

TOWN OF EAST BRIDGEWATER



Transcript of Articles in the Warrant for the

SPECIAL TOWN MEETING

And

Report of the Finance Committee

Monday, November 14, 2022

At 7:00 p.m.

Please bring this report to the meeting for use in the proceedings at the

**JUNIOR/SENIOR HIGH SCHOOL
143 Plymouth Street**

TABLE OF CONTENTS

Call to the Special Town Meeting	3
Glossary of Terms	4
Index of Special Town Meeting Articles	6
Special Town Meeting Articles	7
Appendix 1 – Parliamentary Procedures	35
Appendix 2 – Finance Committee Recommended Sources of Funds	37

- IMPORTANT -

This Warrant contains Articles, explanations, recommendations, and appendices. Only the Articles are part of the “official” call to Town Meeting. The explanations and appendices are editorial, and the recommendations expressed are those of the Finance Committee. Only the Articles are part of the official Town Meeting warrant.

TOWN OF EAST BRIDGEWATER



Commonwealth of Massachusetts

WARRANT FOR THE SPECIAL TOWN MEETING

Monday, November 14, 2022

At 7:00 o'clock in the evening
at the Junior/Senior High School, 143 Plymouth Street

Plymouth, ss

To any of the Constables of the Town of East Bridgewater, in said County of Plymouth, Commonwealth of Massachusetts.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of East Bridgewater, who being qualified to vote in elections and Town affairs, to meet at the Junior/Senior High School, 143 Plymouth Street, in said East Bridgewater, on Monday, the 14th day of November 2022 at 7:00 p.m.; then and there to act upon the enclosed articles, to wit:

In case all articles in the foregoing Warrant shall not be acted upon at the Meeting called for on Monday, November 14, 2022, to meet in Adjourned Sessions at such time and place as the meeting shall determine.

This building is accessible to the handicapped, and designated parking is provided. If requested, at least one week before the meeting, warrants with large print can be available. Please call the Town Clerk's office at least one week before the Town Meeting at 508-378-1606.

GLOSSARY OF TERMS

Appropriation: An authorization to make expenditures and to incur obligations for specific purposes. An appropriation is granted by Town Meeting and is usually limited in time and amount as to when it may be expended. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts to surplus, which may become Free Cash. A specific appropriation is carried forward from year to year until spent for the designated purpose or transferred by Town Meeting vote to another account.

Assessed Valuation: A valuation set upon real or personal property by the Board of Assessors as a basis for levying taxes.

Budget: A plan of financial operation consisting of an estimate of proposed expenditures for a given period and the means of financing them. The budget is voted in the spring at Town Meeting for the fiscal year that begins the following July 1st.

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current year.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated payments to the town for the next fiscal year and the estimated state and county government charges payable by the town. The Assessors in setting the tax rate use these amounts. The actual receipts and charges may vary from the estimates.

Debt Service: Payment of interest and repayment of principal to holders of the Town's debt instruments.

Fiscal Year: A 12-month period, commencing July 1 and ending June 30, to which the annual budget applies. Fiscal years are often denoted FYXX with the last two numbers representing the calendar year in which it ends; for example, FY21 is the fiscal year ending June 30, 2022.

Free Cash: Free cash is the portion of the unreserved fund balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves also reduced by reserves for uncollected taxes. This is also referred to as "available cash." The amount is certified annually by the Massachusetts Department of Revenue.

General Fund: The major town-owned fund created with town receipts and is charged with expenditures payable from 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 governments. Grants are usually made for specific purposes.

Line-Item Budget: A format of budgeting that organizes costs by type of expenditure such as expenses, equipment, and salaries.

OPEB: Other Post-Employment Benefits. Benefits that an employee of the town will receive in retirement. OPEB does not include pension benefits paid to the retired employee. Other benefits include insurance premiums, healthcare premiums, and deferred-compensation contractual arrangements.

Overlay: The amount set aside to allow for uncollected property taxes. An amount for the overlay is added to the appropriations and other charges. Overlay Surplus – see below.

Overlay Surplus: The unused amount of the overlay for prior years, which may be transferred, by a vote of the Town, to the reserve account, or used for extraordinary items.

Property Tax Levy: The amount produced by multiplying the property's assessed valuation 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 Finance Committee for extraordinary or unforeseen expenditures.

Stabilization Fund: A special reserve funded by Town Meeting for future expenditures.

Tax Classification Tax Allocation: Before setting the tax rate each year, a classification hearing is held by the selectmen to determine the shares of the tax levy to be paid by each class of property in the community, and whether to allow an open space discount, residential exemption, or small commercial exemption. The Assessors provide information about the impact of these options at the hearing. The decisions of the Selectmen are reported to the Bureau of Accounts and are referred to as the "Classification Tax Allocation."

Terms associated with Proposition 2½:

Debt or Capital Exclusion: The Town can assess taxes in excess of the levy limit by voting a debt exclusion or capital outlay exclusion. This amount does not become a permanent part of the levy limit base but does allow the Town to assess taxes for a specific period in excess of the limit for payment of debt service costs or payment of capital expenditures.

Excess Levy Capacity: The difference between the Town's tax levy limit and its actual tax levy for the current year. It is the additional tax levy that could be raised without asking for an override.

New Growth: The amount of property tax revenue that the Town can add to its allowable tax levy due to new construction, alterations, subdivisions, or change of use, which increases the value of a parcel of land by more than certain amounts.

Override: An amount voted by the Town, which is permanently added to the levy limit. A majority vote of the Selectmen allows an override question to be put on the ballot. Override questions must be presented in dollar terms and must specify the purpose of the override. Overrides require a majority vote of approval by the Town.

Tax Levy Limit: The maximum amount of the tax levy for a period under the restrictions of Proposition 2½. It is calculated as the prior-year limit plus new growth plus 2.5% of the prior year levy limit.

