

TOWN OF SCITUATE
ADVISORY COMMITTEE



Report and Recommendations
For

SPECIAL TOWN MEETING

November 16, 2020

7:00 P.M.

HIGH SCHOOL GYMNASIUM

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

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REPORT OF THE ADVISORY COMMITTEE

TO THE VOTERS OF SCITUATE:

In accordance with the Town of Scituate Bylaws, the Advisory Committee submits its report to the voters. This report contains the complete warrant for the Special Town Meeting, which will convene on November 16, 2020.

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 Board of Selectmen, other town boards, and citizens by petition will propose various warrant articles, expenditures, funding transfers, zoning changes, etc. The Special Town Meeting places before the voters a total of **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

Jerry Kelly, Chair

Michael Westort, Vice Chair

James Gilmore

Lynda Ferguson

Lincoln Heineman

Daniel McGuiggin

Patrice Metro

Elise Russo

Missy Seidel

TOWN MEETING RULES AND DEFINITIONS

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

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

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

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

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

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

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

MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**TOWN OF SCITUATE
SPECIAL TOWN MEETING
NOVEMBER 16, 2020
WARRANT**

COMMONWEALTH OF MASSACHUSETTS, PLYMOUTH SS

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

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

MONDAY, NOVEMBER 16, 2020 NEXT

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

ARTICLE 1. Unpaid Bills

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$34,329.52** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Comments: This article would allow the Finance Department to pay bills totaling \$34,329.52 from the prior fiscal year, which were not previously paid. It is a routine article, which comes before most Special Town Meetings, and would be funded through Free Cash.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 2. Fiscal Year 2021 Budget Reconciliations

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$53,923.70** for the purpose of balancing the Fiscal Year 2021 Operating Budget pursuant to Articles 4 and 6 of the June 27, 2020 Annual Town Meeting warrant; or take any other action relative thereto:

<u>TO</u>	<u>AMOUNT</u>	<u>REASON</u>
DPW Highway 1422540.543300 Roadway Maintenance	\$1,611.70	Town's share of ride share fees from Commonwealth.
Plymouth County Retirement Assessment 1911512.519900 Pension Assessment	\$6,812.00	Adjustment to annual assessment.

Police Department –School Crossing Guards		
1210510.518000 PT Salaries	\$10,000.00	To provide additional funding for crossing guards for the
		double sessions due to COVID-19.
Widows Walk Enterprise		
61661520.524000 Repair & Maintenance	\$20,000.00	Repair costs for maintenance building.
61661580.585100 Equipment	\$15,500.00	Lightning detection and alert system.

Sponsored by: Board of Selectmen

Comments: This article rebalances the budget approved at the June 2020 annual town meeting.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 3. Hybrid Kindergarten Program for Fiscal Year 2021

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$450,000** for the purpose of providing kindergarten for the 2020-2021 school year; or take any other action relative thereto.

Sponsored by: School Committee

Comments: This article would provide funding to support a non-tuition hybrid kindergarten program for school year 2020-2021 due to the limitations imposed by COVID-19 on the full day program. Approximately 95% of the students typically attend Kindergarten full day which is also cause for concern on whether kids attending half day are receiving the same education as those attending full day according to state guidelines. A request for a determination of eligibility for funding the September-December 2020 portion of the program from Coronavirus Relief Funds has been submitted to Plymouth County. Funding would be provided from the Stabilization Fund which has an available balance of \$4,565,606. Should the Town receive additional state aid in FY21 it will go to the Stabilization Fund when the tax rate is set in December due to Article 11 of the 06/2020 ATM to transfer any excess levy capacity into the Stabilization Fund. The tuition portion of the program is approximately \$450,000.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 4. Transfers to Reserves

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$1,118,658.00** for the following purposes; or take any other action relative thereto:

<u>TO</u>	<u>AMOUNT</u>	<u>REASON</u>
Capital Stabilization Fund	\$454,232.00	Town share of FEMA subsidized foreshore repairs
Widows Walk Capital Stabilization Fund	\$100,000.00	For future capital costs

Sewer Capital Stabilization Fund	\$250,000.00	For future capital costs
Water Capital Stabilization Fund	\$150,000.00	For future capital costs
Transfer Station Capital Stabilization Fund	\$25,000.00	For future capital costs
Other Post Employment Benefit Liability	\$139,426.00	To address Town's unfunded liability

Sponsored by: Board of Selectmen

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

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 5. Retirement of Debt

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$300,000.00** for the purpose of retiring the debt for the following purposes

<u>Project</u>	<u>Authorized</u>	<u>Amount</u>
Athletic Fields	ATM 04/2019, Art 3D	\$300,000.00

And further to see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Town seek authorization to use Funds from Free Cash to retire existing debt, to close out the Athletic Field project.

