

TOWN OF MARSHFIELD

SPECIAL TOWN MEETING

MONDAY, OCTOBER 16, 2017 at 7:00 P.M.

At

MARSHFIELD HIGH SCHOOL AUDITORIUM



Please bring this report to Town Meeting.

TOWN OF MARSHFIELD

**Moderator's Town Meeting Rules
(Revised September 2017)**

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.
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.

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 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.

TOWN OF MARSHFIELD
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT

Special Town Meeting, Monday, October 16, 2017

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 16th day of October 2017, 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 from the corresponding FY2018 budget or transfer from available funds the sum of \$7,187.19 for payment of unpaid bills incurred during prior fiscal years as set forth on the below listing of unpaid bills, or take any other action relative thereto.

Board of Selectmen

8/1/2017

DEPARTMENT	VENDOR	DATE	AMOUNT
Selectmen	Maria Hebert	6/28/2016	78.45
Selectmen	Richard Tracy	05/11-06/30	69.34
Selectmen	Comm Tract Corp	6/7/2017	5,128.00
DPW	VERIZON	0521 - 06/22/17	29.33
School	Joan Shea	06/20-7/24	198.00
School	Edward Boudreau	6/28/2017	198.00
School	Leigh Dzierzak	6/21/2017	105.90
School	Hoadley Plumbing	6/29/2017	605.07
Animal Control	VCA Roberts Animal Hospital	6/23/2015	324.40
Animal Control	VCA Roberts Animal Hospital	8/15/2015	159.36
Animal Control	VCA Roberts Animal Hospital	10/3/2015	132.56
Animal Control	VCA Roberts Animal Hospital	3/13/2016	158.78
			7,187.19

Advisory Board Recommendation: At Town Meeting.

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

ARTICLE 2 Will the Town vote to raise and appropriate or transfer from available funds the sum of \$25,000 to the Facilities Budget for the maintenance of Library Plaza, or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 2: This newly developed space will be shared by four groups. Cleaning support is needed for three of the four entities as follows: POST Program, Recreation Department and Library. Cleaning was not budgeted in the FY 18 budget., The Food Pantry is not part of the Town and is a separate private nonprofit therefore they are responsible for their own cleaning.

ARTICLE 3 Will the Town vote to authorize the Board of Selectmen to sell or lease the Hancock Building property located at 2033 Ocean Street Lot # G07-02-18, Marshfield, MA, in accordance with the provisions of MGL c. 30B, for the purposes of creating veterans' housing, or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 3 Explanation: There is interest in converting the old Hancock paint building formerly known as the South River School, into affordable housing for income eligible Veterans. Funding to support the creation of the affordable housing would be by a nonprofit housing organization. This project would be delegated to the Town's Housing Partnership Committee for coordination.

ARTICLE 4 Will the Town will vote to amend the Town of Marshfield Zoning Code by adding a new Definition and a new Use Category as follows:

a). To amend Article II, 305-2.0, Definitions, by adding a new definition Recreational Marijuana Facility.

Recreational Marijuana Facility – A recreational marijuana facility shall include all types of marijuana establishments as defined in Mass. Gen. L. c. 94G , exclusive of facilities that are licensed for medically prescribed purposes, to include marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses.

b). To amend Article V, 305-5.04, Use Regulations; by adding a new use under Community Facilities, #22 Recreational Marijuana Facility. This use will be prohibited in all districts of the Town.

R-1 R-2 R-3 RB B-1 B-2 B-3 B-4 OP I-1 A PMUD WRPD

BRVO

22. Recreational Marijuana Facility - - - - - - - - - - - - - - - -

or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 4 Explanation: The intent of this article is to ban recreational marijuana sales in Marshfield.

ARTICLE 5 Will the Town vote to transfer from available funds the sum of \$200,000 to the OPEB Trust Fund, or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 5 Explanation: It is very likely in the near future that the Town will be required to develop a funding process (comparable to funding the unfunded pension liability). This contribution will be beneficial to that end and be a positive indicator for the Town’s credit rating and have a positive impact on interest rates for future bonding projects.