Index of Articles for the Special Town Meeting

Article	Purpose	Submitted By	Page
1	Employment Contracts	Board of Selectmen	7
2	Non-Union Wage Grid	Board of Selectmen	7
3	Capital Budget	Capital Budget Committee	7
4	Library Budget	Board of Selectmen	8
5	Electricity and Natural Gas	Board of Selectmen	8
6	Change in budget short term loans	Board of Selectmen	8
7	Bicentennial	Board of Selectmen	8
8	Opioid Settlement	Board of Selectmen	8
9	Accept MGL Chapter 40 Section 5B	Board of Selectmen	9
10	Opioid Settlement	Board of Selectmen	9
11	Opioid Settlement	Board of Selectmen	9
12	East Bridgewater Community Access Media – Enterprise Fund	Board of Selectmen	9
13	Kennel License Bylaw	Town Clerk	9
14	Hobby License	Town Clerk	9
15	Accept MGL Chapter 40 Section 22f	Board of Selectmen	10
16	Accept MGL Chapter 83 Section 15C and 16A	Board of Selectmen	10
17	Sewer Extension Project Bylaw	Board of Selectmen	10
18	Stabilization Fund for Energy Incentives	Board of Selectmen	17
19	Energy Incentives	Town Accountant	17
20	Rescind Borrow Authorization	Town Accountant	17
21	Transfer Request Precise engineering	Board of Selectmen	17
22	Transfer Request	Fire Chief	17
23	Transfer Request	Fire Chief	18
24	Transfer Request	Fire Chief	18
25	Fees associated with violations	Planning Board	18
26	Wetlands Bylaw	Conservation Commission	19
27	Updated Fees	Conservation Commission	32

TOWN OF EAST BRIDGEWATER



Commonwealth of Massachusetts

WARRANT FOR SPECIAL TOWN MEETING
Monday, November 14, 2022

At 7:00 o'clock in the evening
at the Junior/Senior High School, 143 Plymouth Street

ARTICLE 1: To see if the Town will raise and appropriate or transfer from available funds the sum or sums of money required to meet obligations for union and personal contracts; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

This article provides a fund of money to pay union, non-union, personal contracts, and retirement obligations.

ARTICLE 2: To see if the Town will raise and appropriate or transfer from available funds the sum or sums of money required to make changes in wage line items based on changes in the non-union personnel new wage grid; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

ARTICLE 3: To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sums recommended, or any other sum or sums, for Capital Outlay for the Town Departments, as set forth in the following schedule and determine whether such sums will be provided by taxation or by transfer or by a combination thereof,

Department	Item Description	Department Request	Capital Budget Committee Recommends	Source of Funds
IT	EBCAM Security	\$16,000		EBCAM Revolving Fund
DPW	Utility Truck	\$45,000		Water Department Fund Balance
Library	Security Cameras	\$20,000		General Stabilization
Recreation Commission	Feasibility Study – Leland Farms	\$75,000		General Stabilization

or take any other action thereon or in relation thereto.

Requested by the Capital Budget Committee

This Article provides for some of the capital requests in the budget.

The Finance Committee will give its report at Town Meeting.

ARTICLE 4: To see if the Town will raise and appropriate or transfer from available funds the sum or sums of money required to make changes in the library budget for Library Director Salary; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

ARTICLE 5: To see if the Town will vote to raise and appropriate ~~and~~ or transfer from available funds, the sum of \$XXXX to Account No 1-195-520-5211, Electricity and Natural Gas ~~for the purpose of~~; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

~~**ARTICLE 6:** To see if the Town will vote to Change in budget for interest in short term loans....; or take any other action thereon or in relation thereto.~~

~~Requested by the Board of Selectmen~~

~~**ARTICLE 7:** To see if the Town will vote to appropriate and transfer from Account No. _____, _____ the sum of \$XXXX to Account No. 23-122-846-4860, Bicentennial, for the purpose of funding the Towns Bicentennial celebration; or take any other action thereon or in relation thereto.~~

~~Requested by the Board of Selectmen~~

~~**The purpose of this article is to fund yearlong community activities to celebrate the Towns bicentennial.**~~

ARTICLE 8: To see if the Town will raise and appropriate or transfer from available funds a sum or sums of money for the prevention and remediation of opioid addiction; said funds to be under the jurisdiction of the Board of Selectmen or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

ARTICLE 9: To see if the Town will vote to accept the provisions of the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further

appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023, or take any other action relative thereto.

Requested by the Board of Selectmen

ARTICLE 10: To see if the Town will create the Opioid Settlement Stabilization Fund to be established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2024 beginning on July 1, 2023 or take any other action relative thereto.

Requested by the Board of Selectmen

ARTICLE 11: To see if the Town will dedicate 100% of all proceeds from the opioid settlement funds to the Opioid Settlement Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2024 beginning on July 1, 2023 or take any other action relative thereto.

Requested by the Board of Selectmen

ARTICLE 12: To see if the Town will accept the provisions of Massachusetts General Laws, Chapter 44, Section 53F ½ of the Massachusetts General Laws, establishing cable public access/EBCAM as an enterprise fund effective July 1, 2023; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

~~**ARTICLE 13:** To see if the Town will vote to amend the current Town By-Laws article XVII Kennel License to change Kennel License \$45.00 to Household Kennel License \$45.00. Kennel One pack or collection of four or more dogs over the age of six months kept on a single premises not exceeding six dogs and are not for breeding purposes. Owner must fill out a Town of East Bridgewater Household Kennel Application and will be subject to an annual inspection by an animal Control Officer.; or take any other action thereon or in relation thereto.~~

~~Requested by the Town Clerk~~

~~**ARTICLE 14:** To see if the Town will vote to amend the current Town By-Laws to add Hobby License \$90.00. Hobby Kennel A kennel maintained on the premises over the age of six months. Must apply to the special permit granting authority (ZBA). Can receive license upon their approval.; or take any other action thereon or in relation thereto.~~

~~Requested by the Town Clerk~~

ARTICLE 15: To see if the Town will vote to adopt the provisions of Massachusetts General Laws Chapter 40 Section 22F concerning the setting of fees by municipal boards and/or officers; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

ARTICLE 16: To see if the Town will vote to adopt the provisions of Massachusetts General Laws Chapter 83, Sections 15C and 16A-F for the purpose of constructing a sewer extension project; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

ARTICLE 17: To see if the Town will vote to adopt approve the following by-law for the purpose of constructing a sewer extension project; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

Sewer Assessment Bylaw for North Bedford Street Sewer Extension Project

Section 1. Purpose and Authority

The Town of East Bridgewater is planning to construct a sewer extension project (sewer project) to serve an expansive area in the northern portion of the Town west of North Bedford Street. Funding for this sewer project to be located within the North Bedford Street Sewer District (Sewer District) was authorized under Article 15 of the May 9, 2022 Annual Town Meeting.