The \$10M athletic field renovation project approved at the April 2019 annual town meeting is complete. At the time it was proposed, the general fund portion of \$1.6M was anticipated to be partially offset by cash to minimize the borrowing impact of the project. This \$300,000 article would be funded by Free Cash.

This article also includes language to enable the Board of Selectmen to apply any premiums received for projects to immediately reduce the principal amount at the time of issuance of a bond. The Town last took such a vote at the November 2017 special town meeting which included all borrowings authorized up until that point. Going forward, this language will be included in the motion on capital plan articles brought before town meeting.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 6. Rescission of Borrowing Authorizations

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

<u>Project</u>	<u>Authorized</u>	<u>Amount</u>	<u>Reason</u>
Third Cliff FEMA Repairs	STM 11/19, Art 4	\$3,000,000	Loan not received
Library Renovation	STM 11/13, Art 12	\$6,250,000	MBLC grant & donations
Public Safety Complex	STM 11/2015, Art 8	\$112,000	Funds not needed
Middle School	STM 12/14, Art 18	\$24,915,461	MSBA funds & favorable bid
Finish Water Pumps & VFDs	ATM 04/16, Art 4U	\$95,000	Grant received
Marine Park	ATM 03/07, Art 4-17	\$280,000	Old project authorization

Or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This housekeeping article would extinguish the borrowing authorizations for several projects.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 7. Capital Improvement Plan

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$1,698,940.00** or any greater or lesser sums as may be necessary, for the purpose of funding the following capital project costs; or take any other action relative thereto:

- | | |
|-----------------------------------|-----------|
| 1. Humarock Fire Station | \$500,000 |
| 2. Fire Station #1 Overhead Doors | \$70,000 |
| 3. Minot Beach Parking Lot | \$292,000 |
| 4. Septic Loan Program | \$200,000 |
| 5. Permitting System | \$141,940 |
| 6. Yard Jockey Replacement | \$120,000 |
| 7. Reservoir Dam Project | \$375,000 |

Sponsored by: Board of Selectmen

Comments: There is a total of \$1,700,000 in capital projects, which have been recommended for approval. Included are two items deferred from the June 2020 Annual Town meeting, and an additional five new items. The Advisory Committee unanimously voted to recommend this Capital Plan.

Of note, there were a total of \$21,641,607 in capital projects which were recommended for FY2021 which were initially intended to be discussed at the June 2020 Annual Town Meeting.

Of these, four items were removed from the warrant prior to the meeting given the potential impact of the coronavirus on the revenue streams supporting the projects. The remaining \$8,284,898 in projects were presented and approved at the Annual Town Meeting, with the balance deferred to a later meeting. The foreshore repair projects continue to be deferred to a later date.

Fire Department:

Humarock Fire Station. \$500,000. Previously this item was approved at \$260,000 representing the remaining amount needed to complete the renovation of the living quarters and apparatus bay. Including this, slightly over \$1,000,000 has been allocated to the project. The bids received for the remaining work exceeded the \$260,000, and thus the project has been redesigned and rebid. Bids are due on 10/28/20. The Select Board and the Capital Committee have approved a maximum of \$500,000 for this project. If the bids exceed this amount, the project will be halted and revised. The funding source is **debt**.

Fire Station #1 Overhead Door Replacement. \$70,000. The doors at the First Parish Road station need to be replaced. The overhead doors will be funded from the FY 2021 tax levy.

Recreation/Beach Revolving Fund:

Minot Beach Parking lot. \$292,000. This project was deferred from discussion at the June 2020 Annual Town Meeting due to a slowdown in receipts in the **Beach Revolving Fund**, which is the anticipated funding source. The revenues improved in the fund, which has a current balance of \$399,392; thus, approval is being sought. Note the project represents expansion of the parking lot area at Minot Beach.