ARTICLE 6 Will the Town vote to replace the FY2017 Schedule A Compensation Plan with the following FY2018 Schedule A Compensation Plan:

Salary
Schedule
Chapter 188
Schedule
A
Compensation
Plan
FY2018 - 2%

Grade	Step 1	Step 2	Step 3	Step 4
4	30,128.23	31,332.09	32,582.14	33,883.97
5	33,234.18	34,560.80	35,944.85	37,371.70
6	36,661.10	38,125.10	39,653.31	41,240.07
7	40,439.37	42,049.78	43,739.02	45,484.57
8	44,596.03	46,387.75	48,238.04	50,166.03
9	50,166.03	51,161.56	53,204.90	55,341.50
10	54,275.40	56,438.75	58,701.22	61,042.50
11	59,865.67	62,258.76	64,737.44	67,331.00
12	66,037.03	68,671.13	71,413.34	74,279.42
13	72,644.24	75,533.97	78,556.59	81,708.72
14	79,607.30	82,789.83	86,094.00	89,533.28
15	87,563.63	91,064.87	94,703.50	98,488.53

And further, vote to appropriate the sum of \$31,922.50 to fund salaries for all non-union employees under the Personnel By-Law applicable to FY2018 and to meet said appropriation, transfer the sum of \$26,441.50 from Free Cash, the sum of \$1,889.97 from Wastewater Enterprise Retained Earnings, the sum of \$1,922.35 from Water Enterprise Retained Earnings and the sum of \$1,668.59 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

Advisory Board Recommendation: At Town Meeting.

Article 6 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.

ARTICLE 7 Will the Town vote to transfer from available funds a sum of money to fund collective bargaining agreements or other employee contracts with any one or more of the

following organizations with respect to the fiscal year beginning July 1, 2017 or take any other action relative thereto.

- American Federation of State, County and Municipal Employees AFL-CIO State Council 93 Local 1700 (Department of Public Works Employees)
- Marshfield Firefighters, Local 2568, International Association of Firefighters AFL-CIO
- The Association of Marshfield Police
- Ventress Memorial Library

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 7 Explanation: The purpose of this article is to fund any or all of the above-noted collective bargaining agreements. Funding is required under Mass. Gen. L. c. 150E.

ARTICLE 8 Will the Town vote to make the following adjustments to the Fiscal Year 2018 General Fund Budget Line Items by transferring funds for the specific items as noted below:

- | | | | |
|----|-------|--------------------------------|-----------|
| A. | From: | Free Cash | \$409,811 |
| | To: | Education | \$409,811 |
| B. | From: | Free Cash | \$256,000 |
| | To: | Enterprise Accounts | |
| | | Water Expense | \$ 83,935 |
| | | Sewer Expense | \$ 90,462 |
| | | Trash Expense | \$ 81,602 |
| C | From | Free Cash | \$100,000 |
| | To: | Information Technology Expense | \$100,000 |

or take any other action relative thereto.

School Committee

Advisory Board Recommendation: At Town Meeting.

Article 8 Explanation: part A. The FY2018 Initial School Committee Budget was approved by the School Committee in January at \$48,291,788. The Level Service FY2018 Town of Marshfield Education Budget is \$47,270,173. The F2018 Education Budget presented at the Annual Town Meeting in April was \$46,860,362, approximately \$1.5M less than the Initial School Committee Budget and \$409,811 less than the FY2018 Level Service School Committee Budget. This article

represents the funding of the \$409,811 deficit as agreed upon in April by the School Committee, Board of Selectmen and Advisory Board.

Article 8 Explanation part B: The Board of Selectmen and Board of Public Works after a review of indirect costs have agreed to an adjustment from General Fund to Enterprise Accounts \$256,000 to be paid over a two year period. A newly developed policy also results from the agreement between the Board of Selectmen and Board of Public Works.