As excerpted from that Town vote, the Board of Selectmen is authorized, “....to assess sewer betterments, privilege fees, and connection fees in accordance with M.G.L. Chapters 80 and 83 ...”. This bylaw is pursuant to M.G. L. Chapter 83 Section 15 whereby the Town will determine and assess the general and special benefit costs, accordingly, should the Board of Selectmen so choose to assess project costs under that Town Meeting authorization.

Section 2. Assessments

(a) General

Every person owning land abutting upon any private or public way or sewer easement in which a main or common sewer has been laid out, and who enters or has entered his particular drain into such sewer main or common sewer, or who by more remote means receives benefit thereby for draining his land or buildings, shall be assessed a share of the sewer construction cost under the provisions of M.G.L. Chapter

83 Section 14. The Board of Selectmen acting as a Sewer Commission shall have the power as set forth in M.G.L. Chapter 83 Section 15, when ascertaining assessments as a betterment for construction, to apply a rate based upon the uniform unit method. The uniform unit method shall be based upon sewer construction costs divided among the total number of existing and potential sewer units to be served after having proportioned the cost of special and general benefit facilities.

Assessments under this section shall be determined, assessed, certified, and committed to the Town Treasurer by the Board of Selectmen acting as a Sewer Commission. Such assessments may be made for all sewers, lateral sewers, pump stations and appurtenant works. Sewer betterment assessments and any sewer betterment policies which are adopted by the Town under M.G.L. Chapter 80 and M.G.L. Chapter 83 for this sewer construction project shall follow the procedures set out hereinbelow.

(b) Method of assessment: uniform unit rule

(1) The Town of East Bridgewater shall assess sewer betterments based upon the uniform unit method. Each unit shall be equal to a single-family residence. Multiple family buildings and non-residential buildings as described herein shall be converted into units based on residential equivalents. Those residential equivalents may be further defined by the flow for the particular property so assessed using the estimated maximum daily design flow for a particular property based on specific proposals for development of the parcels so served by a direct connection to the Sewer District gravity sewer. Said maximum daily flow (based on 310 CMR 15.203; Title 5 of the Massachusetts Environmental Code), may be further defined and converted to average daily flow, computed as one-half of the Title 5 maximum daily flow. Revenue generated by said betterment assessments (including both special and general benefit costs) shall be equal to or shall cover the total project costs associated with design and construction of the gravity sewers, pumping station, sewer force main, and appurtenant work.

(2) The Town shall levy assessments against specific properties abutting the proposed sewer located in a public way, private way or sewer easement for both specific and general benefit facility costs hereinafter described. Town properties' costs shall be assigned and calculated so as to be responsible for the allocable project costs but shall not be assessed as a sewer betterment. Both general and specific costs shall only be assessed to properties so afforded a direct connection to the proposed sewer pipe by the properties' "fronting" on the public sewer. All other properties not "fronting" on the District gravity sewer upon completion of the sewer project construction shall be assessed for the general benefit only by virtue of

their location within the Sewer District. When those general benefit properties described herein are able to gain access to the District sewer, those property owners shall be assessed for the general benefit and a special benefit cost at the time of such connection.

(3) For assessment purposes, all properties receiving both special direct benefit from the District sewer system shall be converted into sewer units. Those properties initially receiving such benefits, either developed or undeveloped, shall be designated a number of sewer units under the following guidelines:

1. Single-family dwellings shall comprise one (1) sewer unit.
2. Multiple unit residential properties shall comprise a number of sewer units based on the following methodology:
 - a. Residential properties such as apartments or multi-family homes shall be assessed one (1) sewer unit for each apartment with three (3) or more rooms.
 - b. Residential condominium/townhouse complexes shall be assessed one (1) sewer unit for each dwelling unit.

(4) Non-residential properties, which shall include all industrial, commercial, and municipal properties, shall comprise a number of sewer units based upon the specific development proposal described by the owner in documents previously provided to, or discussed with the Town, that also served as the basis for the sewer design or discussed with the Town prior to October 1, 2022. Should the owners of properties so assessed revise the prior development proposals subsequent to October 1, 2022 and said revised proposed development that reflects an increase of use or increased number of sewer units, that higher intensity use will be used as a basis for the sewer betterment assessment. For non-residential buildings the number of Sewer units shall be calculated, based on State Title 5 maximum daily design flows based on the following: $\text{Number of Sewer units} = \text{Nonresidential water usage (gpd)} / 330 \text{ (gpd)}$. (Rounded up to the next whole number.) Actual water or sewer use shall not be used as a basis of determining the maximum daily flow, unless such actual flows exceed the Title 5 maximum day flow-based design flows.

With respect to the undeveloped municipal properties so served, the sewer units used for allocation of special and general benefits shall be determined based on a flow allowance using a generic gallons per capita per day allowance since the future use of the property has not, as yet, been determined.

(c) Cost Allocation

(1) When a sewer betterment assessment is imposed to a particular privately-owned property under a sewer construction project, up to 100 percent of the actual cost of the project design and construction will be assessed against the properties that “front” on the sewer main located in public ways, private ways, and sewer easements within the Sewer District as a special benefit and general benefit. Said properties include Town property as well as a limited number of private properties. In addition, those properties will also be assessed for their general benefit by virtue of their location within the Sewer District.