DPW:

Reservoir Dam and Fish Passage. \$375,000. This request will support the final design and permitting of the Scituate Reservoir Dam Water Storage and Fish Passage Improvements Project. This project will increase water storage capabilities while also allowing for flows into First Herring Brook that support an important river ecosystem. Work will raise the Reservoir Dam impoundment and Tack Factory Pond 1.5 ft. above the existing maximum normal pool. The spillway will be modified to increase the spillway capacity with a motor operated bottom hinged gate. The existing fishway at Reservoir Dam will also be modified to lower the fishway exit channel into the impoundment and incorporate removable weirs to provide passage of migrating fish at the majority of reservoir water levels during the spring and fall migration periods. The Project will add 108.8 acre-feet of storage, which is approximately 28 days of water supply at the Town's typical winter withdrawal rate. The project has been supported by DEP's Water Management Act Assistance Grant program. Note, the project has been grant funded to date, but funding for the last phase of the project, allowing the design and permitting process to be completed, was not approved. While the town will continue to pursue grant funding, approval is being sought to allocate funds from Water Enterprise Retained Earnings to be able to move ahead with putting the project out to bid for construction.

Transfer Station:

Yard Jockey. \$120,000, to be **funded by borrowings** supported by the Transfer Station Enterprise Fund. This is to replace a 1983 vehicle which is used to move trailers around the site. Please note: this item was deferred from the June 2020 Annual Town Meeting due to flagging Transfer Station revenues. The amount was \$65,000 on the assumption that a used vehicle could be purchased, but it has been decided that a new vehicle is needed. Transfer Station retained earnings is currently \$400,000.

Other:

Septic Loan Program. \$200,000. This program allows homeowners to borrow from the town in order to convert from septic to town sewer. The Septic Loan program was originally approved in 2018 for \$200,000. All those funds have been expended yet the Board of Health still has a wait list so they would like to obtain another \$200K to continue the project. Initial funding is from **debt**. The participating homeowners sign a betterment agreement for 20 years at 5% interest and the loan plus interest is re-paid as part of the real estate tax bill. The revenue is then used to pay the debt service.

Permitting System. \$141,940. This is to replace the current online system used for permitting and inspections. The current system is no longer supported by the vendor and we must be off it by June 30. It is possible that it will be able to be funded from Coronavirus Relief Funds but as that is yet to be determined, approval is being sought to fund this from **Free Cash**.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Majority vote (9-0) in favor of this article.

ARTICLE 8. **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 2021 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 2021; (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 2021 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 if 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. \$62,550 For Historic Resources — Restoration of Historic 1924 Fire Truck;
2. \$ 9,000 Fund Balance – Closing costs for Mordecai Lincoln property
3. \$15,000 Fund Balance – Conservation restriction for Mordecai Lincoln property

Sponsored By: Community Preservation Committee

Comments: The Community Preservation Committee is recommending the restoration of a 1924 fire truck from Historic Reserves in the amount of \$62,550, \$9,000 for closing costs associated with the acquisition of the Mordecai Lincoln property and \$15,000 for conservation restrictions on the Mordecai Lincoln property.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 9. Local Option Acceptance – SPED Reserve Fund

To see if the Town will vote to accept M.G.L. c. 40, §13E to establish a Special Education (SPED) Reserve Fund to pay for unanticipated or unbudgeted costs for special education, out of district tuition or transportation; or take any other action relative thereto.

Sponsored By: School Committee

Comments: : This article would establish a Special Education (SPED) Reserve Fund to pay for unanticipated or unbudgeted costs related to public school special education. A vote of both the School Committee and Board of Selectmen would be required to use funds from the account, and the balance of the fund could not exceed 2% of the Town’s net school spending (\$835,033 in Fiscal Year 2018). While this article would establish the fund, it would not allocate any monies to it; this would require approval by a future Town Meeting. Any unspent funds would carry over into ensuing fiscal years to help defray any future unanticipated special education expenses. While federal law requires public schools to provide appropriate services to children with special needs, it is difficult to predict fluctuations in the cost of providing these services. Children move into and out of school systems, and school staff are only one of several partners who develop an Individualized Education Program (IEP) for each child with special needs; they therefore cannot have complete control of the resulting costs.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 10. Local Option Acceptance – Dog Licenses at No Cost to Persons Age 70 or Older

