

**TOWN OF MARSHFIELD**

**SPECIAL TOWN MEETING**

**MONDAY, OCTOBER 15, 2018 at 7:00 P.M.**

**At**

**MARSHFIELD HIGH SCHOOL AUDITORIUM**



**Please bring this report to Town Meeting.**

**Moderator's Town Meeting Rules**  
**(Revised August 2018)**

1. The conduct of Marshfield's Town Meeting is governed by Federal and State law, the Town's Charter and By-Laws, local tradition, and the publication entitled "Town Meeting Time: A Handbook of Parliamentary Law."
2. The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. (Mass. G.L. c. 39, §15)
3. There will be no quorum required for Marshfield Town Meetings. (*Bylaw Art. 1 §3*)  
*1988ATM.art.15*
4. All Special and Annual Town Meeting articles will be voted by lottery. The exception will be the operating budget articles at the beginning of the Annual Meeting. The Moderator may also propose linkage of similar articles. (*Bylaw Art. 1§6*) *2006ATM.art.18*
5. The Moderator may call for a voice vote, standing vote, show of hands, roll-call vote or secret ballot. A motion for any of these voting methods may be made at any time during the discussion phase of an article by a recognized voter. A majority of the voters must approve any motion for a roll call vote or a vote by secret ballot.

If the declared results of voice votes or show of hands votes are questioned by seven (7) voters standing immediately after the declared vote, a standing vote will be taken without debate.

6. 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 for the vote.
7. No reconsideration of an article or vote will be permitted unless the Moderator determines that there has been a significant procedural error or that there is new information likely to have affected the previous vote. If a motion to reconsider is accepted by the Moderator, it will require a majority vote for passage. There will be no reconsideration after 10:30 p.m. on the evening of the vote in question.
8. No article may be reconsidered on a subsequent evening unless postponed by motion for that purpose, during the same session at which the article was first voted upon. (*Bylaw Art. 1 §4*)
9. To address Town Meeting, a speaker must first be recognized by the Moderator, then give his or her name and address for the record. All questions and comments by a speaker should be addressed to the Moderator and not to any particular town official or other Town Meeting member. No speaker will be recognized while another person is speaking. No person shall address Town Meeting without leave of the Moderator, and all persons shall, at the request of the Moderator, be silent. If a person, after warning from the Moderator, persists in disorderly behavior, the Moderator may order him/her to withdraw from the meeting. If he/she does not withdraw, the Moderator may order a constable or other person to remove him/her. (Mass. G.L. c.39, §17)

The sole exception to the "only one person talking at a time" rule is a "point of order" which is used to question a procedural point the Moderator may have missed. It is also used to question an action that is contrary to proper procedure or that is misleading to the Town Meeting. Points of order are NOT to address the subject matter being discussed. All points of order are decided by the Moderator alone without debate.

10. The Moderator may set time limits on all presentations. He or she may also set limits on the number of times a voter can speak on an article and for how long. The Moderator may terminate debate on a motion when he or she deems it appropriate.

Debate on a motion may also be terminated by a recognized 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.

11. Articles in the Warrant give notice of the subjects to be discussed at Town Meeting and establish the parameters of matters that can be debated and acted upon. Amendments, motions, and/or debate determined by the Moderator, with the advice of Town Counsel, to be "beyond the scope" of the article, shall not be permitted.
12. Only two (2) amendments to a motion may be on the floor at any particular time. Generally, amendments shall be voted on in the order made and prior to the vote on the motion to be amended. Amendments over ten (10) words 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 before the start of that particular session. **Before an amendment to a particular article or motion can be accepted by the Moderator, a determination must first be made by the Moderator, with the assistance and upon the advice of Town Counsel, as to (a) whether the proposed amendment is within the scope of the article or motion and (b) whether the form and substance of the proposed amendment complies with the laws of the Commonwealth. For this reason, all proposed amendments should be submitted to the Moderator and to Town Counsel well in advance of the particular Town Meeting at which the proposed amendment will be introduced.**
13. Differing dollar amounts to be appropriated shall be voted on in descending order, with the largest sum first, until an amount gains approval.
14. 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.
15. A resolution is a non-debatable, non-binding motion on any matter calling for a consensus of the Town Meeting. 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 to those attending. Resolutions are typically taken up as the last order of business at Town Meeting.