Article 8 Explanation part C: The decision to purchase this new software was made for the following reasons: 1. Then Town Storage was over 90% used and was causing back-up issues. 2. Existing servers were no longer covered by service contracts. 3. The new software would resolve slowness with the Town's Financial software. 4. There was a danger of a data collapse which would create problems that would adversely impact all municipal services. 5. The Fire Department system crashed then was restored but it is likely to crash again, without system improvements.

ARTICLE 9 Will the Town vote to transfer from Assessors' Overlay Surplus the sum of \$5,000.00 to the FY2018 Budget Assessor Expense Line for the purpose of providing continuing educational opportunities for the Assessing staff, or take any other action relative thereto.

Board of Assessors

Advisory Board Recommendation: At Town Meeting.

Article 9 Explanation: The Board of Assessors feels that it is in the best interest of the town for its staff to achieve the highest level of professionalism in the field of municipal assessing. This funding will be used to make it possible for staff members to attend courses offered by the MAAO (Massachusetts Association of Assessing Officers) and county assessing organizations through the year.

ARTICLE 10 Will the Town vote to appropriate the sum of \$5,000 to fund the restoration and rehabilitation of land for recreational use and open space and to fund the purchase of materials for the fabrication of kiosks by the Marshfield High School Building and Technology Department for trails mapped in the recent Comprehensive Trails Plan, and to meet said appropriation transfer \$5,000 from the Community Preservation Fund Open Space Reserve, said funds to be expended under the direction of the Recreational Trails Committee and the Board of Selectman, or take any other action relative thereto.

Community Preservation Committee

Advisory Board Recommendation: At Town Meeting.

Article 10 Explanation: The funds will allow the Marshfield High School Building and Technology Department to purchase the wood, and related materials to build kiosks for trail head locations as identified in the Comprehensive Trails Plan.

ARTICLE 11 Will the Town vote to raise and appropriate or transfer from available funds the sum of \$20,000 to the Animal Control FY2018 Budget Expense Line to supplement the maintenance costs for Animal Control, or take any other action relative thereto.

Police Department

Advisory Board Recommendation: At Town Meeting.

Article 11 Explanation: The building is in disrepair and in need of several repairs as follows: fencing repairs, electrical work including lighting, interior kennel work, replace flooring in cat room, purchasing of a commercial grade washer and dryer and other repairs as needed

ARTICLE 12 Will the Town vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow \$1,000,000.00 (estimated) pursuant to Mass. Gen. L.c. 44 or any enabling legislation, from the State Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, and further authorize the Board of Selectmen to accept a grant of \$852,875.00 (estimated) from the State Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, and authorize the Treasurer, with approval of the Board of Selectmen, pursuant to Mass Gen. L.c.44 or any applicable law, to borrow \$617,625.00 (estimated) and/ or utilize unspent funds for seawall repair authorized by Article 8 STM 10-24-16 as the Town's contributing match, to fund the replacement and repair of a portion of the Ocean Street seawall, approximately 600 feet in length located in Brant Rock south of Franklin Street to just south of the North Street access ramp. The cost of said borrowing will be defrayed by the General Fund and said authorization to borrow is subject to the award of the State grant, or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 12 Explanation: A 90 foot section of the Brant Rock seawall had collapsed during the coastal storm in January 2015. The breach has been temporarily filled with rock. The storm also caused damage to the top of the seawall along that 600 foot section which has not been repaired. The Town applied for funding from the State Executive Office of Energy and Environmental Affairs Dam and Seawall Loan Fund, for the Brant Rock Seawall Reconstruction in the amount of (\$1,852,875.00) to replace approximately 450 linear feet of seawall and repair approximately 150 linear feet of existing seawall that was constructed in the 1930's along Ocean Street from Franklin Street to approximately 50 linear feet south of the North Street beach access ramp. The new seawall will be approximately 3.5 feet higher and constructed with a footing and a portion with protective toe revetment for 220 linear feet. The work will include reconstruction of the access ramp. The Town's share of the project is estimated to be \$1,617,625.00 (low interest loan of \$1,000,000.00 combined with a Town contribution of \$617,625.00 – estimated) of a total

project cost of \$2,470,500.00 (estimated).The permitting is complete and construction is anticipated to start in spring of 2018.