To see if the Town will vote to accept M.G.L. c. 140, §139(c) to provide a license for a dog owned by a person aged 70 years or over without fee; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: The Town Clerk estimates that the free dog licenses to persons age 70 and older would affect approximately 200 residents.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 11. Sale/Lease of Council on Aging and Minot Fire Station properties

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of selling and/or leasing, and authorize the Board of Selectmen to sell and/ or lease for a term not to exceed 25 years on such terms and conditions as it deems in the best interests of the Town, the existing Council on Aging property as shown on assessors' map 50-6-0-A located at 27 Brook Street and the former Minot Fire Station property as shown on Assessors' map 15-3-A-0 located at 9 Mitchell Avenue; and further to appropriate the proceeds from any sales to reduce the cost of the new senior center authorized in Article 1 of the May 13, 2019 Special Town Meeting, and to authorize the Board of Selectmen to perform all actions necessary to carry out the purposes of this article; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: *Sale/Lease of Minot Fire Station and old Council on Aging Building Article was deferred from June 2020 annual town meeting.*

This article would seek authorization for the Board of Selectmen to sell and/or enter into a lease not to exceed 25 years the old Minot Fire station located at 9 Mitchell Avenue and the old Council on Aging located at 27 Brook Street. The assessed value of 27 Brook St is \$625,400 and 9 Mitchell Ave is \$724,100. The proceeds of any sale of these two properties would be used to reduce the cost of the new senior center authorized in Article 1 of the May 13, 2019 special town meeting.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 12. Cell Tower Leases

To see if the Town will vote to authorize the Board of Selectmen to execute lease terms for up to twenty-five (25) years for cellular towers located on Town property at Town Hall and the Transfer Station; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: *Article was deferred from June 2020 annual town meeting.*

This article would seek authorization for the Board of Selectmen to enter into leases of up to 25 years for cellular towers located on Town property at Town Hall and the Transfer Station as some of the existing leases are expiring in 2021. The annual income is approximately \$198,282. The Town has been approached by several carriers to enter into new lease agreements upon the expiration of the existing agreements.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Majority vote (5-2) in favor of this article.

ARTICLE 13. Zoning Bylaw Amendment – Signs (Section 710)

To see if the Town will amend the Zoning Bylaws by deleting Section 710 Signs and inserting the following new section in its place; or take any action related thereto.

Section 710. Signs

710.1. PURPOSE

The purposes of this section are to:

1. protect public health, safety and welfare;
2. reduce traffic hazards;
3. promote and protect the aesthetic nature of the town;
4. protect property values; and
5. promote economic development.

710.2. DEFINITIONS

- A. **BUSINESS ESTABLISHMENT:** A location where business is conducted, goods are made or stored or processed, or where services are rendered and may include a commercial and/or institutional land use; generally a site where the main objective is the receipt or generation of a financial return in exchange for goods or services. For purposes of this Section 710, “business establishment” shall not include a home occupation.
- B. **SIGN:** As defined in Section 200. The following, however, shall not be considered signs in this Bylaw:
 1. Flags and insignia of any government except when displayed in connection with commercial promotion.
 2. Legal notices, or informational devices erected or required by public agencies.
 3. Temporary window displays, covering not more than 30 percent of window area, illuminated by building illumination only.
 4. Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.
 5. Integral decorative or architectural features of a building, except letters or numbers, trademarks, or moving parts.
 6. Devices identifying a building as distinct from 1 or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, and not exceeding 4 square feet in area.