The Board of Selectmen, within 30 days after a Town Meeting, shall discuss in open session any Resolution passed at such meeting. (*Bylaw Art.51*) *1980ATM.art.35*

16. No new business will be taken up after 10:30 p.m. on any evening.
17. When justice or order requires, the Moderator may make exceptions to those rules as he/she, in his/her discretion, deems it appropriate under the circumstances and with the concurrence of a majority of the Town Meeting members.

**Reminder – State Law prohibits SMOKING on school property.**

### 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 such.

BAN – “Bond Anticipatory Note”. Short term borrowing done in advance of long term borrowing via issuance of a BOND. BANS are issued to be able to fund a project while waiting to go to formal Bonding.

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 / BAN PREMIUM – Funds paid to the town by financial institutions as commissions on the sale of the town’s BONDS or BANS. These premiums are allowed under the Massachusetts Municipal Act of 2016 under Chapter 44, section 20 to be used to fund similar Capital Projects to the projects funded by the original BOND/BAN.

BOND ISSUE – Generally, the sale of a certain number of bonds 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 period.

CAPITAL OUTLAY – An 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 which can be used for:

1. operating costs to offset the need to increase user charges,
2. to fund capital improvements,
3. to reimburse General Fund to the extent the General Fund has funded a particular service in prior years, or
4. 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 2 1/2.

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 Board for extraordinary and unforeseen expenditures.

REVOLVING FUND (Ch.44, Sec. 53E 1/2) - A Town may annually authorize the use of a revolving fund by accounting for separately the receipts received from a particular service or program and expend from such fund for providing 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.

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TOWN OF MARSHFIELD  
COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT

Special Town Meeting, Monday, October 15, 2018

At 7:00 o'clock in the evening at the Marshfield High School

Plymouth, SS: To either of the constables in the Town of Marshfield in the County of Plymouth.

Greetings: In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town of Marshfield qualified to vote in Town affairs to meet in the Marshfield High School Auditorium on Monday, the 15th day of October 2018, at seven o'clock in the evening then and there to act on the following articles:

**ARTICLE 1** Will the Town vote to approve an expenditure of the sum of \$11,482.78 from the corresponding FY2019 budget or transfer from available funds a sum of money for payment of unpaid bills incurred during the previous fiscal year as set forth on the below listing of unpaid bills, or take any other action relative thereto.

DEPARTMENT	VENDOR	DATE	AMOUNT
WASTEWATER	READY REFRESH	6/12/2018	15.86
FACILITIES	GATEHOUSE MEDIA	5/24/2018	209.04
MAINTENANCE	WOODCO MACHINERY	6/29/2018	767.40
HIGHWAY	DENNIS BURKE INC	5/29/2018	369.89
MAINTENANCE	COLONIAL FORD OF PLYMOUTH	6/28/2018	672.00
HIGHWAY	CINTAS	6/30/2018	33.00
CEMETERY/TREES	CINTAS	6/30/2018	33.00
WATER	CINTAS	6/30/2018	33.00
SCHOOL	J VITEZ	6/30/2018	7,368.40
SCHOOL	C WALSH	6/30/2018	651.00
SCHOOL	M BULMAN	6/30/2018	165.00
SCHOOL	M NESSRALLA	6/30/2018	176.30
SCHOOL	K WILNER	6/30/2018	250.00
WASTEWATER	CLEAN HARBORS	6/30/2018	738.89

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 1 Explanation: These are unpaid invoices from the previous fiscal year that the Town is legally obligated to pay but cannot be paid without approval of Town Meeting.*

**ARTICLE 2** Will the Town vote to transfer from available funds the sum of \$750,000 to fund collective bargaining agreements and other employee contracts within the Town and or with any one or more of the following organizations with respect to the fiscal year beginning July 1, 2016, 2017, and 2018, or take any other action relative thereto.

- The Association of Marshfield Police
- American Federation of State County and Municipal Employees AFL-CIO State Council 93 Local 1700 (Clerical Employees Unit)
- American Federation of State County and Municipal Employees AFL-CIO State Council 93 Local 1700 (Supervisory Employees)

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 2 Explanation: Contract negotiations with employees under contract and some of the above noted collective bargaining units are currently on-going. The purpose of this article is to fund any or all of the above-noted collective bargaining agreements, if a settlement occurs, funding is required under Mass. Gen. L. c. 150E for the first year of the contractual settlement.*

**ARTICLE 3** Will the Town vote to replace the FY2018 Schedule A Compensation Plan with the following FY2019 Schedule A Compensation Plan and make the following additions and Changes to Schedule A:

Add Human Resources Manager - Grade 12, Step 2  
 Change Office Manager from Grade 10, Step 4 to Grade 12, Step 2  
 Change Senior Secretary Grade 9, Step 4 to Administrative Assistant Grade 11, Step 2  
 Change Town Planner from Grade 14, Step 4 to Grade 15, Step 2  
 Change Assistant Facilities Manager from Grade 12 Step 1 to Grade 13 Step 2

Salary Schedule  
 Chapter 188  
 Schedule A Compensation Plan  
 FY2019 -2%

Annual				
<u>GRADE</u>	<u>STEP 1</u>	<u>STEP 2</u>	<u>STEP 3</u>	<u>STEP 4</u>
4	\$30,730.79	\$31,958.74	\$33,233.78	\$34,561.66
5	\$33,898.87	\$35,252.01	\$36,663.75	\$38,119.13
6	\$37,394.32	\$38,887.61	\$40,446.37	\$42,064.87
7	\$41,248.16	\$42,890.77	\$44,613.80	\$46,394.26
8	\$45,487.95	\$47,315.51	\$49,202.80	\$51,169.35
9	\$51,169.35	\$52,184.79	\$54,269.00	\$56,448.33
10	\$55,360.91	\$57,567.53	\$59,875.24	\$62,263.35
11	\$61,062.98	\$63,503.94	\$66,032.19	\$68,677.61
12	\$67,357.78	\$70,044.56	\$72,841.60	\$75,765.01
13	\$74,097.12	\$77,044.65	\$80,127.72	\$83,342.89
14	\$81,199.44	\$84,445.63	\$87,815.87	\$91,323.95
15	\$89,314.91	\$92,886.17	\$96,597.57	\$100,458.30

And further, vote to appropriate the sum of \$58,307.16 to fund salaries for all non-union employees under the Personnel By-Law applicable to FY2019 and to meet said appropriation, transfer the sum of \$53,203.47 from Free Cash, the sum of \$2,059.41 from Wastewater Enterprise Retained Earnings, the sum of \$1,343.06 from Water Enterprise Retained Earnings and the sum of \$1,701.23 from Solid Waste Enterprise Retained Earnings, said funds to be expended under the direction of the Board of Selectmen, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 3 Explanation: The appropriation in this article will provide for a 2% increase for eligible personnel bylaw employees that work under this Schedule A compensation plan, retroactive to July 1, 2018.*

**ARTICLE 4** Will the Town vote to transfer from available funds the sum of \$100,000 to invest into the Town's OPEB (Other Post Employee Benefits) account in line the with OPEB Trust Policy formally adopted by the Board of Selectman as follows or take any other action relative thereto:

General Fund Employee: \$84,299  
Water Employee Fund: \$7,378  
Waste Water Employee Fund: \$4,985  
Solid Waste Employee Fund: \$3,338

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 4 Explanation: The Treasurer is recommending that the above sums of money be taken from available funds and placed into the Town's OPEB Trust fund in line with the voted policy for OPEB trust funds as well as the agreed upon indirect analysis and policy.*

**ARTICLE 5** Will the Town vote to transfer from available funds a sum of money into the Stabilization Fund, or take any other action relative thereto.

Board of Selectmen

**Recommendations: At Town Meeting.**

*Article 5 Explanation: The Stabilization Fund is a special reserve account that currently has a balance of \$3,122,263.30. Only the Legislative Body of the Town (Town Meeting) may move funds into or out of this reserve account. A majority vote is required to transfer funds into the Stabilization Fund after the Municipal Modernization Act of 2016. A 2/3 vote of Town Meeting is still required to move funds out of the Stabilization Fund for any legally authorized purpose.*

**ARTICLE 6** Will the Town vote to transfer from available funds the sum of \$70,000 from free cash into the professional services line item to cover the cost of unanticipated outside Vendor Contracts, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 6 Explanation: The Treasurer is requesting these funds be placed into professional services because contractual obligation increases were not available for the current fiscal year during the Town's Budget process. The affected areas are Patriot Properties, Zobrio, Verizon, People's GIS, and stenography services.*

**ARTICLE 7** Will the Town vote to transfer from free cash the sum of \$25,000 for surveys, easements and associated legal costs for Veterans Park and Rockwood Road fields and roadway, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 7 Explanation: The Board of Selectmen is requesting funds for surveys, easements and associated legal costs for Veterans Park and Rockwood Road fields and roadway improvements.*