ARTICLE 13 Will the Town vote to authorize the Town Treasurer, with approval of the Board of Selectmen to borrow the sum of \$375,000 pursuant to Mass. Gen. L.c. 44 for the Town's share of a \$1,000,000 shorefront protection project, to be implemented by the Army Corps of Engineers, which involves placement of approximately 3,500 cubic yards of beach-compatible sediment, for a distance of approximately 300 linear feet in front of the seawall along Ocean Street extending south of Franklin Street, or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 13 Explanation: The Army Corps of Engineers (ACOE) conducted a Coastal Damage Reduction Feasibility Study in the Brant Rock and Fieldston areas under Section 103 of the Continuing Authorities Program (River and Harbor Act of 1962 as amended). The results of the study did not warrant further federal involvement under Section 103. However, the ACOE is recommending that coarse sand and cobble fill be placed under the Emergency Streambank & Shoreline Erosion Authority (Section 14). Protecting the seawall's toe would help prevent the wall from being undermined. The proposed project is in a sediment-starved area. The ACOE will be responsible for 65% of the project and the Town will be responsible for 35%. The annual O&M cost is \$3,000 and is the responsibility of the Town. The sum of \$25,000 of the \$375,000 borrowed by the Town will be used for local permitting. The ACOE will obtain all other permitting and construct the project. The beach nourishment will augment the protective seawall toe revetment which has been limited in footprint by the regulators. The DPW recommends raising the height of the seawall in this area in addition to adding the beach nourishment to minimize overtopping. The project would start in the Fall 2018 after the seawall is repaired, contingent upon Federal funding of the project.

ARTICLE 14 Will the Town vote to raise and appropriate, transfer from available funds or authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow an amount of 225,000.00, pursuant to Mass. Gen. L.c.44 or any enabling legislation, for the purpose of purchasing a 6 wheel dump truck which will be outfitted with a high discharge plow and a stainless steel sander. The cost of any borrowing will be defrayed by the General Fund, or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 14 Explanation: The current vehicle is a 1990 International 6 wheel dump truck. This vehicle is used as a front line snow plow and sander on major roads in Town. The current vehicle's cab mounts are rotted out and disconnected from the frame. The fuel tank is in need of

replacement. The current vehicle is 27 years old and requires constant maintenance and causes a strain on the equipment maintenance budget. In addition, the vehicle in its current state will be unable to pass any upcoming State mandated vehicle inspection. Any acquisition costs will include the lettering of the vehicle, as well as, installation/transfer costs related to the radio equipment.

ARTICLE 15 Will the Town vote to raise and appropriate, transfer from available funds or authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow an amount of forty thousand and six hundred dollars (\$40,600.00) pursuant to Mass. Gen. L.c.44 or any enabling legislation, for the purpose of purchasing three (3) High Discharge Snow Plows. The cost of any borrowing will be defrayed by the General Fund, or take any other action relative thereto.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 15 Explanation: The Town is in need of suitable equipment for impending snow storms. The status of the current snow plow inventory is rusted, rotted and dilapidated. During last year's snowstorms the current snow plows were constantly being repaired and welded, causing valuable snow plow vehicles to be off the road during peak storm hours. These delays allowed for substantial build up to occur, causing longer snow removal procedures. The current equipment are low impact plow blades which require multiple sweeps in order to push the snow aside. By upgrading the snow plow inventory with High Discharge plows, the snow removal operation will immediately become more efficient and effective increasing productivity of the snow plow operation Town-wide.

ARTICLE 16 - Will the Town vote pursuant to MGL c. 40 §21E, to amend Chapter 285 of the Code of the Town of Marshfield, Water, by inserting a new Article IV, Unpaid Charges and Termination of Service:

**ARTICLE IV
Unpaid Charges and Termination of Service**

§285-23. Intent and applicability. The adoption of this bylaw shall enable the Board of Public Works to establish due dates for the payment of water service and use charges and, in the event of non-payment, the accrual of interest, the recovery of fees and expenses, and termination of water service.

