

Town of Scituate
Special Town Meeting
October 26, 2021

WARRANT

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 **\$6,519.41** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

Sponsored by: Select Board

(CONSENT AGENDA) MOTION

Select Board-Karen Connolly

ARTICLE 1. Unpaid Bills

I move that the Town appropriate the sum of **\$6,519.41** for the purpose of paying prior year unpaid bills and to fund such appropriation transfer **\$4,195.45** from Free Cash, transfer **\$550.16** from Transfer Station Enterprise retained earnings and transfer **\$1,773.80** from Widows Walk Enterprise retained earnings.

Quantum of vote: 9/10

Advisory Committee-Jamie Gilmore

VOTE - Passed by Consent Agenda-Declared Unanimous in favor

Town of Scituate
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TO	AMOUNT	REASON
DPW Highway 1422540.543300 Roadway Maintenance	\$584.10	Town's share of ride share fees from Commonwealth.
Widows Walk Enterprise 61661520.530900 Technical Services	\$12,240.00	FY22 budget is less than final actual costs for FY21
Widows Walk Enterprise 61661520.524200 Repair & Maintenance	\$25,000.00	Electrical improvements to maintenance building
Transfer Station Enterprise 63433520.527100 Hauling Contracts	\$90,000.00	FY22 budget is less than final actual costs for FY21
Town Accountant 1135520.530900 Technical Services	\$27,300.00	Software solutions to provide better transparency of financial data.
Fire Department 1210580.585100 Equipment	\$16,167.00	Town share grant match for portable radios of \$4,262; FEMA share is \$85,238; awarded July 2021 and Town share grant match for a new forest fire truck of \$11,905; FEMA share is \$238,095; awarded August 2021.
Property & General Liability Insurance 1192570.574000	\$50,000.00	The insurance renewal was significantly higher than estimated resulting in an insufficient balance left for the remainder of the fiscal year. The Contributory Group Insurance line, 1914515.519900, has savings due to a premium holiday and funds will be transferred from this line.

Quantum of vote: Majority

Advisory Committee-Jamie Gilmore

VOTE - Passed by Consent Agenda-Declared Unanimous in favor

WARRANT

ARTICLE 4. Feasibility Study & Schematic Design for Hatherly Elementary School

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the Scituate Hatherly Elementary School Building Committee for the feasibility study and schematic design for the Hatherly Elementary School, located at 72 Ann Vinal Road, Scituate, MA for which the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; or take any other action relative thereto.

Sponsored by: School Committee

MOTION

Select Board-Maura Curran

ARTICLE 4. Feasibility Study & Schematic Design for Hatherly Elementary School

I move that the Town of Scituate appropriate the amount of **One Million, One Hundred Thousand (\$1,100,000) Dollars** for the purpose of paying costs of the feasibility study and schematic design to explore options for the Hatherly School, located at 72 Ann Vinal Road, Scituate, MA including renovation, renovation/addition, and new construction which includes the potential consolidation of the Hatherly and Cushing elementary schools, including the payment of all costs incidental or related thereto, and for which the Town of Scituate may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Hatherly School Building Committee. To meet this appropriation, the Town will
transfer **\$103,000.00** from STM 04/21, Art 21S3 COVID-19 Deficit,
transfer **\$60,332.09** from ATM 04/19, Art 3B Cudworth Cemetery,
transfer **\$450,000.00** from STM 11/20, Art 3 Hybrid Kindergarten 2020-2021,
transfer **\$2,660.00** from ATM 04/17, Art 3M Police Station Demolition,
transfer **\$230.27** from ATM 04/20, Art 3M Replace 2005 Admin Vehicle,
transfer **\$53.47** from ATM 04/20, Art 3N Ambulance,
transfer **\$1,500.00** from ATM 04/20, Art 3R Replace Carpeting High School,
transfer **\$1,668.00** from ATM 04/20, Art 3T Replace SPED Vans,
transfer **\$15.00** from STM 04/21, Art 1 FY21 Unpaid Bills PY,
transfer **\$529.78** from STM 11/20, Art 1 Unpaid PY Bills and
transfer **\$480,011.39** from Free Cash. The Town of Scituate acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Scituate incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Scituate.

