee

ARTICLE 12. Community Preservation Act Reconciliations

To see if the Town will vote to rescind the balance of funds authorized but unexpended from prior Community Preservation projects, totaling \$596,256.00, and transfer said funds into the Community Preservation Committee Reserve or General Fund Balance from which they were originally appropriated as the case may be, in accordance with the Community Preservation Act as follows:

Description/Project	ATM Authorization	Amount
Driftway Bike/Pedestrian Path	Art.18 2007 ATM	\$ 5,461
Scituate Marine Park	Art. 19 2008 ATM	21,109
Driftway/North River	Art. 19-G 2008 ATM	47,244
Wheelwright Land	Art. 13-6 2010 ATM	3,805
North Scituate Train Canopy	Art. 17-11 2011 ATM	316
Hubbell Land	Art. 17-6 2011 ATM	10,653
Gannett Road Path	Art. 17-16 2011 ATM	17,103
Higgins MacAllister land	Art.16-5 2012 ATM	20,065
William Cushing Plaque	Art. 16-11 2012 ATM	228
Scituate Historic Bike Path	Art. 16-14 2012 ATM	14,758
Nicholas Wade/Litchfield Land	Art. 16-6 2012 ATM	3,258
Little Red Schoolhouse Roof	Art. 12-10 2013 ATM	145
Town Archives Preservation	Art. 12-11 2013 ATM	510
Lighthouse Preservation/Seawall	Art. 12-17 2013 ATM	620
Harborwalk Phase II	Art. 12-13 2013 ATM	64,541
SHS Athletic Complex	Art. 12-15 2013 ATM	350,000
Basketball Courts	Art. 12-16 2013 ATM	36,075
Skatepark	Art. 13-08 2014 ATM	405
TOTAL:		\$ 596,256

or take any other action relative thereto

ARTICLE 13. Massachusetts General Laws Chapter 91 Liability

To see if the Town will vote to assume liability in the manner provided by Massachusetts General Laws, Chapter 91, Section 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 Section 11 of said Chapter 91 and to authorize the Selectmen to execute and deliver a bond on indemnity therefore to the Commonwealth; or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 14. Zoning Bylaw Amendment: Temporary Moratorium on Cultivation, Sale, Distribution, Possession and Use of Recreational Marijuana

To see if the Town will vote to amend the Zoning Bylaw to establish a temporary moratorium on the cultivation, sale, distribution, possession and use of recreational marijuana to allow development and potential adoption of local regulations, by adding the new Section 491 Temporary Moratoria and Subsection 491.1, Temporary Moratorium on the Sale and Distribution of Recreational Marijuana, as follows below:

491 TEMPORARY MORATORIA.

491.1. Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.

- A. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provided that it became effective on December 15, 2016 and the Cannabis Control Commission was required to issue regulations regarding implementation by September 15, 2017. This law was amended on December 30, 2016 by extending certain deadlines by six months and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018.

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, the ballot measure establishes two important provisions that require ballot action by the Town prior to the adoption of zoning. First, the Town must, by ballot, determine whether it will allow Recreational Marijuana Establishments and Marijuana Retailers and second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on

whether to allow on-site consumption of marijuana products should the Town decide to allow such facilities.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

B. Definitions.

"Manufacture", 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 establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

"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", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

- C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through November 30, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the town shall restrict any, or all Recreational Marijuana Establishments and Marijuana Retailers through any available legal means, determine whether the town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

- D. Severability. The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

or take any other action relative thereto

Sponsored By: Planning Board

ARTICLE 15. Administrative Code Change: Department of Planning and Development and Director of Planning and Development

To see if the Town will vote, pursuant to Article 5-1(b), Administrative Code of the Town Charter, to create the Department of Planning and Development and the position of Director of Planning and Development as the head of such Department, to transfer certain supervisory duties of the Town Administrator to said position, and further to transfer the appropriation of one or more town agencies to another, or take any other action relative thereto.

Sponsored By: Board of Selectmen

ARTICLE 16. General Bylaw Amendment: Revolving Funds

To see if the Town will vote to amend the General Bylaws of the Town by adding the following new Bylaw, SECTION 10260 - Revolving Funds, and to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E½, and further to establish annual limits for Fiscal Year 2018 said funds, or take any other action relative thereto:

Purpose

This bylaw establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.

