

TOWN OF MARSHFIELD  
COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT

Special Town Meeting, Monday, November 4, 2013  
At 7:00 o'clock in the evening at the Furnace Brook Middle 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 Furnace Brook Middle School Auditorium on Monday, the 4th day of November 2013, at seven o'clock in the evening then and there to act on the following articles:

**ARTICLE 1** Will the Town vote to raise and appropriate or transfer from available funds the sums of money set forth in the below schedule for payment of unpaid bills incurred during the previous fiscal year or take any other action relative thereto.

Department	Vendor	Date	Amount	Funding Source
Solid Waste	Waste Solutions	6/30/2013	\$16,537.76	Solid Waste Retained Earnings
Selectmen	Elmwood Homes, LLC	6/30/2013	\$1,702.50	Free Cash
DPW	King Collision	4/23/2013	\$862.51	Free Cash
Police	King Collision	5/9/2013	\$590.26	Insurance Recovery Proceeds
Police	King Collision	5/10/2013	\$1,000.00	Free Cash
Police	King Collision	1/15/2013	\$1,000.00	Free Cash
			\$21,693.03	

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 1 Explanation: These are unpaid invoices from the previous fiscal year that need to be paid.*

**ARTICLE 2** Will the Town vote to authorize the Board of Selectmen to negotiate and enter into a new long term lease or lease extension with a term of up to 99 years with the North River Arts Society, a nonprofit organization which has occupied, maintained and improved the Town property located at 157 Main Street, Marshfield, Massachusetts or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 2 Explanation: The North River Arts Society intends to pursue any and all available funding for the further renovation or restoration project for the GAR Hall. This project is in the very early planning stages. The current lease may create an adverse situation for the NRAS, in obtaining grants for permanent renovation. Therefore, the NRAS is seeking approval to authorize the extension of the lease as described.*

**ARTICLE 3** Will the Town vote to act upon the recommendation of the Community Preservation Committee, Open Space Committee and the Board of Public Works for the fiscal year beginning July 1, 2013, to acquire by purchase, eminent domain, gift or otherwise and/or to further expend, or set aside for later expenditure, a sum of money from the Community Preservation Fund established pursuant to Massachusetts General Laws Chapter 44B, or take any other action relative thereto, as follows:

Item	Fund Category	Project	Amount	Department/Applicant
1	Open Space	Holly Hill Land Acquisition	\$497,000	DPW/Open Space Committee
2	Budgeted Reserve	To reserve a sum of money from FY2014 CPA revenues for Budgeted Reserve	\$28,331	Community Preservation Committee

It is further stipulated that:

*The department named in each specified project shall assume the responsibility to fully execute the project.*

*Any unused funds will be returned to the appropriating Community Preservation Act Fund.*

1. *The department named in each specified project shall assume the primary responsibility to fully execute the project; all contracts shall be signed by the Board of Selectmen, approved for form and content by Town Counsel, and approved as to funding by the Town Accountant. .*
2. *Any unused funds will be returned to the appropriating Community Preservation Act Fund.*
3. *CPA funds can be used for the purpose of matching grants from other sources.*

*As per Chapter 44B, the State match for Community Preservation Act funds is accumulated from fees at the Registries of Deeds across the Commonwealth. The State Legislature cannot allocate the funds for any other purpose.*

The Town Accountant is instructed to defray the aforesaid expenditures in the following manner:

**Item 1 – Holly Hill Land Acquisition:** To appropriate \$497,000 for the purchase of 45.67 acres by transferring \$248,500 from FY2014 Community Preservation Fund revenues and \$248,500 from Water Enterprise Retained Earnings. The Open Space Committee has recommended and the Community Preservation Committee and the Department of Public Works voted by majority, to spend \$497,000 of FY 2014 funds to purchase 45.67 acres of open space land off Holly Road from Scituate Federal Savings Bank. Bordering residential development, the Holly Road property is mapped habitat and located entirely within the Water Resources Protection District. Water resource protection and conservation are the most important open space goals for the Town of Marshfield. The land is rich in avian, mammalian, amphibian and reptilian habitat and connects and extends existing conservation land and is important to the protection of wildlife habitats and ecosystems that support biodiversity.