7. Address identification through numerals or letters not exceeding 3 inches in height.
- C. SIGN, SANDWICH BOARD SIGN: A sign consisting of two faces in an “A” shape, connected at the top, that sits on, but is not secured to, the ground.
- D. SIGN, AREA OF: The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle, circle, or triangle which encompasses all of the letters and symbols.
- E. SIGN, BANNER: A sign on a textile, synthetic, plastic or similar material that is affixed and secured to a building or to a permanent pole, such as support pole for a building canopy or a parking lot light pole.
- F. SIGN, ELECTRONIC MESSAGE BOARD: A sign capable of displaying words, images, symbols and figures utilizing a series or grid of lights that may be changed through electrostatic means using light emitting diodes (LEDs) or other similar technology.
- G. SIGN, FREE-STANDING SIGN: A free-standing sign that is mounted on the ground, or on a wall or other base situated directly on the ground; or a sign mounted on a pole or poles or other similar support where the bottom edge of the sign is elevated off of the ground.
- H. SIGN, OFF-PREMISES: Any sign or other advertising device that is used to identify a building, use of land, or services sold or conducted in a location other than the property on which the sign is located.
- I. TEMPORARY SIGN: A structure or device used for the public display of visual messages or images, which is easily installed with or without common hand tools and which is not intended or suitable for long-term or permanent display due to lightweight or flimsy construction materials. Examples include but are not limited to banners, pennants, streamers, or similar non-permanent signs made of paper, cloth, canvas, lightweight fabric, or other non-rigid material, with or without frames.

710.3. ADMINISTRATION

- A. Building Commissioner. The Building Commissioner is charged with the enforcement of this Section 710. The Building Commissioner and any duly authorized agents employed by the Town shall, if permitted by the owner or otherwise lawfully authorized representative, or as otherwise permitted by law, and at reasonable times and upon presentation of credentials, enter upon the premises on which any sign is erected or maintained for the purpose of inspecting for compliance with the provision of Section 710.
- B. Permit Required. No sign shall be erected or installed until a permit is issued by the Building Commissioner, except as otherwise provided in this Section 710. A sign permit

application shall be filed with the Building Commissioner containing all information, including photographs, plans, and scale drawings, as specified on the application form. The sign permit shall be issued if the Building Commissioner determines that the sign complies or will comply with all applicable provisions of this Section 710. A schedule of content-neutral fees for sign permits shall be as determined by the Board of Selectmen.

- C. Commercial and Non-commercial Signs. Wherever and however this Section 710 permits commercial signs, noncommercial messages, without restriction on content, shall also be permitted. No provision of this Section 710 shall be interpreted or administered in a manner that regulates or restricts signs containing non-commercial messages more stringently than signs advertising business or commercial activities and uses, or that prohibits noncommercial messages on signs permitted for commercial purposes.
- D. Sign Waivers. The Board of Appeals, acting as special permit granting authority, may approve, approve with conditions, or disapprove, requests to waive the requirements of Section 710. In no event shall the Board issue a waiver solely to allow larger signs or more signs than would otherwise be allowed.

710.4. PROHIBITED SIGNS

- A. Signs on parked motor vehicles and where the Building Commissioner determines that a vehicle's primary use is for the display of signage and not for transportation.
- B. Revolving, moving, flashing, or blinking signs, signs that appear to be in motion, animated signs, or signs with visible moving parts, except for signs which display public service information.
- C. Signs or parts thereof that contain or consist of animated parts, ribbons, streamers, spinners, or similar moving or fluttering devices, including feather banner and wind flag signs.
- D. Roof signs and signs protruding above the roofline of the building to which the sign is attached.
- E. Signs that obstruct the view of any traffic sign, signal, or other traffic device, or obstruct the view of a driver entering or exiting a street intersection or driveway intersecting with a street, except in accordance with Section 710.5(D).
- F. Off-premises signs except in accordance with Section 710.8.
- G. Interior illuminated signs.

710.5. EXEMPT SIGNS

This Section 710 shall not apply to the following:

- A. The message of a sign.
- B. Traffic control signs and safety signs, including disability access signs.

- C. Signs, banners, or markers, or electronic message boards required or erected by local, state, or federal government.
- D. Public utility identification markings.
- E. Flags not used for advertising or commercial purposes.
- F. Legal notice signs such as “no trespassing” and similar signs.
- G. Any sign limited solely to directing traffic or providing direction, such as arrows or entrance and exit signs or setting out restrictions on the use of parking areas and not exceeding 4 square feet in area.
- H. Temporary signs, except as required under Section 710.6.