Quantum of vote: Majority

Advisory Committee-Jerry Kelly

VOTE - Declared Unanimous in favor

**WARRANT
ARTICLE 6.**

Community Preservation

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the "CPC") on the Fiscal Year 2022 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 2022; (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 2022 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. Bailey Ellis House Restoration | \$8,000 |
| 2. Appleton Field Community Garden | \$46,754 |
| 3. Teak Sherman Community Garden | \$52,649 |
| 4. Town Archives Document Preservation | \$10,000 |
| 5. Historic Preservation of Gaelic-English Journal | \$2,100 |
| 6. 90 Foot Baseball Field Design | \$75,000 |
| 7. Land Acquisition (East Field) 0 Border Street, parcel 6-1-3 | \$2,015,000 |
- (\$2,000,000 toward purchase price of \$2,350,000 and \$15,000 toward closing and conservation restriction costs); and further, to aid in the funding of the purchase of said parcel, a sum of (\$350,000) must be donated to and received by the Town by November 2, 2021 in a gift fund established for that purpose.

Sponsored By: Community Preservation Committee

**MOTION
ARTICLE 6.**

Community Preservation

Select Board-Tony Vegnani

I move that the Town act on recommendations from the Community Preservation Committee (the "CPC") pursuant to M.G.L. c. 44B (the "Act") to appropriate the sums of money as indicated in the printed warrant. 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 2022 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.

- | | |
|---|----------|
| 1. Historic - Bailey Ellis House Restoration | \$8,000 |
| 2. Recreation - Appleton Field Community Garden | \$46,754 |
| 3. Recreation - Teak Sherman Community Garden | \$52,649 |
| 4. Historic - Town Archives Document Preservation | \$10,000 |

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WARRANT

ARTICLE 7. Local Option Acceptance –Deferral of Water Charges

To see if the Town will vote to accept M.G.L. c. 40, §42J to allow taxpayers eligible to defer their property taxes to also defer their water usage fees; or take any other action relative thereto.

Sponsored By: Select Board

(CONSENT AGENDA) MOTION

Select Board-Karen Connolly

ARTICLE 7. Local Option Acceptance –Deferral of Water Charges

I move that the Town accept M.G.L. c. 40, §42J to allow taxpayers eligible to defer their property taxes to also defer their water usage fees.

Advisory Committee-Jamie Gilmore

Quantum of vote: Majority

VOTE - Passed by Consent Agenda-Declared Unanimous in favor

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WARRANT

ARTICLE 9. Endorsement of Master Plan

To see if the Town will vote to endorse the Master Plan as recommended and approved by the Planning Board or take any other action relative thereto.

Sponsored By: Planning Board

(CONSENT AGENDA) MOTION

Select Board-Karen Connolly

ARTICLE 9. Endorsement of Master Plan

I move that the Town endorse the Master Plan as recommended and approved by the Planning Board.

Advisory Committee-Jamie Gilmore

Quantum of vote: Majority

VOTE - Passed by Consent Agenda-Declared Unanimous in favor

WARRANT

Sponsored by Petition

ARTICLE 11. Petition Article - Amend Zoning Bylaw – Marijuana Dispensaries/Establishments

To see if the Town will vote to amend the Town of Scituate Zoning Bylaws as follows, or take any other action relative thereto:

1. Insert into SECTION 200-DEFINITIONS those definitions currently located in SECTION 491.1 B “Definitions”.
2. Amend SECTION 420 TABLE OF USE REGULATIONS, USE CATEGORY GG Marijuana Establishment as follows:
COMMERCIAL DISTRICT B: change “N” to “SP”
VILLAGE CENTER & NEIGHBORHOOD DISTRICTS: change “N” to “SP” in districts GVC, GWB, NDTV, NRN, DBO, VC and OV.
3. Amend by adding to the title of SECTION 440.2 the phrase “AND MARIJUANA ESTABLISHMENTS”, and amend the prefatory sentence thereafter by adding the words “and Marijuana Establishments”, after the word “Dispensaries”.
4. Amend SECTION 440.2 A by adding the words “and recreation” after the word “health”.
5. Amend SECTION 440.2: A, C: (1)(d) and (1)(h)(ii), 2, 3, 4(b) and 5-12 by replacing the phrase “Registered Marijuana Dispensary” whenever it therein appears with the phrase “Registered Marijuana Dispensary and/or Marijuana Establishment”.
6. Amend SECTION 440.2 B by deleting all of the first paragraph as is appears after the phrase “except as permitted under this section and by placing a period at the end of that phrase. Delete the second paragraph. The existing third paragraph shall become the new second paragraph.
7. Amend SECTION 440.2 C (1)(c) by beginning the clause with the words: “In the case of a Registered Marijuana Dispensary...”, and change the existing first word from upper case “A” to lower case “a”.
8. Delete SECTION 491 – TEMPORARY MORATORIA and SECTION 492 – PROHIBITION OF MARIJUANA ESTABLISHMENTS in their entirety.