**ARTICLE 8** Will the Town vote to transfer from free cash the sum of \$100,000 to the Facilities Expense Budget, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 8 Explanation: The Board of Selectmen request that we continue to maintain our infrastructure by adding additional funds to the Facility Budget.*

**ARTICLE 9** Will the Town vote to raise and appropriate, transfer from available sums, including the Water, Wastewater or Solid Waste Enterprise Funds, borrow, including from the Water, Wastewater or Solid Waste Enterprise Funds, or otherwise provide the sums recommended, or any other sum or sums, for Capital Outlay as set forth in the following schedule, or take any other action relative thereto.

Capital Budget Committee

DEPARTMENT	PROJECT/PROGRAM	OCT STM FY19 REQUEST	FY19 CBC RECOMMEND	FUNDING SOURCE
<b>General Government</b>				
Selectmen's Office	Town Infrastructure Repairs	\$169,345.43	\$169,345.43	Bond Premium
	<b>General Government TOTAL</b>	<b>\$169,345.43</b>	<b>\$169,345.43</b>	
<b>Public Safety</b>				

DEPARTMENT	PROJECT/PROGRAM	OCT STM FY19 REQUEST	FY19 CBC RECOMMEND	FUNDING SOURCE
Harbormaster	Dredging Projects	\$ 277,750.00	\$277,750.00	Borrowing supported by tax levy
	Economic Grant Match	\$25,000.00	\$25,000.00	Free Cash
	Federal Port Security Match	\$76,124.25	\$76,124.25	Borrowing supported by tax levy
	<b>Public Safety TOTAL</b>	<b>\$378,874.25</b>	<b>\$378,874.25</b>	
<b>Education</b>	Roof Design Changes	\$57,102.00	\$57,102.00	Bond Premium

<b>DPW - GENERAL FUND</b>				
Highway	Road Reconstruction	\$100,000.00	\$100,000.00	Free Cash
	<b>DPW General Fund TOTAL</b>	<b>\$100,000.00</b>	<b>\$100,000.00</b>	
<b>GRAND TOTAL GENERAL FUND</b>		<b>\$705,321.68</b>	<b>\$705,321.68</b>	
<b>ENTERPRISE FUNDS</b>				
<b>Wastewater Enterprise</b>	Floor Replacement at Disinfectant Site	\$26,860.00	\$26,860.00	Bond Premium
<b>GRAND TOTAL WASTEWATER FUND</b>		<b>\$26,860.00</b>	<b>\$26,860.00</b>	
Sources for those projects voted in this article only:				
<b>Borrowing Supported by Tax Levy</b>			<b>\$ 353,874.25</b>	
<b>Free Cash</b>			<b>\$ 125,000.00</b>	
<b>General Fund Bond Premium</b>			<b>\$ 169,345.43</b>	
<b>School Bond Premium</b>			<b>\$ 57,102.00</b>	
<b>Waste Water Enterprise Bond Premiums</b>			<b>\$ 26,860.00</b>	
<b>Total</b>			<b>\$732,181.68</b>	

**Recommendation: At Town Meeting.**

*Article 9 Explanation: This article is an addition to the Town's FY2019 Capital Budget passed in the April Annual Town Meeting. Article 56 of the Town's General Bylaws and Article 5.6 of the Town Charter describes the compilation of the Capital Budget Article. Full Capital Budget and amendments on website.*

**ARTICLE 10** Will the Town vote to raise and appropriate or transfer from available funds a sum \$213,000 to the School Department, or take any other action relative thereto.

School Department

**Recommendation: At Town Meeting.**

*Article 10 Explanation: Spent under the direction of School Administration in conformance with the Education Reform Act of 1993.*

**ARTICLE 11** Will the Town vote to raise and appropriate or transfer from available funds the sum of \$160,000 to fund Debt Service budgets, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 11 Explanation: The Treasurer is recommending that \$160,000 be placed from available funds into the debt service line items associated with the 2019 borrowing as well as the potential debt exclusion borrowings. These costs would be related to bond counsel, Financial Advisory services and interest that may come from issuance of BANS (Bank Anticipatory Notes).*