§285-24. Authority. This bylaw is adopted by the Town under MGL c. 40 §21E and MGL c. 41 §69B and its authority to implement and regulate water usage and public water supply in and for the Town of Marshfield.

§285-25. Purpose. The purpose of this bylaw is to authorize the establishment of due dates for municipal water bills, charges and assessments, interest rates on unpaid charges, collection of

fees and expenses on unpaid and/or late charges, and, where appropriate, the termination of water service and the recovery of fees and expenses to restore services.

§285-26. Definitions. See applicable Definitions under §285-14 as to definition of Person and Water Users or Water Consumers which are incorporated herein by reference.

§285-27. Municipal Charges. Pursuant to MGL c. 40, §21E, the due date for payment of municipal water charges and bills to any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity or Water Users or Water Consumers shall be 30 days from its issuance evidenced by the date of the postmark. If such bills or charges remain unpaid after such due date, interest shall be charged at the same rate as that on overdue tax bills under the provisions of MGL c. 57 §59. By law (MGL c 40 § 42B) all charges for water or service become a lien against the property immediately following the due date for such charge. Failure to pay before the next billing cycle may result in termination of water service as set forth herein.

§285-28. Late Notices and Notices of Termination. On or after the 30th day after the due date, a reminder notice may be issued to person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears, Water Users or Water Consumers. On or after the 45th day a past due notice will be issued by mail and (or) certified mail with interest along with the final date for shut-off, plus an administrative fee to be established by the Board of Public Works. On or after the 60th day notice will be delivered to the home in the form of a letter notifying the person(s), including individuals, corporations, trusts, partnerships, limited liability company, or other entity or Water User or Water Consumer that the water service will be shut off within 48 hours of notice. All bills, expenses, penalties, and administration cost must be paid in full before water service is restored, unless a payment plan has been worked out with the Town, acting by and through its Superintendent of Public Works and/or Treasurer-Collector.

§285-29. Termination Notice and Termination. If after 60 days the charges and bill(s) remains unpaid, a shut-off notice in the form of a certified letter will be sent initiating a 48 hour advance notice period prior to water service termination. After 48 hours, water service may be terminated by the Town, acting by its Board of Public Works, at any time subject to the exceptions set forth herein. The officers, employees or agents of the Town and/or Board of Public Works, may, upon any business day between the hours of 8:00 a.m. and 3:00 p.m. enter upon the premises of a person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears and close a valve, remove or disconnect a meter pipe or fitting, if necessary, for the purpose of effectuating the termination of the flow of water as above authorized.

§285-30. Exceptions for Special Circumstances: There will be no termination of service as follows:

- (a) between November 1st and April 1st, or
- (b) Everyone in the household is over 65, or

- (c) All adults living in the home are over 65 and a minor child resides in the home, or,
- (d) the Water User or Water Consumer who actually lives in the home is seriously ill, or,
- (e) there is a child under the age of one living in the home.

For the purposes of this exception policy, no water will be shut-off if anyone in the household (adult or child) has a serious illness. A serious illness can be (i) physical (such as asthma, or pneumonia), mental (such as depression or bipolar disorder), short-term (such as the flu), or long-term (such as cancer). In order to substantiate a serious illness, a letter from a doctor, nurse practitioner, physician assistant or the local Board of Health shall be required; however, a phone call from the doctor's office may be accepted temporarily, but a letter must be sent within 5 days to the Town, acting by and through its Superintendent of Public Works and/or Treasurer-Collector.

§285-31. Financial Hardship/Payment Plans: The Town, acting by and through its Superintendent of Public Works and/or Treasurer-Collector, may in recognition of appropriate circumstances involving some financial hardship, is authorized in its/their discretion, to approve a payment plan. A signed statement by the person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears or Water User or Water Consumer showing that his/her income falls within financial hardship guidelines established by the Board of Public Works (or by analogy the financial hardship guidelines in 220 CMR 25.01(2) (CMR applicable to regulated utility bills), shall be considered presumptive evidence of financial hardship unless otherwise determined by the Board of Public Works. In the event of any breach of the payment plan, termination of services may resume in accordance with this bylaw.