MOTION

Petitioner-Keith Saunders

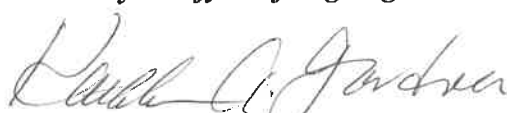
ARTICLE 11. Petition Article - Amend Zoning Bylaw – Marijuana Dispensaries/Establishments

I move to this to the Planning Board for further study.

Select Board-Karen Connolly

VOTE - Unanimous in favor to refer to Planning Board.

I hereby certify the foregoing to be a True Copy Attest.


Kathleen A. Gardner, Town Clerk



AMENDED

CONSENT AGENDA-SPECIAL TOWN MEETING

Replaces Appendix A in the Advisory Committee Booklet

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 TUESDAY, OCTOBER 26, 2021.

CONSENT AGENDA MOTION

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

1 – Unpaid Bills,

2 – Fiscal Year 2022 Budget Reconciliations,

3 – Transfers to Reserves,

5 – Capital Plan,

7 – Local Option Acceptance M.G.L. c. 40 §42J – Deferral of Water Charges,

8 – Local Option Acceptance M.G.L. c. 83 §16G – Deferral of Sewer Charges,

9 – Endorsement of Master Plan

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

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

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

ARTICLE 1. Unpaid Bills

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$6,519.41** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

Sponsored by: Select Board

MOTION ARTICLE 1. Unpaid Bills

I move that the Town appropriate the sum of **\$6,519.41** for the purpose of paying prior year unpaid bills and to fund such appropriation transfer **\$4,195.45** from Free Cash, transfer **\$550.16** from Transfer Station Enterprise retained earnings and transfer **\$1,773.80** from Widows Walk Enterprise retained earnings.

ARTICLE 2. Fiscal Year 2022 Budget Reconciliations

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$221,291.10** for the purpose of balancing the Fiscal Year 2022 Operating Budget pursuant to Articles 4, 6 and 8 of the April 12, 2021 Annual Town Meeting warrant; or take any other action relative thereto:

TO	AMOUNT	REASON
DPW Highway 1422540.543300 Roadway Maintenance	\$584.10	Town's share of ride share fees from Commonwealth.
Widows Walk Enterprise 61661520.530900 Technical Services	\$12,240.00	FY22 budget is less than final actual costs for FY21
Widows Walk Enterprise 61661520.524200 Repair & Maintenance	\$25,000.00	Electrical improvements to maintenance building
Transfer Station Enterprise 63433520.527100 Hauling Contracts	\$90,000.00	FY22 budget is less than final actual costs for FY21
Town Accountant 1135520.530900 Technical Services	\$27,300.00	Software solutions to provide better transparency of financial data.
Fire Department 1210580.585100 Equipment	\$16,167.00	Town share grant match for portable radios of 4,262; FEMA share is \$85,238; awarded July 2021 and Town share grant match for a new forest fire truck of \$11,905; FEMA share is \$238,095; awarded August 2021.
Property & General Liability Insurance 1192570.574000	\$50,000.00	The insurance renewal was significantly higher than estimated resulting in an insufficient balance left for the remainder of the fiscal year. The Contributory

Group Insurance line, 1914515.519900, has savings due to a premium holiday and funds will be transferred from this line.

Sponsored by: Select Board

MOTION ARTICLE 2. Fiscal Year 2022 Budget Reconciliations

I move that the Town appropriate the sum of **\$221,291.10** for the purpose of balancing the Fiscal Year 2022 Operating Budget pursuant to Articles 4, 6 and 8 of the April 12, 2021 Annual Town Meeting warrant as printed in the warrant and to fund such appropriation raise and appropriate **\$37,240.00** from Widows Walk Enterprise receipts and transfer **\$90,000.00** from Transfer Station Enterprise retained earnings, transfer **\$584.10** from Ride Share Funds Reserved for Appropriation, transfer **\$43,467.00** from Free Cash and transfer **\$50,000.00** from the FY22 Contributory Group Insurance budget line 1914515.519900.

TO	AMOUNT	REASON
DPW Highway 1422540.543300 Roadway Maintenance	\$584.10	Town's share of ride share fees from Commonwealth.
Widows Walk Enterprise 61661520.530900 Technical Services	\$12,240.00	FY22 budget is less than final actual costs for FY21
Widows Walk Enterprise 61661520.524200 Repair & Maintenance	\$25,000.00	Electrical improvements to maintenance building
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Fire Department 1210580.585100 Equipment	\$16,167.00	Town share grant match for portable radios of 4,262; FEMA share is \$85,238; awarded July 2021 and Town share grant match for a new forest fire truck of \$11,905; FEMA share is \$238,095; awarded August 2021.
Property & General Liability Insurance 1192570.574000	\$50,000.00	The insurance renewal was significantly higher than estimated resulting in an insufficient balance left for the remainder of the fiscal year. The Contributory Group Insurance line, 1914515.519900, has savings due to a premium holiday and funds will be transferred from this line.