**ARTICLE 12** Will the Town vote to raise and appropriate, transfer from available funds, or borrow the sum of \$30,000 for planning, design, architectural and engineering services, and all costs incidental or related thereto, for the repair, reconstruction, and/or replacement of the Town Hall roof, or to take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 12 Explanation: These funds are needed to put together the necessary plan for the design, engineering, reconstruction and repair including all the necessary costs associated with a new roof for Town Hall.*

**ARTICLE 13** Will the Town vote to authorize the Board of Selectmen to accept by gift, purchase or otherwise an easement for the purposes of public access in, over and under the layout of Rockwood Road as shown on a Definitive Subdivision Plan dated July 7, 2003 with revisions through April 22, 2014 recorded at the Plymouth County Registry of Deeds as Plan No. 361 of 2004 in Plan Book 48 Page 73 and as modified by a Modified Definitive Subdivision Plan, Rockwood Road Extension, dated February 8, 2013 with revisions through March 20, 2013 recorded at the Plymouth County Registry of Deeds as Plan No. 164 of 2013 in Plan Book 57, Page 1042, together with the attendant customary uses, including but not limited to the right to use all drainage, utilities and other related roadway infrastructure associated with Rockwood Road, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 13 Explanation: This easement will allow public access to Rockwood Road and the utilities contained therein which is currently used for access to municipal property off of Rockwood Road.*

**ARTICLE 14** Will the Town vote to authorize the Board of Public Works to enter into a lease and/or lease amendment with Sprint Spectrum Realty Company, LLC, and/or its successor, subject to M.G.L. c. 30B, relative to space for a cellular antennae on the so-called Pudding Hill Water Tower for a term of five years, with three five year renewal terms, on terms and conditions acceptable to the town, or take any other action relative thereto.

Board of Public Works

**Recommendation: At Town Meeting**

*Article 14 Explanation: The water tower at Pudding Hill sits in a prominent location and has the capacity to accommodate the collocation of cellular/wireless service providers in an unobtrusive manner that minimizes the need to construct towers elsewhere. The proposed lease/lease extension must be approved by Town Meeting.*

**ARTICLE 15** Will the town vote to authorize the Board of Selectmen to accept a grant in the approximate amount of \$94,500 from the State Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund and use \$31,500 of unexpended capital funds from seawall repair Article 3 of the 5/21/18 STM as the town's match for the grant funds to fund the survey, design, and permitting for the repair or replacement of approximately 630 Linear feet of the seawall along Ocean Street from North Street to South Street, or take any other action relative thereto.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 15 Explanation: The Town has applied for a State Grant to partially fund Phase II of seawall replacement in Brant Rock for the survey, design, and permitting of a 630 foot section of the seawall located along Ocean Street requiring repair or replacement from North Street to South Street. The existing seawall is over 70 years old and in a deteriorated state and in need of replacement. The seawall will be increased approximately 3 feet in height. The Town's portion represents 25% of the project cost. Phase I, which consisted of seawall replacement along Ocean Street from Franklin Street to North Street, was substantially completed in September 2018.*

**ARTICLE 16** Will the Town vote to transfer the sum of \$45,000.00 from Water Enterprise Account Retained Earnings for the purpose of demolishing and disposing of 3 dwellings located at, 18 Ferry Street, 20 Grove Street and 80 Union Street and any other contents



stored within the structures, said funds to be expended under the direction of the Superintendent of Public Works and the general supervision of the Board of Public Works, or take any other action relative thereto.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 16 Explanation: These properties were purchased with Water Enterprise Fund retained earnings for the purpose of Drinking Water Protection. The structures need to be demolished and the septic systems removed and the land graded, loamed and seeded back to its natural condition.*

**ARTICLE 17** Will the Town vote to transfer the sum of \$21,000 from available funds in the elections budget to the Town Clerk's salary, or take any other action relative thereto.

Town Clerk

**Recommendation: At Town Meeting.**

*Article 17 Explanation: The average salary for a Town Clerk in the 14 surrounding communities is \$77,969.21. The average population is 20,213. Currently the Marshfield Town Clerk's salary is \$56,692 and the population is 25,000. The Clerk's salary is not adjusted for cost of living nor is it subject to annual incentive raises. This will bring the Town Clerk's salary into the median salary range for the area.*

**ARTICLE 18** Will the Town vote to amend Article II, 305-2.01 Definitions by adding a new sentence in bold to the definition for Recreational Marijuana Retailer, or take any other action relative thereto.