(2) The special benefit property assessment costs will be allocated to specific properties initially fronting on, and with exclusive use of, a particular public sewer line. Those sewer sections include:

- 8-inch gravity sewer running west to east from Union Street to the North Bedford Street
- 12-inch gravity sewer running south to north from Highland Street to N. Bedford Street

Should a portion of the 12-inch sewer project be constructed by the owner of the property fronting on the public sewer easement, the Town may credit the cost of that section of sewer pipeline construction against the general and/or special benefit cost assessed to that property.

(3) General benefit facilities shall be defined as to include the proposed municipal pumping station at the northwestern-most area of the Sewer District and the force main from the District pumping station to the connection point in the City of Brockton’s sewer system. All properties within the North Bedford Street Sewer District will be assessed an allocable portion of the general benefit facility costs, in that wastewater from those properties will ultimately flow through the pump station and force main.

(d) Betterment Payment

The provisions of the General Laws relative to the assessment, division reassessment, abatement and collection of sewer assessments shall apply to betterment payments. The Tax Collector of the Town of East Bridgewater shall have all of the powers conveyed by the General Laws. In accordance with M.G.L. Chapter 80 Section 12, assessments made shall constitute a lien upon the land assessed until the full balance of the assessment is paid. As allowed under the provisions of M.G.L. Chapter 83, Section 15B, the Town shall assess estimated betterments immediately following the execution of a contract with the

selected construction contractor for the Sewer District's sewer extension project. As provided under said Section 15B, the amount to be so assessed initially shall not exceed one half of the town's responsibility under all contracts for the project including engineering costs during construction. The remaining portion of the assessment shall be assessed following completion of construction.

(e) Abatements

In all disputes regarding betterment assessments, the property owner shall obtain an application for abatement from the Department of Public Works and after completion of the form, file it with the Board of Selectmen within six (6) months from the date of Notice. The Board of Selectmen shall make a final ruling on the application within forty-five (45) days from the date of the filing. If the Board of Selectmen does not act within that time, the petition is deemed to be denied. The filing of the application does not stay the payment of the benefit assessment. The assessment should be paid as assessed and a refund will follow if the abatement is allowed.

Section 3. Sewer privilege fee; increase in use of land

Notwithstanding the other provisions of this Sewer Assessment By-Law, if a betterment has: (i) been assessed to a property based upon the estimated number of developable sewer units as required by this article or a sewer betterment policy and procedure adopted by the Sewer Commission and said property is ultimately developed to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, and/or (ii) been assessed to a developed parcel and later in time the use of that parcel is increased to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, then the Town shall assess a sewer privilege fee to reflect the increased use. This fee shall be equivalent to the amount that would have been charged as a betterment assessment upon the additional uses or units at the time of the original assessment.

Apportionment of this fee shall not be permitted.

Section 4. Reduction in Assessment amounts following receipt of federal or state grants for the project.

- (a) Should the Town of East Bridgewater receive any state and/or federal grants for the construction of the sewer extension project, the Town may offer to share in cost savings with the owners of

properties so assessed for special benefits based on new development constructed by the Owner and connected to the public sewer. The assessment cost reduction to previously assessed properties shall only apply to the properties that have paid both sewer assessment installments; namely those costs assessed upon execution of a construction contract and the remainder assessment paid upon completion of the Town's Sewer construction project and its approval for use.

(b) Any such reduction will first consider the total project cost to the Town relative to the funding authorized by the May 9, 2022 Town Meeting vote, whereby any state or federal grants will be first applied to reduce the project borrowing to the amount approved at the Town Meeting. Any remainder grant amount will be applied proportionately to only those private properties where planned increased development requiring sewer service has been constructed and flowing to the newly constructed municipal sewer.

(c) The proportioning of then available grant award costs to properties paying a sewer assessment will be based on the design average flow from completed and occupied buildings to the total project area design average daily flow of 100,000 gpd.

Section 5. Other private property assessment options

Nothing shall prevent the Town and owners of those private properties initially receiving special (and general) benefit from the proposed sewer project construction from executing a Development Agreement that provides for the payment of sewer assessments and any other fees by the owners of said properties. Said development agreement will require payment terms similar to those terms included herein, based on the actual construction and construction engineering costs, and include provisions that the Town will receive payments from all such properties to provide positive cash flow for up-front bond anticipation note payments for the first two years following completion of construction as well as for payments of the total amounts assessed to the specific owners of properties responsible for their allocated capital cost shares.

Section 6. Sewer District Rules and Regulations

Nothing shall prevent the Town of East Bridgewater from approving system rules and regulations to further define and clarify the provisions of this Sewer Assessment Bylaw to assure timely payment of assessed dollar amounts for the three major private properties/property owners currently scheduled to make such

payments. Such provisions shall include, but not limited to notification of assessments to affected property owners, Registry of Deeds filings including provision for liens, petition for abatement, etc.

ARTICLE 18: To see if the Town will create the Energy Efficiency Stabilization Fund to be established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2024 beginning on July 1, 2023 or take any other action relative thereto.

Requested by the Board of Selectmen

ARTICLE 19: To see if the Town will dedicate 100% of all proceeds from rebates for energy incentives and similar revenues not including State or Federal grants to the Energy Efficiency Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2024 beginning on July 1, 2023 or take any other action relative thereto.

Requested by the Board of Selectmen

ARTICLE 20: To see if the Town will vote to rescind the sum of \$325,184 of the authorization to borrow - \$50,000 voted in Article 29 of the Annual Town Meeting of June 10, 2019, \$132,500 voted in Article 31 of the Annual Town Meeting of June 10, 2019, \$25,000 voted in Article 32 of the Annual Town Meeting of June 10, 2019, and \$117,684 voted in Article 10 of the Special Town Meeting of January 11, 2021 ; or take any other action thereon or in relation thereto.

