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TOWN OF MARSHFIELD  
COMMONWEALTH OF MASSACHUSETTS  
SPECIAL TOWN MEETING WARRANT

Special Town Meeting, Monday, April 27, 2009

At 7:30 o'clock in the evening at 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 Gymnasium on Monday, the 27th day of April 2009, at seven-thirty in the evening then and there to act on the following articles:

**ARTICLE 1** Will the Town vote to make the following adjustments to the Fiscal Year 2009 General Fund budget line items voted as Article 6 at the April 2008 Annual Town Meeting:

Transfer from the following FY 2009 budgets:

Utilities	\$100,000
Employee Benefits:	\$268,000
Medicare:	\$110,000
General Insurance:	\$134,000
	\$612,000

Transfer to FY 2009 budgets:

Veterans Expenses – Benefits	\$69,000
Snow & Ice	\$543,000
	\$612,000

Or take any other action relative thereto?

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 1 Explanation: This appropriation will fund those general fund line items which are experiencing shortfalls for unforeseen circumstances by transferring funds from line items which are performing better than expected.*

**ARTICLE 2** Will the Town vote to transfer the sum of \$10,000 from Article 2 of the April 2008 STM – Contractual Salary Settlement to fund a contractually required wage and classification study in the current collective bargaining contracts or take any other action relative thereto?

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 2 Explanation: This appropriation will fund a wage and classification study to compare positions internally and externally, for fairness, equity and competitiveness.*

**ARTICLE 3** Will the Town vote to accept the provisions of Mass General Laws Chapter 33 Section 59 as amended or take any other action relative thereto?

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 3 Explanation: This provision was accepted by the Department of Public Works Union and Town through collective bargaining. Acceptance of this statute will allow a DPW employee, during his/her time of service as a member of a reserve component of the armed forces of the United States, to receive pay without loss of his ordinary remuneration as an employee of the Town and also be entitled to the same leaves of absences or vacation with pay given to other like employees.*

**ARTICLE 4** Will the Town vote to raise and appropriate or transfer from available funds the sum of \$5,000.00 for payment of unpaid bills incurred during the previous fiscal year or take any other action relative thereto.

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>
Accounting	Thevenin, Lynch & Bievenue	\$5,000.00

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 4 Explanation: This is an invoice from a previous fiscal year that needs to be paid.*

**ARTICLE 5** Will the Town vote to authorize the Selectmen to enter into a certain land swap agreement with Mark Zych and Kacey Zych of 1119 Forest Street, Marshfield, MA. Such land swap to be in full settlement of litigation between Mark and Kacey Zych and the Town of Marshfield with respect to the ownership of a certain parcel of land located on Forest Street. All in accordance with a certain plan on file with the Town Clerk's office, or take any other action relative thereto.

Board of Selectmen

**Recommendation: At Town Meeting.**

*Article 5 Explanation: This article authorizes the settlement of a title dispute between Board of Selectmen, Mr. & Ms. Zych and the Town of Marshfield relating to a small strip of land, which they have been using as part of their yard, the record title to which stands in the Town of Marshfield. The purpose of the settlement is to allow the Town to have sufficient frontage for its land to be used for a proposed water tower and to allow Mr. & Ms. Zych to add to their property land which they have been using as a yard and driveway in connection with their single family dwelling.*

**ARTICLE 6** Will the Town vote to appropriate \$43,530 to meet the FY2009 COLA which was not funded in the April 2008 Town Meeting articles for the Enterprise Funds by:

transferring \$10,288 from STM 04/2008 Article 2 – FY2008 Contractual Settlements and \$9,642 from Water Retained Earnings to Water Enterprise Salaries;

transferring \$7,325 from STM 04/2008 Article 2 – FY2008 Contractual Settlements and \$7,735 from Wastewater Retained Earnings to Wastewater Enterprise Salaries and

transferring \$5,157 from STM 04/2008 Article 2 – FY2008 Contractual Settlements and \$3,353 from Solid Waste Retained Earnings to Solid Waste Enterprise Salaries

or transfer from any other available revenues or take any other action relative thereto?