710.6. TEMPORARY SIGNS

Temporary signs are permitted in all districts without a Sign Permit from the Building Commissioner, subject to the following requirements:

- A. No sign shall exceed 6 square feet in area and no portion of a sign shall be more than 4 feet in height from ground level.
- B. All signs shall be located on private property and a minimum of 10 feet from the edge of the pavement of any street or sidewalk.
- C. No sign shall obstruct traffic sight lines or pedestrian traffic.
- D. No sign shall be illuminated.
- E. Unless otherwise provided for in this section, temporary signs or banners shall not be installed for a period to exceed 60 days. The Board of Appeals may waive this provision in accordance with Section 710.3.
- F. No more than 4 temporary signs may be displayed on a lot, none of which shall exceed 6 square feet in area.

710.7. GENERAL PROVISIONS FOR SIGNS IN ALL DISTRICTS

- A. No signs shall be affixed upon or painted on any rock, tree, utility pole, or town sign on public property within the Town of Scituate.
- B. No signs shall be permitted on Town property without written permission from the Board of Selectmen or their designee. The Applicant shall provide a copy of the Board’s written permission to the Building Commissioner prior to displaying the sign.
- C. No sandwich board signs are allowed on public sidewalks or ways.
- D. Any permanent lawful sign existing at the time this amendment to the bylaw is adopted may be continued, although such signs do not conform to the provisions hereof.

- E. Any total replacement or substantial change of an existing sign shall be required to conform to this Section 710.
- F. Signs shall be affixed and maintained in such a way as to be safe and free of hazard to the public and shall be maintained in good repair.
- G. Fixed free-standing signs are subject to setback restrictions in Section 620.4.B.

710.8. OFF-PREMISES SIGNS ON TRAVELED WAYS

Off-premises business and commercial signs may be placed along traveled ways for the purposes of indicating direction to their facility by special permit of the Board of Appeals after review and comment by the Planning Board. Such signs must be needed for directional purposes and shall not exceed 20 square feet in area.

710.9. SIGNS IN RESIDENTIAL DISTRICTS

- A. The following signs are permitted as of right subject to receipt of a sign permit from the Building Commissioner:
 - 1. In the R-1, R-2, or R-3, one non-flashing sign not over 8 square feet in area indicating the owner or occupant.
 - 2. One non-flashing sign not over 8 square feet in area pertaining to nonresidential premises shall be permitted provided that the sign complies with Section 620.4.B. A permit from the Building Commissioner or his designee is required after review and approval by the Planning Board.
- B. A special permit from the Board of Appeals is required for the following signs:
 - 1. Property protection signs larger than one square foot but not exceeding 10 square feet.
 - 2. For sale signs, for rent signs, rooms to let signs, etc. between 6 square feet and 20 square feet.
- C. No business and commercial sign of general advertising nature that does not pertain to a structure or use on the same premises as the sign's location shall be permitted except as provided in Section 710.8.

710.10. SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS

- A. In the GB, HB, B, and VCN Districts, all signs allowed as a matter of right in the residential district shall be allowed with a sign permit from the Building Commissioner. Additionally, exterior signs pertaining to uses on the same premises as the location of such sign are permitted upon the issuance of a permit by the Building Commissioner subject to the following restrictions:
 - 1. No sign shall obstruct visibility in such a way as to constitute a hazard to the safety of persons traveling upon a public way.

2. The top edge of such sign, whether freestanding or not, shall be placed not higher than the main roof of the highest building located on the premises, or if no building exists, the average height of the main roofs of the buildings on the next adjacent properties where buildings do exist. Such signs may be illuminated only from the exterior of the advertising matter.
 3. No sign shall exceed 100 square feet of sign area.
 4. Each business establishment is permitted not more than 2 signs, excluding signs necessary for public safety or convenience.
- B. Special permits by the Board of Appeals shall be granted only after a finding that the sign is reasonable in design and size, the sign is economically necessary, and the sign will not be a hazard to the public.
1. For sale signs, for rent signs, rooms to let signs, etc. between 6 square feet and 20 square feet.
 2. No off-premises business or commercial sign of general advertising nature shall be allowed except as provided in Section 710.8.

710.11. ACCESSORY USE SIGNS

- A. In a residential district, one sign not over 2 square feet is allowed as of right for a home occupation or other permitted accessory use upon the issuance of a permit by Building Commissioner or his designee.
- B. The Board of Appeals may grant a special permit for an accessory use sign between 2 and 10 square feet.