Requested by the Town Accountant

In 2019, an Annual Town Meeting passed Article 29, 31, and 32 (ATM 6/10/2019) authorizing the Town to borrow funds for the Middle School FOB System and Town and School IT Upgrades. In 2021, a Special Town Meeting passed Article 10 (STM 1/11/21) authorizing the Town to borrow funds for Water Infrastructure. These projects were completed with funding received as a bond premium during a refinancing in 2021 and, therefore, borrowing was not necessary. This article will rescind the borrowing authority of \$325,184 which was not needed.

ARTICLE 21: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$4,320 to Account #1-122-520=5300 (Selectmen – Professional Services) to pay the annual registration fee for the Precise Engineering brownfield site; or take any other action thereon or in relation thereto.

Requested by the Board of Selectmen

ARTICLE 22: To see if the Town will vote to transfer from Account No. 1-220-3970-5870, Tower Truck, Transfer to Stabilization, the sum of \$191,390.45 to Account No. 82-122-911-4972, Capital Stabilization, Transfer from Special Revenue for Tower 1; or take any other action thereon or in relation thereto.

Requested by the Fire Chief

This article provides a transfer from the Ambulance Account to the Capital Stabilization Account for the partial reimbursement for the purchase of Tower 1 which was approved at the 2020 Annual Town Meeting. This is the third of four to five transfers to repay the Capital Stabilization Account.

ARTICLE 23: To see if the Town will vote to transfer from Acct # 22-231-835-4270 Ambulance Receipts Reserved for Appropriation to Account # 1-231-7040-5850 Advanced Life Support Training Mannequins, the sum of \$47,950.00 for the purchase of Advanced Life Support training mannequins.; or take any other action thereon or in relation thereto.

Requested by the Fire Chief

ARTICLE 24: To see if the Town will vote to transfer from Acct# 1-220-510-5132 Permanent Fire Salaries, the sum of \$98,080.50 to the following accounts:; or take any other action thereon or in relation thereto.

- Acct# 1-220-510-5134 Call Fire Salaries - \$5,000.00
- Acct# 1-220-511-5147 Additional Comp – Cover OJI - \$25,000.00
- Acct# 1-220-511-5140 Additional Comp – Cover Sick - \$20,000.00
- Acct# 1-220-520-5585 Fire Safety Equipment - \$20,000.00
- Acct# 1-220-520-5248 Communication Repairs & Maintenance - \$11,342.50
- Acct# 1-220-231-5243 Ambulance Repairs & Maintenance - \$8,000.00
- Acct# 1-220-231-5502 Supplies – Ambulance - \$8,738.00

Requested by the Fire Chief

These transfers cover the partial overtime cost for two firefighters unable to work due to on-the-job injuries and one firefighter on extended sick leave; two unexpected ambulance repairs that were not budgeted for; five (5) sets of Structural Firefighting Gear; replacement of the Highland St Radio Receiver for fire and police that was destroyed by rodents; and the replacement of three (3) Automated External Defibrillators (AEDs). The excess in the salary line item is due to the awarding of a FEMA SAFER grant for \$976,818.00 to cover the cost of four new firefighter/paramedics for three years.

ARTICLE 25: To see if the Town will vote to amend Town of East Bridgewater By-Law Part Three (Offenses and Penalties) Section XIV (Renewing of Certain Licenses and Permits in Cities and Towns) paragraph (a) by changing “twelve month period” to “thirty day period” concerning license and permits and unpaid taxes or other charges or take any other action thereon or in relation thereto.

Requested by the Planning Board

ARTICLE 26: To see if the Town will vote to amend the Town of East Bridgewater By-Law Part Seven (Wetland Bylaw) as shown below, or take any other action thereon or in relation thereto.

Requested by the Conservation Commission

PART SEVEN - WETLAND BYLAW

I. WETLAND

SECTION 1: PURPOSE

The purpose of this By-Law is to allow timely and low cost applications for and the issuance of administrative permits for activities deemed not to have a significant effect on Bordering Vegetated Wetlands in the Town of East Bridgewater.

SECTION 2: AUTHORITY

This Bylaw is intended to utilize the Home Rule authority of this municipality and shall be predicated on the Conservation Commission first submitting under MA DEP Wetland Regulations 310 CMR 10.0 et seq, a Request for Determination of Applicability for the issuance of Administrative Permits for activities listed in Section 4 of this Bylaw and the Conservation Commission issuing a Determination of Applicability for those activities.

SECTION 3: DEFINITIONS

Bordering Vegetated Wetland is defined in 301 CMR 10.55(2)

SECTION 4: ISSUANCE OF ADMINISTRATIVE PERMITS

This section allows the issuance of an administrative permit by the Conservation Commission Staff for sheds, decks, above ground pools or similar low impact structures that occur in an existing lawn, that occurs more than 25' from a wetland and that would otherwise meet the MA DEP criteria for the issuance of a Negative Determination of Applicability. Administrative permits shall be issued by the Conservation Commission staff without requiring the applicant to hold a Public Hearing or to advertise the Public Hearing in a local newspaper.

SECTION 5: SEVERABILITY

Should any section or provision of this By-Law be found invalid, the validity of any other section or provision thereof shall not be affected, nor shall it invalidate any permit, approval or determination which previously has been issued.

(Art. 46, ATM 6-2-2014, A.G. App. 8-5-2014)

***Strike entire existing “PART SEVEN – WETLAND BYLAW” body (above) and replace with proposal below (“Town of East Bridgewater Wetlands Bylaw”)**

PART SEVEN - TOWN OF EAST BRIDGEWATER

WETLANDS PROTECTION BYLAW

I. PURPOSE

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of East Bridgewater (“Town”). The bylaw shall control activities determined by the East Bridgewater Conservation Commission (“Commission”) likely to have a significant or cumulative effect on resource area values. These include but are not limited to the following (collectively known as the “resource area values protected by this bylaw”):

- Public or private water supplies
- Groundwater supply
- Flood control
- Erosion and sedimentation control
- Storm damage prevention
- Water quality
- Prevention and control of pollution
- Fisheries, wildlife habitat, rare species habitat and rare plant and animal species, agriculture and aquaculture values that are important to the community

This bylaw is intended to utilize the Home Rule authority of the Town of East Bridgewater so as to protect the resource areas under the Massachusetts Wetlands Protection Act (M.G.L. Ch.131 §40) to a greater degree, and to protect all resource areas for additional values beyond those recognized in the Wetlands Protection Act. It provides local regulations and permits additional standards hereunder (310 CMR 10.00).