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 6 Explanation: The FY 2009 COLA was funded for the General Fund employees but not for Enterprise Fund employees at the 2008 Annual Town Meeting. By waiting until the spring, only those funds truly necessary need to be transferred.*

**ARTICLE 7** Will the Town vote to accept a bequest from the Shirley S. Smith Trust for the care and maintenance of the Cedar Grove Cemetery or take any other action relative thereto?

Treasurer/Collector

**Recommendation: At Town Meeting.**

*Article 7 Explanation: The Town was notified that it had been named as a beneficiary of a trust established in 1956 by the deceased and two other people. The trust has a value of \$11,000 and the Town's portion will be 6.78%. If Town Meeting accepts the gift, it would become part of the Perpetual Care Fund.*

**ARTICLE 8** Will the Town vote to rescind the following unused authorizations to borrow in accordance with Chapter 44, Sections 7 and 8, the other provisions of such articles to remain in full force and effect or take any other action relative thereto?

Art 4, ATM 04/2007	\$ 1,000	Mower
Art 4, ATM 04/2007	\$ 158,000	Telegraph Hill drainage
Art 4, ATM 04/2007	\$ 190,000	Eames Way roof replacement
Art 16, ATM 04/2008	\$ 10,000	Library roof replacement
Art 4, ATM 04/2008	\$ 4,000	Dump truck ( #160) replacement
Art 4, ATM 04/2008	\$ 21,000	Dump truck ( #101) replacement
Art 4, ATM 04/2005	\$ 628,000	WWTF Building Repairs

Treasurer/Collector

**Recommendation: At Town Meeting.**

*Article 8 Explanation: This article rescinds borrowing approvals from earlier Town Meetings. The projects were completed without the need to borrow the full authorized amount or the projects weren't able to be completed in a timely manner and will be resubmitted at a later date.*

**ARTICLE 9** Will the Town vote to accept Chapter 479 of the Acts of 2008 to establish an Other Post Employment Benefits Liability Trust Fund and further to transfer \$10,000 from Article 2 of the April 2008 STM – Contractual Salary Settlement fund to that fund or take any other action relative thereto?

Treasurer/Collector

**Recommendation: At Town Meeting.**

*Article 9 Explanation: Pursuant to Government Accounting Standards Board Statement 45, the Town contracted with an actuary to identify the liability of health care and other post employment benefits offered to its employees. By accepting the above statute, the Town will have the ability to establish a trust fund and adopt a funding schedule by which to fund the liability.*

**ARTICLE 10** Will the Town of Marshfield vote to transfer from Assessors' Overlay Surplus the sum of \$12,200 for the purpose of continuing to fund the cyclical inspection program required by the Department of Revenue.

Board of Assessors

**Recommendation: At Town Meeting**

*Article 10 Explanation: The Department of Revenue requires that every town conduct an inspection program to ensure the data quality of the Assessors' property records. The Town of Marshfield is on a nine year cycle. Our deadline for completion of this program is FY2011. These funds allow us to conduct approximately 800 inspections every summer. Discontinuing this program not only will put the town's certification at risk, it will reduce the amount of new growth.*

**ARTICLE 11** Will the Town vote to act upon the recommendation of the Board of Public Works, to authorize the Board of Public Works, on behalf of and in the name of the Town, to acquire ownership in fee simple of the below described parcel of land for the purposes of protection of the Webster Well Aquifer well field drinking water source, and to expend \$450,050 from the Water Enterprise Retained Earnings, and further to authorize the Board of Selectmen, to grant a permanent deed restriction meeting the requirements of General Laws Chapter 184 limiting the property to the purpose for which it was acquired and that the Board of Selectmen and Board of Public Works be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments necessary to effectuate the purpose of this article. Said deed restrictions may be granted to any organization qualified and willing to hold such a restriction. Said Parcel shall be subject to the provisions of Article 97 of the State Constitution. Further, will the Town authorize the Board of Public Works to accept a Drinking Water Supply Protection Grant from the State Executive Office of Environmental Affairs, the proceeds of which shall be transferred into the Water Enterprise Retained Earnings account , or take any other action relative thereto.