The acquisition includes 47 parcels of land and interest in abutting roads identified as Silverbirch Road, Bayberry Drive, Briarwood Road, Thistle Road and Holly Road, on Marshfield Assessors Map and said parcels identified as: H13-02-01A, H14-02-01A, H14-02-02A, H14-02-05A, H14-02-07, H14-02-09, H14-02-10, H14-04-08, H14-04-09, H14-04-17, H14-04-16, H14-04-15, H14-04-14, H14-04-13, H14-04-12, H14-04-11, H14-04-10, H14-02-06A, H14-02-08, H14-03-08, H14-03-10, H14-03-11, H14-03-12, H14-04-07, H15-07-11, H15-07-10, H15-07-9, H15-06-04, H14-04-06, H15-07-08, H14-03-06, H14-02-03A, H15-07-02, H15-07-03, H15-07-01, H14-03-05, H14-03-09, H14-03-07, H14-04-01, H15-07-14, H15-07-13, H15-07-12, H14-04-05, H14-04-04, H14-04-02, H14-02-04, H14-04-03 containing 45.67 Acres more or less, located off Holly Road for the further purpose of protection of groundwater for a municipal water supply.

**Item 2 – Budgeted Reserves:** To reserve \$28,331 from FY2014 Community Preservation Fund revenues for Budgeted Reserves.

Community Preservation Committee/Open Space Committee/Board of Public Works

**Recommendation: At Town Meeting.**

**ARTICLE 4** Will the Town vote to expend a sum of money from Insurance Recovery Proceeds to replace and/or repair the following town assets that have been damaged and for which insurance proceeds have been or will be received

Police Cruiser	sum of money
Furnace Brook Boiler	\$29,850
Any other damaged asset	sum of money

or take any other action relative thereto.

Treasurer/Collector

**Recommendation: At Town Meeting.**

*Article 4 Explanation: One of the police cruisers was destroyed in an accident over the summer. The Furnace Brook boiler sustained damage covered by insurance and these funds will be used to repair the boiler. Since the insurance recovery proceeds are in excess of \$20,000 for each of the above listed items Town Meeting approval is required.*

**ARTICLE 5** Will the Town vote to rescind the Article 2 STM 04/2010 acceptance of the Jared Barrows Scholarship and return a sum of money to the family of Jared Barrows or take any other action relative thereto.

Treasurer/Collector

**Recommendation: At Town Meeting.**

*Article 5 Explanation: The family of Jared Barrows would like to utilize the scholarship fund to make a capital gift to the new high school basketball program in memory of Jared. The fund had a net balance of just over \$4,000 at the printing of this warrant.*

**ARTICLE 6** Will the Town vote to amend Article 32 of the Town of Marshfield General Bylaws as follows:

## **Article Thirty Two – Waterways**

### **SECTION 2: DEFINITIONS**

**By adding to the Existing Definitions the term:**

Houseboat: Shall mean any boat/vessel designed primarily for human habitation, dwelling or entertaining and which is not motorized. Some houseboats may also be known as a shanty boat.

### **SECTION 6: WATERWAYS OF THE TOWN OF MARSHFIELD GENERAL REGULATIONS**

**By deleting the existing subsection 15 in its entirety and replacing it with the following:**

15. No trailered vessel shall be launched from any Town pier or launch ramp without the person launching the vessel having obtained a launch permit from the Harbormaster. Skiffs with a valid skiff permits are considered to have a launch permit. Launch ramp fees are established by the Harbormaster and approved by the Board of Selectmen. Any person found launching a trailered vessel without a permit shall be fined by a fee of not more than \$50.00 for each violation.

**By adding a new subsection 18 as follows:**

18. Houseboats are prohibited from mooring or anchoring within Town waters, except at marinas which provide the following:

- (a) A permanent float, dock or slip from which the houseboat may be directly accessed from land;
- (b) A sewer connection to a public sewage system; or sewage pumpout i.e. tight tank system;
- (c) An allweather supply of electricity year-round;
- (d) A connection to a public water supply by means of an individual anti-backflow valve; and
- (e) Compliance with all applicable Town By-Laws and safety requirements.

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## SECTION 9: PENALTIES

**By deleting the existing language under Section 9 and replacing it with the following new language:**

Any person who violates any provision of this Bylaw, the Harbormaster's Regulations and/or any Shellfish Regulations (set forth in Article Ten shall be punished by a fine of not more than \$150.00 for the first offense (with the exception of illegal taking of shellfish which shall be a fine of not more than \$300.00 per each offense), \$250.00 for the second offense and \$300.00 for a third offense. Each day of portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This Bylaw may be enforced by the Harbormaster, Shellfish Constables/Wardens and/or Police Officers.

or take any other action relative thereto.