II. JURISDICTION

Except as permitted by the Commission or as otherwise provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise make any alteration in or within one hundred (100) feet of the following resource areas (collectively the “resource areas protected by this bylaw”):

- freshwater wetlands
- marshes
- wet meadow
- Bogs
- Swamps
- vernal pools
- Banks

- Lakes
- Ponds
- lands under water bodies
- intermittent brooks, creeks and streams
- lands subject to flooding or inundation by groundwater or surface water

Except as permitted by the Commission or as otherwise provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise make any alteration in or within two hundred (200) feet horizontally from the mean annual high-water boundary on each side the following resource areas (“riverfront area”):

- perennial rivers, streams, brooks, and creeks

These resource areas shall be protected whether or not they border surface waters.

Except as authorized by the Commission as otherwise provided in this bylaw, no activity or alteration shall be permitted within a twenty-five foot (25’) “no touch zone” between any resource area protected by this bylaw and any proposed site disturbance. Nothing herein shall preclude the maintenance of an existing structure located within the “no touch zone.”

The Commission may allow activities upon an express determination that the applicant has made a clear and convincing showing that the proposed work in the “no touch zone” will not adversely affect the resource area protected by this bylaw.

III. EXEMPTIONS AND EXCEPTIONS

The applications and permits required by this bylaw will not be required for work performed under normal maintenance or improvement of land in agricultural and aqua cultural use as defined by the Wetlands Protection Act regulations (310 CMR 10.04).

The applications and permits required by this bylaw will not be required for emergency projects necessary for the protection of health and safety of the public; provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or political subdivision thereof; provided that advanced notice, oral or written, has been given to the Commission prior to commencement of work or within twenty-four (24) hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within twenty-one (21) days of commencement of an emergency project a permit application shall be filed with the Commission for review.

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this bylaw, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.02(2)(b)(1)(a-g)) shall apply under this bylaw.

IV. APPLICATIONS AND FEE

Applications

Written permit applications shall be filed with the Commission to perform activities affecting resource areas protected by this bylaw. The application shall include such information and plans as are required by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. The Applicant shall commence no activities until receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

Any person desiring to know whether a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination of Applicability (“RDA”) or Abbreviated Notice of Resource Area Delineation (“ANRAD”) filed under the Act shall include information and plans as are deemed necessary by the Commission.

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically

for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection ("DEP") of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Town Board of Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree pertaining to the field at issue or three (3) or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing and the appeal must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

V. Notice and Hearings

Any person filing a permit application with the Commission shall at the same time give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within one hundred (100) feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters shall state where copies of the application or request, with plans, may be examined and obtained by abutters. The applicant shall provide written notification to all abutters required to be notified by hand delivery or certified mail, return receipt requested, or by certificates of mailing at least seven (7) calendar days prior to the public hearing. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner,

the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application with written notice published at the expense of the applicant in a newspaper of general circulation in the Town at least five (5) business days prior to the hearing. The Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed permit application unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the Town boards and officials listed in §VI.

The Commission shall issue its permit, other order or determination in writing within twenty-one (21) days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00)

VI. COORDINATION WITH OTHER BOARDS

Any person filing a permit application, with the Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Town planning board, Town engineer, or other Town boards as directed by the Commission at its discretion. A copy shall be provided in the same manner to the Commission of the adjoining municipality if the permit application pertains to property within 100 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The above boards and officials shall have seven (7) calendar days to provide written comments and recommendations with the Commission, which the Commission shall consider but which shall not be binding on the Commission. The Commission has the discretion to extend the time to submit written comments and recommendations from the above boards and officials. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

VII. PERMITS AND CONDITIONS

Issuance of Permits

If the Conservation Commission, after a public hearing, determines that the activities which are subject

to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this bylaw, the Commission, within twenty-one (21) days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall consider the extent to which the applicant has avoided, minimized, and mitigated any such effect. The Commission also shall consider any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this bylaw. It may also deny a permit for the following:

- Failure to submit necessary information and plans requested by the Commission
- Failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission
- Failure to avoid, minimize, or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this bylaw.

Due consideration shall be given to any demonstrated hardship on the application by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedure, design specifications, performance standards or other requirements set forth in its regulations, provided that:

- The Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations.
- That avoidance, minimization and mitigation have been employed to the maximum extent feasible.
- That the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of property as to constitute an unconstitutional taking without compensation.

Revocation of Permits

For good cause the Commission may revoke any permit, or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and Town boards, pursuant to §V and §VI, and after a public hearing.

Presumed Importance of the Buffer Zone

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in proximity have a high likelihood of adverse impact, either immediately, because of construction, or over time, because of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw.

Presumed Importance of Riverfront Area/ Practicable Alternatives

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

Wildlife Habitat Study

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).

Vernal Pools

The Commission will presume that all areas meeting the definition of “vernal pools” under §-IX of this bylaw, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

Expiration

A permit, Determination of Applicability (“DOA”), or Order of Resource Area Delineation (“ORAD”) will expire three (3) years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for an additional three (3) year period, provided that a request for a renewal is received in writing by the Commission thirty (30) days prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

Amendments to permits, DOAs, or ORADs will be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

Coordination with Other Permits

The Commission in an appropriate case may combine the decision issued under this bylaw with the permit, DOA, ORAD, or Certificate of Compliance (“COC”) issued under the Wetlands Protection Act and regulations.

Recording

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded.