Expenditure Limitations

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectmen and Advisory Committee.

Interest

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

Procedures and Reports

Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this bylaw, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

Authorized Revolving Funds

Senior Center Programming Fund

Fund Name. There shall be a separate fund called Senior Center Programming Fund.

Revenues. The Town Accountant shall establish the Senior Center Programming Fund Revolving Fund as a separate account and credit to the fund all of the charges for senior programs and trips.

Purposes and Expenditures. During each fiscal year, the Director of the Council on Aging may incur liabilities against and spend monies from the Senior Center Programming Fund for senior programs and trips.

Fiscal Years. The Senior Center Programming Fund Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

Planning Board Application Fees

Fund Name. There shall be a separate fund called Planning Board Application Fees.

Revenues. The Town Accountant shall establish the Planning Board Application Fees Revolving Fund as a separate account and credit to the fund all funds received for administrative review of applications. Any remaining balance over \$10,000.00 shall close to the Town's General Fund on June 30 of every year.

Purposes and Expenditures. During each year the Town Planner may incur liabilities against and spent monies from the Planning Department for postage, advertising and Planning Board application fees and other administrative items and expenses.

Fiscal Years. The Planning Board Administrative Fees Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

Food Establishment Inspection Fees

Fund Name. There shall be a separate fund called the Food Establishment Inspection Fees for the use of the Board of Health.

Revenues. The Town Accountant shall establish the Food Establishment Inspection Fees Revolving Fund as a separate account and credit to the fund all

fees received by the Board of Health for food inspections to the extent not otherwise subject to Massachusetts General Laws Chapter 44, Section 53G.

Purposes and Expenditures. During each fiscal year, Board of Health Director may incur liabilities against and spend monies from the Food Establishment Inspection Fees Revolving Fund in connection with conducting food establishment inspections to the extent not otherwise subject to Massachusetts General Laws Chapter 44, Section 53G.

Fiscal Years. The Food Establishment Inspections Fees Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

School Transportation Fees

Fund Name. There shall be a separate fund called the School Bus Transportation Fees Revolving Fund for the use of the School Department.

Revenues. The Town Accountant shall establish the School Bus Transportation Fee Revolving Fund as a separate account and credit to the fund all of the fees and revenue charged and received by the School Department for transportation of students.

Purposes and Expenditures. During each fiscal year, the School Superintendent may incur liabilities against and spend monies from the School Bus Transportation Fee Revolving Fund for student transportation fees and services.

Fiscal Years. The School Bus Transportation Fee Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

Beach Sticker Fees

Fund Name. There shall be a separate fund called the Beach Sticker Fees Revolving Fund for the use of the Recreation and Public Works Departments.

Revenues. The Town Accountant shall establish the Beach Sticker Fees Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Collector in connection beach operations, maintenance, equipment and capital.

Purposes and Expenditures. During each fiscal year, the Recreation Director and DPW Director may incur liabilities against and spend monies from the Beach Sticker Fees Revolving Fund for the operation, maintenance and capital improvement to town beaches.

Fiscal Years. Beach Sticker Fees Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

Flu Clinic Fees

Fund Name. There shall be a separate fund called the Flu Clinic Revolving Fund authorized for the use of the Board of Health Nurse.

Revenues. The Town Accountant shall establish the Flu Clinic Revolving Fund as a separate account and credit to the fund all of the revenue charged and received by the Board of Health in connection with the operation and administration of annual flu clinics.

Purposes and Expenditures. During each fiscal year, the Board of Health Nurse may incur liabilities against and spend monies from the Flu Clinic Fees Revolving Fund for any expenses related to said annual flu clinics.

Fiscal Years. The Flu Clinic Fee shall operate for fiscal years that begin on or after July 1, 2017.

Wind Turbine Revenues

Fund Name. There shall be a separate fund called the Wind Turbine Revenues Revolving Fund authorized for the use of the Town Administrator.

Revenues. The Town Accountant shall establish the Wind Turbine Revenues Revolving Fund as a separate account and credit to the fund all of the revenue generated from or received by the revenue generated to the town for the Wind Turbine.