Mike Dimeo, Harbormaster

**Recommendation: At Town Meeting.**

*Article 6 Explanation: These articles help to clarify interpretation of Town Bylaws and regulations. Secondly, they serve to forecast in the protection of the Towns waterways and natural resources.*

**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, 2013 and /or for prior fiscal years:

- Association of Marshfield Police
- Ventress Library Professional Association

or take any action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 7 Explanation: The Town is currently negotiating collective bargaining agreements. Settlements are presented under MGL Chapter 150E for funding the first year of the settlement.*

**ARTICLE 8** Will the Town vote to make the following adjustments to the Fiscal Year 2014 General Fund budget line items voted as Article 7 at the April 2013 Annual Town Meeting by transferring a sum of money from Free Cash to the following FY 2014 budgets:

Auto Fuel	\$42,000
Facilities (Salaries)	sum of money
Animal Control (Capital Outlay)	\$ 9,500
Legal (FEMA Flood Maps)	\$50,000
Debt Service Inside LT Interest	\$18,711

or take any action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 8 Explanation: This article is needed to adjust certain fiscal 2014 General Fund budget line items. The congressional sequestration has impacted the Town's reimbursement from the federal government for the interest on its qualified energy conservation bond which financed the ESCO project. The first interest reimbursement was reduced from 100% to 91.3% and it has just been announced that the second reimbursement will be reduced from 100% to 92.7%.*

**ARTICLE 9** Will the Town vote to raise and appropriate, transfer from available funds or borrow, a sum of money for the following General Fund purposes, or take any other action relative thereto.

DEPARTMENT	PROJECT/PROGRAM	FY14 Request	FY 14 CBC Recommend	Funding Source
Information Technology	SAN Storage Upgrade	\$62,000	TBD	At town meeting
	Emergency Supply & Shelter			
Police-Emergency Mgmt	Preparation Unit	\$25,099	\$25,099	Free Cash
<b>GRAND TOTAL GENERAL FUND</b>		<b>\$87,099</b>	<b>\$25,099</b>	

Capital Budget Committee

**Recommendation: At Town Meeting.**

**ARTICLE 10** Will the Town vote to amend the Personnel Bylaw by adding the title of Finance Director (salary to be determined by the Board of Selectmen) to Section 11. Position Classes and Compensation Schedules – Schedule A- General Government Positions and to reclassify the position Project Coordinator in Schedule A from a Grade 6 to a grade 7 or take any action in relation thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

**Recommendation: At Town Meeting.**

*Article 10 Explanation: The Board of Selectmen/Town Administrator would like to add the title to the current position of Treasurer/Collector. This is not a Charter change. The purpose of the change is to more accurately reflect the actual duties of the position. The Project Coordinator at the Council on Aging is a professional position responsible for the administration of over 300 volunteers that has increased in complexity with a high degree of confidentiality.*

**ARTICLE 11** Will the Town vote to act upon the recommendation of the Board of Public Works to authorize the acquisition by purchase, eminent domain, gift or otherwise by the Town of a parcel of land and buildings identified on Marshfield Assessors Map C11 02-09 containing 14 acres, more or less, known as and numbered 80 Union Street for the purpose of protection of groundwater for a municipal water supply and to authorize the Town Treasurer to borrow a sum of money for the purchase with costs defrayed from the Water Enterprise fund or take any action relative thereto.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 11 Explanation: The property is located within a Water Resource Protection District WRPD and approximately 2000 linear feet from one of the Union Street municipal water supply wells.*

**ARTICLE 12** Will the Town vote to act upon the recommendation of the Board of Public Works to authorize the acquisition by purchase, eminent domain, gift or otherwise by the Town of a parcel of land and buildings identified on Marshfield Assessors Map H07-01-04 containing .396 acres and known as and numbered 1952 Ocean Street for the purpose of cemetery expansion and to authorize the Town Treasurer to borrow a sum of money for the purchase, with cost defrayed from the General Fund or take any action relative thereto.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 12 Explanation: This property is located adjacent to Cedar Grove Cemetery. The Board of Public Works is considering using this property to expand the cemetery.*

**ARTICLE 13** Will the Town vote to amend the Marshfield Zoning Map dated April 24, 2012 so as to include within the Business –Waterfront (B-4) Zoning District that portion of the Assessors Map/Block/Lot I16-12-14A also known as 20 Sea Street which is now partially in the Residential-Waterfront (R-3) Zoning District leaving the entire parcel zoned only in the Business –Waterfront (B-4) Zoning District, or take any other action in relation thereto.

Planning Board

**Recommendation: At Town Meeting.**

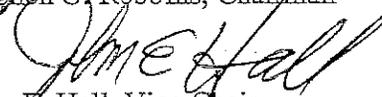
*Article 13 Explanation: This article proposes to amend the official Zoning Map by shifting the Business Waterfront (B-4) Zoning District boundary to encompass all of lot I16-12-14A, 20 Sea Street. Currently the property at 20 Sea St. is a split lot that is divided with a portion of the property in the Residential Waterfront (R-3) district and a portion in the (B-4) Zoning District.*

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 30th day of September 2013.

BOARD OF SELECTMEN

  
Stephen G. Robbins, Chairman

  
John E. Hall, Vice Chair

  
Matthew J. McDonough, Clerk

A true copy, ATTEST:  
Constable