§285-32. Costs, Expenses and Reasonable Counsel Fees. The Town is authorized to recover from person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears or Water Users or Water Consumers its costs, expenses and reasonable attorneys' fees associated with unpaid water bills, charges and assessments, interest rates on unpaid charges, collection of fees and expenses, and costs to restore services.

§285-33. Rules and Regulations. The Board of Public Works is authorized to make rules and regulations and establish fees for termination of service and restoration of service.

§285-34. Severability. The invalidity of any portion or provisions of this bylaw shall not invalidate any other portion or provision thereof.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 16 Explanation: The proposed bylaw formalizes a process for addressing unpaid bills and expenses for municipal water service, including the establishment of due dates, interest,

termination notices and termination, authorizes payment plans and hardship considerations, and authorizes the establishment of rules and regulations.

ARTICLE 17 - Will the Town vote pursuant to MGL c. 40 §21E, to amend Chapter 223 of the Code of the Town of Marshfield, Sewer, by inserting the following additional sections, Unpaid Charges and Termination of Service:

§223-15. Unpaid Charges and Termination of Service.

A. Intent and applicability. The adoption of this bylaw shall enables the Board of Public Works to establish due dates for the payment of sewer and sewer use charges and, in the event of non-payment, the accrual of interest, the recovery of fees and expenses, and termination of sewer service.

B. Authority. This bylaw is adopted by the Town under MGL c. 40 §21E and its authority to implement and regulate sewer usage and the disposal of waste into the public sewer system of the Town of Marshfield.

C. Purpose. The purpose of this bylaw is to authorize the establishment of due dates for municipal sewer and sewer us bills, charges and assessments, interest rates on unpaid charges, collection of fees and expenses on unpaid and/or late charges, and, where appropriate, the termination of sewer service and the recovery of fees and expenses to restore services.

D. Definitions. See applicable Definitions under §223-2 which are incorporated herein by reference. A “person” shall mean any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity. A “Sewer User” or “Sewer Consumers” shall mean all users of the Town’s public sewer system, irrespective of any persons responsibility for billing purposes for sewer charges incurred at any particular facility.

E. Municipal Charges. Pursuant to MGL c. 40, §21E, the due date for payment of municipal sewer charges and bills by any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity shall be 30 days from its issuance evidenced by the date of the postmark. If such bills or charges remain unpaid after such due date, interest shall be charged at the same rate as that on overdue tax bills under the provisions of MGL c. 57 §59. By law (MGL c 40 § 42B) all charges for sewer become a lien against the property immediately following the due date for such charge. Failure to pay before the next billing cycle may result in termination of sewer service as set forth herein.

F. Late Notices and Notices of Termination. On or after the 30th day after the due date, a reminder notice may be issued to any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity responsible for said charges, Sewer Users or Sewer Consumers. On or after the 45th day a past due notice will be issued by mail and (or) certified mail with interest along with the final date for shutoff, plus an administrative fee to be established by the Board of Public Works. On or after the 60th day notice will be delivered

to the home in the form of a letter notifying the person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity and/or Sewer Users or Sewer Consumers that the sewer service will be shut off within 48 hours of notice. All bills, expenses, penalties, and administration cost must be paid in full before sewer service is restored, unless a payment plan has been worked out with the Town, acting by and through its Superintendent of Public Works and/or Treasurer-Collector.

G. Termination Notice and Termination. If after 60 days the charges and bill(s) remain unpaid, a shut-off notice in the form of a certified letter will be sent initiating a 48 hour advance notice period prior to sewer service termination. After 48 hours, sewer service may be terminated by the Town, acting by its Board of Public Works, at any time subject to the exceptions set forth herein. The officers, employees or agents of the Town and/or Board of Public Works, may, upon any business day between the hours of 8:00 a.m. and 3:00 p.m. enter upon the premises of any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears and close a valve, remove or disconnect a meter pipe or fitting, if necessary, for the purpose of effectuating the termination of the flow of sewer as above authorized.