ARTICLE 3. Transfers to Reserves

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$478,341.00** for the following purposes; or take any other action relative thereto:

TO	AMOUNT	REASON
Widows Walk Capital Stabilization Fund	\$100,000.00	For future capital costs
Other Post Employment Benefit Liability	\$278,341.00	To address Town's unfunded liability
SPED Reserve Fund	\$100,000.00	To set-aside funds for unbudgeted SPED costs

Sponsored by: Select Board

MOTION ARTICLE 3. Transfers to Reserves

I move that the Town appropriate the sum of **\$478,341.00** to the reserve funds as printed in the warrant and to fund such appropriation transfer **\$378,341.00** from Free Cash and **\$100,000.00** from Widows Walk Enterprise Retained Earnings.

TO	AMOUNT	REASON
Widows Walk Capital Stabilization Fund	\$100,000.00	For future capital costs
Other Post Employment Benefit Liability	\$278,341.00	To address Town's unfunded liability
SPED Reserve Fund	\$100,000.00	To set-aside funds for unbudgeted SPED costs

ARTICLE 5. Capital Improvement Plan

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$3,782,250.00** 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. Widows Walk Maintenance Equipment	\$240,000
2. Widows Walk Pump Station/Irrigation	\$175,000
3. Loader (Sewer)	\$135,000
4. Old Landfill Site Assessment	\$92,250
5. Transfer Station Backhoe	\$140,000
6. Water Mains	\$3,000,000

Sponsored by: Select Board

MOTION ARTICLE 5. Capital Improvement Plan

I move that the Town appropriate the sum of **\$3,782,250.00** for the purpose of funding the capital project costs listed in the printed warrant and to meet such appropriation to transfer **\$157.53** from Premiums Reserved for Widows Walk Debt,

transfer **\$414,842.47** from Widows Walk Enterprise retained earnings,
transfer **\$18,920.81** from Premiums Reserved for Sewer Enterprise Debt,
transfer **\$116,079.19** from Sewer Enterprise retained earnings,
transfer **\$84.04** from Premiums Reserved for Transfer Station Debt,
transfer **\$232,165.96** from Transfer Station Enterprise retained earnings and
authorize the Treasurer, with the approval of the Select Board, to borrow **\$3,000,000.00**
in accordance with M.G.L. c. 44 §§ 7 & 8 or any other enabling authority and I further move
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.

1. Widows Walk Maintenance Equipment	\$240,000
2. Widows Walk Pump Station/Irrigation	\$175,000
3. Loader (Sewer)	\$135,000
4. Old Landfill Site Assessment	\$92,250
5. Transfer Station Backhoe	\$140,000
6. Water Mains	\$3,000,000

ARTICLE 7. Local Option Acceptance –Deferral of Water Charges

To see if the Town will vote to accept M.G.L. c. 40, §42J to allow taxpayers eligible to defer their property taxes to also defer their water usage fees; or take any other action relative thereto.

Sponsored By: Select Board

MOTION ARTICLE 7. Local Option Acceptance –Deferral of Water Charges

I move that the Town accept M.G.L. c. 40, §42J to allow taxpayers eligible to defer their property taxes to also defer their water usage fees.

ARTICLE 8. Local Option Acceptance –Deferral of Sewer Charges

To see if the Town will vote to accept M.G.L. c. 83, §16G to allow taxpayers eligible to defer their property taxes to also defer their sewer usage fees or take any other action relative thereto.

Sponsored By: Select Board

MOTION ARTICLE 8. Local Option Acceptance –Deferral of Sewer Charges

I move that the Town accept M.G.L. c. 83, §16G to allow taxpayers eligible to defer their property taxes to also defer their sewer usage fees.

ARTICLE 9. Endorsement of Master Plan

To see if the Town will vote to endorse the Master Plan as recommended and approved by the Planning Board or take any other action relative thereto.

Sponsored By: Planning Board

MOTION ARTICLE 9. Endorsement of Master Plan

I move that the Town endorse the Master Plan as recommended and approved by the Planning Board.

Motion made by Select Board Chair, Karen Connolly

Motion seconded by Tony Vegnani

CONSENT AGENDA VOTE – Declared Unanimous in Favor

I hereby certify the foregoing to be a True Copy Attest.


Kathleen A. Gardner, Town Clerk