Portion of Lot J03-02-07 off Careswell Street, 16.17+/- acre undeveloped land for a purchase price of \$450,050, as shown on a plan to be filed with the Town Clerk.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 11 Explanation: The property is located off Careswell Street and Steamboat Drive and is 16.17 acres more or less that the Town wishes to acquire for water protection purposes. The land is located within Zone 2 of the Webster Well Aquifer which feeds the well fields for the Webster 1&2 wells.*

**ARTICLE 12** Will the Town vote to authorize the acquisition by eminent domain under the provisions of Chapter 79 of the Massachusetts General Laws with no land damages to be paid therefore, a certain parcel of land on the northeasterly side of Snow Road containing approximately 255 square feet, shown on a plan drawn by Stenbeck and Taylor, Inc. Marshfield, Mass. and on file with the Town Clerk's Office, or take any other action relative thereto.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 12 Explanation: This parcel was created as a result of the newly relocated Snow Road and contains drainage structures which are tied into the Town's drainage system. The parcel became isolated from the Curtlo LLC parcel H07-04-25A and will be combined with adjacent existing Town land utilized for access and parking.*

**ARTICLE 13** Will the Town vote to relocate the layout of Snow Road from Stratton Avenue to Webster Street as a Public Way under the provisions of Chapter 82 of the Massachusetts General Laws, and to authorize the acquisition of land by eminent domain necessary to such relocation under the provisions of Chapter 79 of the Massachusetts General Laws, with no damages to be paid therefore; all as shown on a plan drawn by Stenbeck & Taylor, Inc., Marshfield, Massachusetts and on file in the Town Clerk's Office, and further to transfer the discontinued portion of Snow Road as it currently exists from the custody and control of the Board of Public Works to the Board of Selectmen, a portion of such discontinuance to be dedicated to the use for public vehicular access to abutting parcels and parking, as shown on such plan, or take any other action related thereto.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 13 Explanation: This article provides for the acceptance of a portion of Snow Road that has been relocated to intersect with Webster Street opposite Library Plaza and has been constructed to meet Town Standards. The Town previously voted to relocate this portion of Snow Road at ATM 2008 in accordance with Article 12. However, the relocation was not executed based on the unsuccessful land swap between abutters. The*

*Town has obtained release agreements from abutters to allow the takings to take place with no land damages.*

**ARTICLE 14** Will the Town vote to authorize the Board of Public Works to take by eminent domain a drainage and utility easement, with no land damages to be paid therefor, for the purpose of installation, upgrading, reconstructing and maintaining drainage structures, and public utilities consisting of approximately 450 sq. ft. area on Assessors Parcel K10-19-01 and approximately 450 sq. ft. area on Parcel K10-19-35A as shown on a plan “Drainage and Utility Easement at Bass Creek and Ocean Street to be taken by Town of Marshfield”, dated February 12, 2009 by Hoyt Land Surveying of Weymouth, MA filed with the Town Clerk or take any action relative thereto.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 14 Explanation: There are existing drainage structures and utilities located outside the road layout that require upgrading and relocation.*

**ARTICLE 15** Will the Town vote to authorize the Board of Selectmen to grant a non exclusive 15 foot wide electrical utility easement to NSTAR Electric Company within the layout of Eames Way and as shown on Plan: “Plan Showing Proposed NSTAR Electrical Easement Town of Marshfield, MA” dated September 8, 2008 by Hoyt Land Surveying, Weymouth, MA and filed with the Town Clerk or take any action relative thereto.