Purposes and Expenditures. During each fiscal year, the Town Administrator may incur liabilities against and spend monies from the Wind Turbine Revenues Revolving Fund for the subsidizing of electrical costs and for Gates Middle School and the Public Safety Complex debt.

Fiscal Years. The Wind Turbine Revenues Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

Maintenance of Private Ways

Fund Name. There shall be a separate fund called the Maintenance of Private Ways Revolving Fund authorized for the use of the Department of Public Works.

Revenues. The Town Accountant shall establish the Maintenance of Public Ways Revolving Fund as a separate account and credit to the fund all funds received by

the Department of Public Works for work associated exclusively with bringing private ways to public way standards for acceptance as a public way, and performing maintenance of certain private ways with such conditions and terms as established by the Department of Public Works.

Purposes and Expenditures. During each fiscal year, the Highway/Grounds Superintendent may incur liabilities against and spend monies from the Maintenance of Private Ways Revolving Fund for costs incurred with bringing private ways to public way standards and for maintenance of certain private ways.

Fiscal Years. Maintenance of Private Ways Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

GATRA Transport Fees

Fund Name. There shall be a separate fund called the GATRA Transport Fees Revolving Fund (Greater Attleboro Regional Transit Authority (GATRA) authorized for the use of the Council on Aging

Revenues. The Town Accountant shall establish the GATRA Revolving Fund as a separate account and credit to the fund all funds received by the Council on Aging for transportation fees received for public transit for Scituate seniors with such conditions and terms as established by the Council on Aging.

Purposes and Expenditures. During each fiscal year, the Council on Aging Director may incur liabilities against and spend monies from the GATRA Transport Fees Revolving Fund for costs incurred with the provision of transit services for Scituate seniors including fuel, vehicle repairs, drivers' salaries and other related costs.

Fiscal Years. The GATRA Transport Fees Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

Solar Array Revenues

Fund Name. There shall be a separate fund called the Solar Array Revenues Revolving Fund authorized for the use of the Board of Selectmen.

Revenues. The Town Accountant shall establish the Solar Array Revenues Revolving Fund as a separate account and credit to the fund all funds received by the Town for the subsidizing of electrical costs and for Gates Middle School and the Public Safety Complex debt.

Purposes and Expenditures. During each fiscal year, the Town Administrator may incur liabilities against and spend monies from the Solar Array Revenues

Revolving Fund for costs incurred with subsidizing of electrical costs and for Gates Middle School and the Public Safety Complex debt.

Fiscal Years. The Solar Array Revenues Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

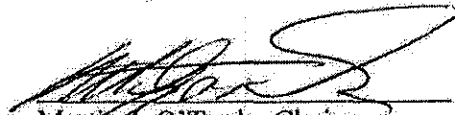
<u>Fund Name</u>	<u>Annual Limit</u>
Senior Center Programming Fees	\$ 35,000
Planning Board Application Fees	\$ 50,000
Food Establishment Inspection Fees	\$ 30,000
School Bus Transportation Fees	\$ 300,000
Beach Sticker Fees	\$ 265,000
Flu Clinic Fees	\$ 5,000
Wind Turbine Revenues	\$ 425,000
Maintenance of Private Ways	\$ 15,000
Solar Array Revenues	\$ 450,000
GATRA Transport Fees	\$ 70,000


Sponsored By: Board of Selectmen

And you are further directed to serve this warrant by posting up attested copies thereof, one at each of the Post Offices in said Town and one at the Town Hall, seven days at least before the time of holding said meeting.

Hereof, fail not, and make due return of this warrant with your doings thereon, to the Town Clerk at the time and place of the meeting as aforesaid.

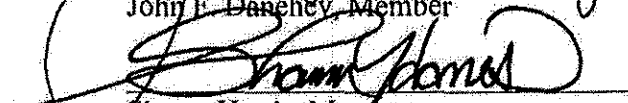
Given under our hands this 29th day of March, in the year two thousand and seventeen.


Martin J. O'Toole, Chairman


Anthony V. Yegnan, Vice-Chairman


Maureen C. Curran, Clerk


John F. Danahy, Member


Shawn Harris, Member

BOARD OF SELECTMEN
TOWN OF SCITUATE