710.12. SIGN MAINTENANCE

- A. Maintenance of Signs. All signs permitted under this Section 710 shall be appropriately maintained. Appropriate maintenance includes the replacement of missing letters, removal of peeling paint and repainting, replacement of any cracked or broken glass or plastic or similar, replacement of any failed lighting, and replacement of any broken, defective, worn out or damaged signs. If the Building Commissioner determines that a sign has not been maintained in accordance with this Section 710, a notice to repair or remove the sign maybe issued to the sign owner to repair or replace the sign within 30 days.
- B. Unsafe or Unlawful Signs. When any sign becomes unsecured, in danger of falling, or otherwise derelict or unsafe, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of law, the sign owner or the person or firm maintaining the sign shall, upon written notice of the Building Commissioner, immediately in the case of imminent danger, and in any other case within not more than 10 days, make the sign conform to the provisions this Section 710 or shall remove it. If within 10 days the order is not complied with, the Building Commissioner may, in

conformance with state law, remove the sign at the expense of the owner or lessee. Costs may be recovered for the removal from the owner or lessor in the District Court.

- C. Derelict Signs. Signs which become decrepit, dilapidated, illegible, or dangerous to the public safety, shall be condemned and removed by the Building Commissioner. Costs may be recovered for the removal from the owner or lessor in the District Court.

Sponsored by: Planning Board

Comments: This zoning bylaw change would strike the entire section and replace it with a new section. This new bylaw was required so that the Town would be compliant with a United States Supreme Court decision. Although this passed based on the need to have our bylaw compliant with the US Supreme Court decision, there was much discussion and agreement that the 60 day time limit and the 10 foot setback should be changed, the “no” votes are because of those issues.

Recommendation: The Advisory Committee recommends approval of this article.

Advisory Committee Vote: Majority vote (5-3) in favor of this article.

ARTICLE 14. **Acceptance of Public Way – Studley Farm Road**

To see if the Town will vote to accept Studley Farm Road as laid out by the Board of Selectmen as a public way; and authorize the Selectmen to accept and take by eminent domain easements for such public way and any appurtenant drainage or municipal services; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Comments: This article would accept Studley Farm Road as a public way. Traffic Rules & Regulations Committee has favorably referred this road out to the Planning Board.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 15. **Amend General Bylaws to be Gender Neutral**

To see if the Town will vote to amend the Town’s General Bylaws to change all gender specific pronouns to gender neutral pronouns in a manner consistent with the examples below; or take any action related thereto.

“Board of Selectmen” changes to “the Select Board”

“Selectmen” changes to “Select Board member” or “member of the Select Board”

“Chairman” changes to “the Chair” or “the Chairperson”

“Vice-Chairman” changes to “Vice-Chair” or “Vice-Chairperson”

“He/She” changes to “they”

“His/Hers” changes to “their”

“Him/Her” changes to “them”

Sponsored By: Board of Selectmen

Comments: The purpose of this article is to amend the use of gender specific pronouns in the Town’s General By-Laws to gender-neutral pronouns, consistent with below:

“Board of Selectmen” changes to “the Select Board”

“Selectman” changes to “Select Board member” or “member of the Select Board”

“Chairman” changes to “the Chair” or “the Chairperson”

“Vice-Chairman” changes to “Vice-Chair” or “Vice-Chairperson”

Where applicable, “they”, “their”, and “them” will replace “his” or “her”.

Recommendation: The Advisory Committee recommends approval of this article.

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

ARTICLE 16. Petition - South Shore Community Action Council

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Five Thousand Dollars (\$5,000.00) to South Shore Community Action Council, Inc. for services to low-income children, families, and elderly residents in the Town of Scituate; or take any other action related thereto.

Sponsored By Petition

Comments: *Article was deferred from June 2020 annual town meeting.*

The petitioner seeks that the Town provide \$5,000 to support the work of South Shore Community Action Council, Inc. for residents of the Town of Scituate. The South Shore Community Action Council provides a variety of services to alleviate poverty in the Town of Scituate including Head Start, Heating Assistance, and Reduction of Food Insecurity. The amount requested is a nominal amount, which is far exceeded by the value of services provided to Town residents year in and year out.

Recommendation: The Advisory Committee recommends approval of this article.

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