**Recreational Marijuana Retailer:** A person or entity licensed consistent with MGL c.94G 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. **This includes marijuana cultivator, craft marijuana cultivator cooperative, retailer, product manufacturer, independent testing laboratory, micro business, and third-party transporter.**

Planning Board

**Recommendation: At Town Meeting.**

*Article 18 Explanation: This change would allow additional related uses to the retail aspect of existing recreational marijuana by-law. These uses are identified and defined by G.L c. 94G, s.1.*

**ARTICLE 19** Will the Town vote to amend Article II, 305-2.01 Definitions by adding three new definitions or take any other action relative thereto:

### 305-2.01 Definitions

**Rooftop Mount Photovoltaic Facility:** A solar photovoltaic facility that is structurally mounted on a roof and is designed primarily to supply its electrical output on-site.

**Parking Lot Mount Photovoltaic Facility:** A solar photovoltaic facility that is structurally mounted from the ground over a parking area. A parking lot mounted facility may supply its electrical output both on-site and off-site.

**Solar Collector:** A device, structure, or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Planning Board

#### **Recommendation: At Town Meeting.**

*Article 19 Explanation: This article would add several definitions to the Zoning By-law related to allowing over parking lot solar panels in Town.*

**ARTICLE 20** Will the Town vote to amend 305 Attachment 1 –Table of Use Regulations by adding a new Accessory use #27 to allow solar panels over parking lots, or take any other action relative thereto.

### 305 Attachment 1 – Table of Use Regulations

Table of Use														
Use	Residential				Business					Industrial		Overlay		
Accessory Uses	R-1	R-2	R-3	RB	B-1	B-2	B-3	B-4	OP	I-1	A	PMUD	WRPD	BRVO
27. Accessory photovoltaic installations over parking lots	S	S	-	-	P	P	P	P	P	P	P	P	S	S

Planning Board

#### **Recommendation: At Town Meeting.**

*Article 20 Explanation: This article identifies the zoning districts where solar panels are allowed over parking lots either by-right or by special permit.*

**ARTICLE 21** Will the Town vote to amend the Zoning Bylaws by adding a new section 12.04 Accessory photovoltaic installations over parking lots and renumber the current sections 12.04 Medical Marijuana facilities and 12.06 Recreational Marijuana facilities to 12.05 Medical Marijuana facilities and 12.07 Recreational Marijuana facilities, or take any other action relative thereto.

### **Section Accessory Photovoltaic Installations Over Parking Lots** **12.04**

- A. Purpose - The purpose of this bylaw is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of accessory photovoltaic over parking lots installation that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of said-solar photovoltaic installations.
- B. Applicability - This section applies to photovoltaic installations that require a special permit or by-right with site plan review in the Table of Use, Accessory uses (see 305, Attachment 1 – Table of Use Regulations). By-right with site plan review applications shall submit an application to the Zoning Board of Appeals. Special Permit applications shall be subject to approval by the Planning Board acting as the special permit granting authority (SPGA).
- C. General Requirements - The following requirements shall apply to solar photovoltaic installations.
1. Compliance with All Other Laws and Regulations - The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a photovoltaic installation shall be constructed in accordance with the State Building Code.
  2. Building Permit and Building Inspection - No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without obtaining a building permit
  3. Special Permit and or Site Plan Review - photovoltaic installations shall be reviewed and approved by either the Planning Board under a Special Permit or the Board of Appeals under Site Plan Review prior to applying for a building permit. To determine whether a facility will require a special permit or site plan review, please review accessory use number 27 in 305 Attachment 1 –Table of Use. Submittal to either Board shall be in accordance with the requirements of Section 12.02 Site Plan Approval. In addition, to comply with the requirements of Section 12.02 Site Plan Approval, the following information shall be provided at the time of submission of an application to either Board.
    - a. Drawings of the solar photovoltaic installation shall be stamped by a registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
    - b. One or three line electrical diagrams detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
    - c. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

- d. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- e. Information on noise (Inverter) and reflectivity/glare of solar panels and identify potential impacts to abutters.
- f. Confirmation prepared and signed by a registered professional engineer that the photovoltaic facility complies with all applicable Federal and state standards;
- g. A written report prepared and signed by a Registered Professional Engineer, explaining how the photovoltaic facility will be connected to the "Power Grid" and the technical, economic and other reasons for the proposed location and design.
- h. Proposed changes to the site, existing and proposed grading, vegetation clearing, planting, noise barriers, security, exterior lighting, screening and structures;
- i. Soil information, depth to groundwater and distance to municipal Wells;
- j. Description of existing wildlife habitat (noting any cold waterways or other unique features) within a ½ mile radius and a proposed habitat enhancement plan;
- k. Name, address, and contact information for proposed system installer;
- l. Proof of liability insurance.