H. Exceptions for Special Circumstances. There will be no termination of service as follows:

- (a) between November 1st and April 1st, or
- (b) Everyone in the household is over 65, or
- (c) All adults living in the home are over 65 and a minor child resides in the home, or,
- (d) the person, Sewer User or Sewer Consumer who actually lives in the home is seriously ill, or,
- (e) there is a child under the age of one living in the home.

For the purposes of this exception policy, no sewer will be shut-off if anyone in the household (adult or child) has a serious illness. A serious illness can be (i) physical (such as asthma, or pneumonia), mental (such as depression or bipolar disorder), short-term (such as the flu), or long-term (such as cancer). In order to substantiate a serious illness, a letter from a doctor, nurse practitioner, physician assistant or the local Board of Health shall be required; however, a phone call from the doctor's office may be accepted temporarily, but a letter must be sent within 5 days to the Town, acting by and through its Superintendent of Public Works and/or Treasurer-Collector.

I. Financial Hardship/Payment Plans. The Town, acting by and through its Superintendent of Public Works and/or Treasurer-Collector, may in recognition of appropriate circumstances involving some financial hardship, is authorized in its/their discretion, to approve a payment plan. A signed statement by the person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears showing that his/her income falls within financial hardship guidelines established by the Board of Public Works (or by analogy the financial hardship guidelines in 220 CMR 25.01(2) (CMR applicable to regulated

utility bills), shall be considered presumptive evidence of financial hardship unless otherwise determined by the Board of Public Works. In the event of any breach of the payment plan, termination of services may resume in accordance with this bylaw.

J. Costs, Expenses and Reasonable Counsel Fees. The Town is authorized to recover from any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears and/or Sewer Users or Sewer Consumers its costs, expenses and reasonable attorneys' fees associated with unpaid sewer bills, charges and assessments, interest rates on unpaid charges, collection of fees and expenses, and costs to restore services.

K. Rules and Regulations. The Board of Public Works is authorized to make rules and regulations and establish fees for termination of service and restoration of sewer service.

L. Severability. The invalidity of any portion or provisions of this bylaw shall not invalidate any other portion or provision thereof.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 17 Explanation: The proposed bylaw formalizes a process for addressing unpaid bills and expenses for municipal sewer service, including the establishment of due dates, interest, termination notices and termination, authorizes payment plans and hardship considerations, and authorizes the establishment of rules and regulations.

ARTICLE 18 - Will the Town vote pursuant to MGL c. 40 §21E, to amend Chapter 238 of the Code of the Town of Marshfield, Solid Waste, by inserting the following additional sections, Unpaid Charges and Termination of Service:

§238-5. Unpaid Charges and Termination of Service.

A. Intent and applicability. The adoption of this bylaw shall enables the Board of Public Works to establish due dates for the payment of trash disposal fees and curbside waste pickup fees as set forth in §238-2 and in the event of non-payment, the accrual of interest, the recovery of fees and expenses, and termination of curbside waste pickup service.

B. Authority. This bylaw is adopted by the Town under MGL c. 40 §21E and its authority to implement and regulate the disposal of solid waste in the Town of Marshfield.

C. Purpose. The purpose of this bylaw is to authorize the establishment of due dates for trash disposal fees and curbside waste pickup fees and charges, and other charges and assessments, interest rates on unpaid charges, collection of fees and expenses on unpaid and/or late charges,

and, where appropriate, the termination of trash disposal rights and/or curbside pickup service and the recovery of fees and expenses to restore services.

D. Municipal Charges. Pursuant to MGL c. 40, §21E, the due date for payment of municipal trash disposal fees and curbside waste pickup bills by any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity shall be 30 days from its issuance evidenced by the date of the postmark. If such bills or charges remain unpaid after such due date, interest shall be charged at the same rate as that on overdue tax bills under the provisions of MGL c. 57 §59. Failure to pay before the next billing cycle may result in termination of the right to dispose of trash and/or curbside waste pickup service as set forth herein.