Board of Public Works

**Recommendation: At Town Meeting.**

*Article 15 Explanation: The easement is required to allow the utility company to install and maintain underground electric power lines and equipment to supply the new Carolina Hill water tank.*

**ARTICLE 16** Will the Town vote to act upon the recommendation of the Community Preservation Committee to expend from the Community Preservation Fund established pursuant to M.G.L.Chapter 44B by transferring from such Fund a sum of money not to exceed \$250,000 for the purposes of the construction of a community playground with such money to be expended for playground equipment, surfacing, landscaping and other costs associated with the construction of said playground. The Town Accountant shall allocate any expenditures authorized by this article among Community Preservation Act funds and receipts as provided by vote of Town Meeting.

Board of Selectmen/Playground Committee/  
Community Preservation Committee/

Marshfield Kids at Play, Inc.

**Recommendation: At Town Meeting.**

*Article 16 Explanation: This article proposes an appropriation of a part of the cost of a fully accessible and sustainable new community playground for the children of Marshfield in Library Plaza. The remainder of the cost associated with the playground is to be privately fundraised.*

**ARTICLE 17** Will the Town vote to establish a General By-Law which states the following: “The hunting of any wildlife on lands controlled by the Marshfield Conservation Commission shall be prohibited” or take any other action relative thereto.

Petition of William C. Finn, et.al.

**Recommendation: At Town Meeting**

**ARTICLE 18** Will the Town vote in consideration of the preservation and care of its natural resources, including lands to be deeded to the Town of Marshfield, should the Town vote to establish a Special Study Group or, in the alternative, Ad Hoc Committee, subject to the conditions below, to address the Matter pertaining to what is known as the Beacon 40B project proposal, now before the Commonwealth of Massachusetts, Superior Court, Civil Division under docket 07PLCV-197B?

The Study Group, or Committee shall consist of five members, two appointed by the Moderator and three provided by the “Residents Group” in the above referenced matter. The Committee shall be continue unimpeded by any Board or other Committee in the Town; report to the next Special Town Meeting and be subject to reauthorization of a subsequent Special Town Meeting. The Committee shall convene as soon as practicable and as soon as a quorum is in place, after the close of the Special Town Meeting. The Committee shall perform in an advisory capacity, to ensure the open disclosure of efforts and spending. The Committee shall conduct open meetings as needed on the status and progress of any litigation and technical matters relating to wildlife habitat protection and related subjects, connected to the above referenced Matter and resulting from 1) Any Remand ordered by the Superior Court, and 2) The ongoing monitoring of the subject proposed development project.

The Committee and efforts shall be supported by the appropriation of \$20,000 raised from the FY2009 tax levy. Said funds to be used to support the costs of litigation and consulting fees in any potential Remand in the above referenced Matter and in full and complete cooperation with, the “Ten Residents” of the Matter. Invoices for technical and litigation support shall be submitted to and paid by the Town Treasurer following review and approval of the Committee.

Petition of Charles Haddad, et.al

**Recommendation: At Town Meeting.**

**ARTICLE 19** Will the Town vote that The Airport Commission shall consist of seven (7) members. A minimum of 5 members shall live within 1,500 feet of the airport runway, or below and within the approach and take-off zones for the runways defined by the areas extending 2 miles from the ends of the runways and bounded by the extended lines of the Runway Protection Zones(RPZ's) as defined by applicable federal regulations. The Airport Commission shall appoint and maintain a permanent Citizen's Advisory Committee of seven (7) members to be appointed on a schedule parallel to that of the Commissioners.

Petition of Joseph Pecevich, et.al

**Recommendation: At Town Meeting.**

DRAFT

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 19th day of February 2009.

MARSHFIELD BOARD OF SELECTMEN

Katharine N. O'Donnell, Chairman

Michael A. Maresco

Patricia J. Reilly

A true copy, ATTEST:  
Constable