The Board may waive documentary requirements as it deems appropriate.

4. Independent Consultants - Upon submission of the site plan application, the Board will be authorized to hire outside consultants, as needed, to advise them on technical issues related to the photovoltaic installation application, pursuant to Chapter 44 Section 53G of Massachusetts General Laws. The applicant will be required to pay the consultant's fees.

5. Site Control - The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed photovoltaic installation.

6. Operation & Maintenance Plan - The applicant shall submit a plan for the operation and maintenance of the photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water management, as well as general procedures for operational maintenance of the installation.

7. Utility Notification - No photovoltaic installation shall be constructed until evidence has been given to the Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### D. Safety and Environmental Standards

1. Emergency Services - The owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the Fire Chief. The facility's owner or

operator shall cooperate with public safety officials in developing an emergency response plan. All means of shutting down the large-scale ground mounted solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. Parking Lot Mounted and Medium Scale Photovoltaic Facility Setback - Parking Lot Mounted and Medium Scale Photovoltaic Facilities shall meet the minimum setback for the applicable zoning district as provided in the Table of Dimensional and Density Requirements 305, Attachment 2.

3. Solar Energy System, Parking Lot Mounted and Medium Scale transformers and/or inverters shall meet the Front, Side and Rear setbacks. Said transformers and/or inverters shall be enclosed in a sound barrier. Said sound barrier proposal shall include a letter of assurance of the sound reduction rating, signed and stamped by a Registered Professional Civil Engineer.

4. Hazardous Materials - Solar modular panels shall not contain hazardous materials. A letter of assurance on the materials contained within the solar panels from the manufacturer and by a Registered Professional Civil Engineer shall be provided to the Board.

5. Appurtenant structures - All appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.

6. Solar fields shall be properly visually buffered from residential properties. Buffering may be provided by use of landscaping and /or fencing.

7. The owner, operator, or his successors in interest shall remove any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Permit Granting Authority (Planning Board/Zoning Board) by certified mail of the proposed date of discontinued operations and plans for removal.

8. Lighting - Lighting of photovoltaic installations shall comply with Section 8.09. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

9. Signage - Signs on photovoltaic installation shall comply with Section 7.05. A sign shall be provided that identifies the owner and provides a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any

advertising except for reasonable identification of the manufacturer or operator of the photovoltaic installation.

10. Utility Connections - All utility connections from the photovoltaic installation shall be located underground. In the event that site constraints make it cost prohibitive due to soil conditions and/or topography of the site, or any requirements of the utility provider, the Board may waive this requirement. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

#### E. Monitoring and Maintenance

1. Maintenance - The facility's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the photovoltaic installation and any access road(s), unless accepted as a public way.

2. Modifications - All material modifications to a photovoltaic installation made after issuance of the building permit shall require approval of the Board.

#### F. Abandonment or Decommissioning

1. Removal Requirements - Any photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Board. If the owner or operator of the photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of

abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

3. Financial Surety - Applicants shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removing the entire photovoltaic installation in the event the town has to intervene by removing the photovoltaic installation and remediating the property. The applicant shall submit a surety bond in an amount and form determined to be reasonable by the Board, but in no event to exceed more than 125 percent of the cost of removal. Such surety will not be required for municipality or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal and prepared by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts. The amount shall include a mechanism for calculating increased removal costs due to inflation.

G. Standards for Review and Approval:

The Planning Board shall consider, in addition to the requirements above, the following specific criteria:

1. The Board finds in writing that each of the review standards set forth above has been met, that the location of the solar photovoltaic facility is suitable and that the size and design are the minimum necessary for that purpose;
2. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA;

H. Modification:

Any proposed changes in the approved special permit shall be submitted to the Planning Board for review and approval.

I. Approval Time Frame:

The special permit is granted for a period of two years and shall lapse if substantial use or construction has not been commenced by such date except for good cause shown, and provided that said construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. Good cause and reasonable time shall be determined by a vote of the SPGA.