E. Late Notices and Notices of Termination. On or after the 30th day after the due date, a reminder notice may be issued to any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity responsible for said charges. On or after the 45th day a past due notice will be issued by mail and (or) certified mail with interest along with the final date for shutoff, plus an administrative fee to be established by the Board of Public Works. On or after the 60th day notice will be delivered to the home in the form of a letter notifying the person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears that curbside waste pickup service will be terminated within 48 hours of notice. All bills, expenses, penalties, and administration cost must be paid in full before trash disposal or curbside waste pickup service is restored, unless a payment plan has been worked out with the Town, acting by and through its Superintendent of Public Works and/or Treasurer-Collector.

F. Termination Notice and Termination. If after 60 days the charges and bill(s) remain unpaid, a shut-off notice in the form of a certified letter will be sent initiating a 48 hour advance notice period prior to trash disposal or curbside waste pickup service termination. After 48 hours, trash disposal rights or curbside waste pickup service may be terminated by the Town, acting by its Board of Public Works, at any time subject to the exceptions set forth herein.

H. Financial Hardship/Payment Plans: The Town, acting by and through its Superintendent of Public Works and/or Treasurer-Collector, may in recognition of appropriate circumstances involving some financial hardship, is authorized in its/their discretion, to approve a payment plan. A signed statement by the person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears showing that his/her income falls within financial hardship guidelines established by the Board of Public Works (or by analogy the financial hardship guidelines in 220 CMR 25.01(2) (CMR applicable to regulated utility bills), shall be considered presumptive evidence of financial hardship unless otherwise determined by the Board of Public Works. In the event of any breach of the payment plan, termination of services may resume in accordance with this bylaw.

I. Costs, Expenses and Reasonable Counsel Fees. The Town is authorized to recover from any person, including individuals, corporations, trusts, partnerships, limited liability company, or other entity whose payments are in arrears its costs, expenses and reasonable attorneys' fees

associated with unpaid curbside waste pickup service bills, charges and assessments, interest rates on unpaid charges, collection of fees and expenses, and costs to restore services.

J. Rules and Regulations. The Board of Public Works is authorized to make rules and regulations and establish fees for termination of service and restoration of trash disposal rights or curbside waste pickup service.

K. Severability. The invalidity of any portion or provisions of this bylaw shall not invalidate any other portion or provision thereof.

Board of Public Works

Advisory Board Recommendation: At Town Meeting.

Article 18 Explanation: The proposed bylaw formalizes a process for addressing unpaid bills and expenses for trash disposal and curbside waste pickup, including the establishment of due dates, interest, termination notices and termination, authorizes payment plans and hardship considerations, and authorizes the establishment of rules and regulations.

ARTICLE 19 Will the Town vote to transfer a sum of money into the Stabilization Fund or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 19 Explanation: The Stabilization Fund is a special reserve account that currently has a balance of approximately \$2.3M dollars. Only the legislative body of the town (Town Meeting) may move funds into or out of the stabilization account. A majority vote is required to transfer funds into the account and a 2/3rds vote is required to move funds out of the stabilization fund for any legally authorized purpose.

ARTICLE 20 Will the Town vote to amend Chapter 34 Boating and Waterways Section 34-2 Definitions MARSHFIELD WATERWAYS COMMITTEE by increasing the number “seven” member advisory board to a “nine” member advisory board, or take any other action relative thereto.

Board of Selectmen

Advisory Board Recommendation: At Town Meeting.

Article 20 Explanation: The Harbormaster and Waterways Committee are seeking to expand the membership from 7 to 9 members.

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 14th day of September 2017.

BOARD OF SELECTMEN

Michael G .Bradley, Chairman

James J. Fitzgerald, Vice Chair

Joseph E. Kelleher, Clerk

A true copy, ATTEST:
Constable