VIII. REGULATIONS

After public notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

Notwithstanding this bylaw, the Commission may include in its rules and regulations a process regarding the issuance of timely and low-cost applications for and the issuance of administrative permits for activities deemed not to have a significant effect on bordering vegetated wetlands in the Town. Such process would allow the issuance of an administrative permit by the Commission agent and/or staff without requiring the applicant to hold a public hearing or to advertise the public hearing in a newspaper for activities which occur in an existing lawn more than twenty-five feet (25') from a wetland and that would otherwise meet the DEP criteria for the issuance of a negative determination of applicability. Such activities may include sheds, decks, above ground pools or similar low impact structures.

IX. DEFINITIONS

Except as otherwise provided in this bylaw or in associated regulations of the Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

The following definitions shall apply in the interpretation and implementation of this bylaw.

Agriculture shall refer to the definition as provided by M.G.L. Ch. 128 §1A.

Alter shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting or trimming of trees and shrubs
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

Bank shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

Person shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth, or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

Plans means such data, maps, engineering drawings, calculations, specifications, schedules and other materials, if any, deemed necessary by the Commission to describe the site and the activity, to determine the applicability of the Bylaw or to determine the impact of the proposal upon the interests identified in the bylaw. It is the responsibility of the applicant to ensure that the plans accurately depict all wetland resource areas.

Pond shall follow the definition of 310 CMR 10.04, except that the size threshold of 5,000 square feet will apply.

Rare Species will include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

Vernal Pool shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression (see note 8). Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

X. SECURITY

As part of a permit issued under this bylaw, in addition to any security required by any other Town or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both methods described below:

A. By a proper bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town.

B. By a conservation restriction, easement, or other covenant running with the land, executed and properly recorded (or registered in the case of registered land).

XI. ENFORCEMENT

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication, and other informal methods, violation notices, administrative orders and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Town Board of Selectmen and Town counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police and/or his/her delegate shall take legal action for enforcement under criminal law.

Town boards and officers, including any police officer or other officers having police powers, shall have authority to assist the Commission in enforcement.

Any person, who violates any provision of this bylaw, or regulations, permits, or administrative orders issued there under, shall be punished by a fine of three hundred dollars (\$300.00) per day. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense. As an alternative to criminal prosecution or civil action, the Commission and/or its agent may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, § 21D.

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this bylaw or in violation of any permit issued pursuant to

this bylaw shall forthwith comply with any such order or restore such land to its condition prior to any such violation.

XII. BURDEN OF PROOF

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

XIII. RELATION TO THE WETLANDS PROTECTION ACT

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (M.G.L. Ch. 131 §40) and regulations (310 CMR 10.00) there under. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

XIV. SEVERABILITY

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval, or determination which previously has been issued.

ARTICLE 27: To see if the Town will vote to amend the Town of East Bridgewater By-Law Part Four (Miscellaneous); Section VI. (East Bridgewater Conservation Commission Administrative Fee Schedule) as shown below, or take any other action thereon or in relation thereto.

Requested by the Conservation Commission

VI. East Bridgewater Conservation Commission Administrative
Fee Schedule

RDA	\$ 50.00
NOI - Residential	\$ 50.00
NOI - Commercial	\$ 100.00
ANRAD	\$ 1.00/linear ft. \$ 100.00 Minimum \$1000.00 Maximum
Certificate of Compliance - Residential	\$ 25.00
Certificate of Compliance - Commercial	\$ 50.00
Amended Order of Conditions - Residential	\$ 25.00
Amended Order of Conditions - Commercial/Subdivision	\$ 100.00
Extension of Order of Conditions	\$ 25.00
Duplicate Order of Conditions	\$ 25.00
Letter to Attorney/Bank	\$25.00
Filing After the Fact	
Towns share of filing fee Doubled	
Site Inspection - Residential Requested by Owner/Representative	\$25.00 flat fee 1 st Hr. \$15.00 ea additional Hr.
Site Inspection - Commercial Requested by Owner/Representative	\$25.00 flat fee 1 st Hr. \$25.00 ea additional Hr.
(Art. 19, ATM 6-7-2010, App. A.G. 8-4-2010)	

VII.* The finished grade line of all dwellings and customary accessory buildings shall not be less than six (6) inches above the highest point in the established grade of adjacent way or ways, nor less than three(3) inches above the established sidewalk lines. On Town Ways the DIRECTOR OF PUBLIC WORKS shall furnish such lines and grades, without charge, upon application.

In such cases as it may appear impractical to the Building Inspector to require compliance, he may, with the approval of the PLANNING BOARD, grant a variance and establish necessary alternate requirements to safeguard proposed structures from damage by water from adjacent ways.

(Art. 28, ATM 5-12-2008, App. A.G. 6-11-2008)

***Strike Part Four – Miscellaneous “VI. East Bridgewater Conservation Commission Administrative Fee Structure” body and replace with the following fee structure found below:**

**East Bridgewater Conservation Commission
Administrative Fee Schedule**

Determination of Applicability \$100.00

Notice of Intent

Category 1	\$100.00 per activity
Category 2	\$500.00 per activity
Category 3	\$1050.00 per activity
Category 4	\$1450.00 per activity
Category 5	\$4.00 linear ft. \$100.00 minimum \$2000.00 maximum
Category 6	\$2.00 linear ft. \$200.00 maximum for activities associated w/ a single-family house. \$2000 maximum

ANRAD \$2.00 linear ft \$1000 Maximum payable to the Town. (The Commission may require a 53G Consultant review at the expense of the applicant in addition to the fees noted.)

Certificate of Compliance

Category 1	\$50.00
Category 2	\$100.00
Category 3	\$200.00
Category 4	\$250.00
Category 5	\$100.00

**Amended Order of Conditions \$50.00 Residential
\$125.00 Commercial/Industrial**

Extension Permits

Single Family Dwellings	\$50.00
Subdivisions	\$100.00
Commercial/Industrial	\$100.00

Duplicate Order of Conditions \$25.00

Letter to Attorney/Bank \$25.00

Filing After the Fact Double Regular Fees

Site Inspections for **residential projects** without a current filing and at the request of an engineer, homeowner or consultant will be charged \$25 for a minimum of one hour and each additional hour. **Commercial or industrial projects** will be charged \$50 for a minimum of one hour and each additional hour.