J. Appeals:

Any person aggrieved by a decision of the Planning Board under this section may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

Planning Board

**Recommendation: At Town Meeting.**

*Article 21 Explanation: This article explains the submittal requirements, review standards for both the by-right and special permit applications for solar panels over parking lots.*

**ARTICLE 22** Will the Town vote to accept the provisions of Chapter 40, Section 8L of the Massachusetts General Laws as amended by Chapter 218, Section 23 of the Acts and Resolves of 2016 which would authorize the Town's Agricultural Commission to manage, license, and lease land owned by the Town for agricultural purposes pursuant to said statute, or to take any other action relative thereto.

Agricultural Commission

**Recommendation: At Town Meeting.**

*Article 22 Explanation: This article would adopt state law permitting the Agricultural Commission to formally perform duties it is already doing. An example is the management of the community gardens and farmland in cooperation with the conservation commission and agent at Mounce's Meadow.*

**ARTICLE 23** Will the Town vote to raise and appropriate and/or transfer from available funds the sum of \$25,000 to fund a temporary, part-time grant writer position to work under the direction of the Town Administrator, or to take any action relative thereto.

Petition of Jeremy Devaney, et. al.

**Recommendation: At Town Meeting.**

*Article 23 Explanation: This temporary part time position working under the direction of the Town Administrator will be responsible to work across town government and in particular where there may exist budgetary constraints and gaps and identify potential state, federal, and other third-party funding sources based on the town's needs and prepare the funding proposals for submission and approval. The grant writer will also seek out grant opportunities that align with town projects and goals, raise those funding opportunities to the appropriate committees, and guide town officials on best pathways to pursue identified funds.*

**ARTICLE 24** Will the Town vote to authorize the Board of Selectmen (1) to enter into a lease for a term of years with a non-profit organization for the principal purpose of constructing, establishing and maintaining a so-called dog park on a certain parcel of town owned land not otherwise restricted against said use (a parcel to be determined) or (2) approve the use of a certain parcel of town owned land not otherwise restricted against said use (a parcel to be determined) for a dog park; and, further, to authorize the Board of Selectmen on behalf of the Town to apply for and accept a grant from the Stanton Foundation for the design and/or construction of a dog park on said parcel of land, or take any other action relative thereto.



**Recommendation: At Town Meeting.**

*Article 24 Explanation: This article will authorize the Selectmen to enter into a lease on a parcel of town owned land that is available for use as a dog park, or approve the use of a suitable parcel of land for use as a dog park, and to apply for and accept a grant from the Stanton Foundation for the design and construction of a dog park.*

**ARTICLE 25** Will the Town vote to raise and appropriate, transfer from available funds, and/or borrow up to the sum of \$200,000, as Marshfield's required 1/3rd share of the cost of making emergency repairs to the Canal Street Bridge and related infrastructure contingent upon the execution of a Memorandum of Understanding with the Towns of Duxbury and Plymouth providing for the sharing in the expense of the emergency repairs and providing matching funding for the expense of said emergency repairs, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 25 Explanation: These funds will be used for emergency repairs to the Canal Street Bridge that was just recently downgraded by the Massachusetts Department of Transportation (MassDOT) to an "F". The emergency work would include removing the asphalt, wood decking and possibly the wooden underpinnings to be determined by the MassDOT engineering staff. The emergency project will also be funded with financial assistance from the Towns of Duxbury and Plymouth with the projected cost being divided equally between the three towns through a Memorandum of Understanding. Duxbury and Plymouth also require access over the bridge for seawall and beach nourishment projects. At present the Canal Street Bridge is only rated for 17 tons. The Town of Duxbury and Marshfield's Quint fire trucks are 42 tons (82,48 lbs.), therefore they are unable to use the bridge safely. This problem is exacerbated since MassDOT and the Town are commencing work to upgrade the Beach Street Bridge which will limit access.*

You are directed to serve this warrant by posting attested copies thereof at ten public places in different parts of the Town not less than fourteen days before the holding of said meeting. Hereof fail not to make the due return of this Warrant with our doings thereon to the Town Clerk at the time and place of the meeting aforesaid:

Given under our hands this 10th day of September 2018.

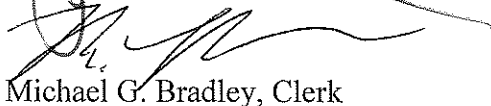
BOARD OF SELECTMEN



James J. Fitzgerald, Chairman



Joseph E. Kelleher, Vice Chair



Michael G. Bradley, Clerk

A true copy, ATTEST:  
Constable