APPENDIX 1: Town Meeting Parliamentary Procedure

Parliamentary procedure has a long history. Originating in the early English Parliaments, it came to America with the first European settlers and became uniform in 1876 when Henry Robert published his manual, known as “Robert’s Rules of Order.” Our Town Meeting proceedings are governed by the rules contained in “*Town Meeting Time: A Handbook of Parliamentary Law*” except as modified by the Massachusetts General Laws, Chapters 39 and 43A.

Parliamentary procedure means that everyone may be heard and to come to decisions without confusion. It means democratic rule, flexibility, the protection of rights and most importantly a fair hearing for everyone.

The basic parts of parliamentary procedure provide for the presentation of motions, the seconding or the expression of support of another’s motion, an opportunity to debate, and ability to make a decision.

There are five general types of motions:

- Main Motions: These introduce subjects for consideration.
- Subsidiary Motions: This motion change how the main motion is handled. (They are voted on before the main motion.)
- Privileged Motions: These motions concern special or important matters not related to the pending business. In general, they are considered before other types of motions.
- Incidental Motions: These are questions of procedure that arise out of other motions, and they must be considered before the other motion.
- Motions that bring a question again before the assembly: These enable certain items to be reconsidered. In general, they are brought up when no business is pending.

Some questions relating to motions:

- Is it in order? Your motion must relate to the business at hand and be presented at the right time. It must not be obstructive, frivolous or against the law.
- May I interrupt the speaker? Some motions are so important that the speaker may be interrupted to make them. The original speaker regains the floor after the interruption has been attended to.
- Do I need a second? Usually, yes, A second indicates that another member would like to consider your motion and it prevents spending time on a question that interests only one person.
- Is it debatable? Parliamentary procedure guards the right to free and full debate on motions. However, some subsidiary or privileged, and incidental motions are not debatable.
- Can it be amended? Striking out or inserting wording, or both, can change some motions. Amendments must relate to the subject as presented in the main motion.
- What vote is needed? Most require only a majority vote (more than half the members present and voting). But motions concerning the rights of the town meeting, borrowing, and some other miscellaneous subjects may require “supermajorities” of $\frac{3}{4}$ or 9/10’s depending on the applicable state law.
- Can it be reconsidered? Some motions can be debated again and revoted to give members a chance to change their minds. The motion to reconsider must come from the “winning” side.

How Do I Present My Motion?

Obtain the Floor:

- Wait until the previous speaker is finished.
- Rise and address the Moderator. Say, “Mr. Moderator.”
- Wait until you are recognized.
- State your name and address for the record.

Make your motion:

- Speak clearly and concisely.
- State your motion affirmatively. Say, “I move that we do...” Instead of “I move that we do not...”

- Stay on the subject and avoid personal attacks.

You wait for a second:

- Another member will say, "I second the motion."
- Or the Moderator will call for a second.
- If there is no second, your motion will not be considered. (Motions made at the direction of a board or committee (more than one person) do not require a second.)

The Moderator states your motion:

- The Moderator must say, "It is moved and seconded that we..."
- After this happens, debate or voting can occur.
- Your motion is now "assembly property," and you can't change it without the consent of the body.

You expand on your motion:

- As the person who made the motion, you are allowed to speak first.
- Direct all comments to the Moderator
- Keep to the time limit for speaking.
- You may speak again after all other speakers are finished.
- You may speak a third time by a motion to suspend the rules with a 2/3 vote.

The Moderator puts the question:

- The Moderator asks, "Are you ready for the question?"
- If there is no more debate, or if a motion to stop debate is adopted, a vote is taken.
- The Moderator announces the result.

The method of voting on a motion:

- Voice: The Moderator asks those in favor to say "aye" and those opposed to say "no." A member may move for an exact count.
- General Consent: When a motion isn't likely to be opposed, the chair says, "If there is no objection..." Members show consent by their silence. If someone says, "I object," the matter must be put to a vote.
- Show of hands: Members raise their hands to verify a voice vote, or as an alternative to it. This does not require a count. A member may move for an exact count.
- Ballot: Members write their vote on a slip of paper and this is done when secrecy is desired.

More Motions:

A motion to lay on the table: This motion is used to lay something aside temporarily to take care of more urgent matters. It should not be used to prevent debate or to kill a question. Members can "take from the table" a motion for reconsideration. This must happen by the end of the town meeting.

A motion to indefinitely postpone: This is a parliamentary strategy. It allows members to dispose of a motion without making a decision for or against. This is useful in case of a badly chosen main motion for which either a "yes" or "no" vote would have undesirable consequences.

APPENDIX 2: Finance Committee Recommended Sources of Funds

You are directed to serve this Warrant by posting a copy thereof attested to by you in writing in each of six public places in the Town at least fourteen days before the time for holding the meeting called for in the Warrant. Herefore fail not, and make do return of this Warrant, with your doings thereon, to the Town Clerk of said Town on or before the 28th day of October 2022.

Given under our hands this 17th day of October in the year of our Lord two thousand and twenty-two.

THE BOARD OF SELECTMEN

Peter Spagone Jr, Chairman

A True Copy of Record:
ATTEST

Carole Julius, Vice-Chairman

Susan Gillpatrick, Town Clerk

David Sheedy, Clerk

Date

PLYMOUTH, SS.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of East Bridgewater by posting up attested copies of the same at the East Bridgewater Post Office and the East Bridgewater Public Library in Precinct 1; at Country Convenience in Precinct 2; Ye Olde Standish Grille in Precinct 3; and finally at Dewhurst Lumber, and the Town Hall in Precinct 4; of said Town at least fourteen days before the date hereof, as within directed.

Date

Justice of the Peace

MAY REMOVE AFTER November 7, 2022