



**Warrant**  
**Truro Special Town Meeting**  
**November 5, 2015**  
**6:00 pm**  
**Truro Central School**

**PLEASE NOTE:**

*Accommodations for individuals with disabilities including assistive listening devices (ALD) and materials in alternative formats may be arranged by contacting Town Hall four business days prior to Special Town Meeting at (508) 349-7004.*

**Greetings:**

In the name of the Commonwealth of Massachusetts, you are hereby required to warn the inhabitants of the Town of Truro qualified to vote in Town affairs, to meet at the Truro Central School, 317 Route 6, on Thursday, November 5, 2015 at 6:00 pm; then and there to vote on the following articles:

**ARTICLE 1: LEASE OF TRURO LANDFILL FOR SOLAR PHOTOVOLTAIC FACILITY**  
**(2/3rds vote)**

To see if the Town will vote to:

1. Transfer the care, custody, and control of the parcel(s) of land known as the Truro landfill located off Route 6 in Truro, as described in the Order of Taking recorded in the Barnstable Registry of Deeds in Book 748 at Page 537, and as shown on a Plan of Layout of Town Dump recorded in the Barnstable Registry of Deeds in Plan Book 92 at Page 129, from the Board of Selectmen for landfill purposes, to the Board of Selectmen for such landfill purposes and for the purposes of leasing and granting easements on, under or over such parcel(s) for the installation of a solar photovoltaic facility; and
2. Authorize the Board of Selectmen to (i) lease, through a written lease agreement, all or a portion of such parcel(s) of land for the installation of a solar photovoltaic facility for a period of up to 30 years; (ii) grant such easements on, over or under such parcel(s) as necessary or convenient to serve such facility; and (iii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the lease agreement and easements, all of which agreements, easements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town; or to take any other action relative thereto. *Requested by the Board of Selectmen*

**Energy Committee Recommendation: 5-0-0**  
**Finance Committee Recommendation: 5-0-0**  
**Board of Selectmen Recommendation: 5-0-0**

**Comment:**

*The solar energy system, generating electricity for Town buildings, would be located on the landfill and would be developed, financed, owned, maintained, and operated by an independent solar developer. This structure has many benefits to the Town, primarily: no capital outlay by the Town, no operating and maintenance expenses, and the ability to benefit from the solar federal Investment Tax Credit that the Town otherwise could not use since we are not a taxpaying entity. In this approach, the solar developer would lease from the Town the relevant section of the landfill site on which to construct and operate the solar energy system. This article expands the purposes for which the Board of Selectmen currently controls the landfill and further authorizes them to execute and administer the solar lease.*

**ARTICLE 2: PILOT AGREEMENTS FOR SOLAR PHOTOVOLTAIC FACILITIES**

To see if the Town will vote to (i) authorize the Board of Selectmen to enter into one or more agreements for “payments in lieu of taxes” (“PILOT”) pursuant to G.L. c. 59, § 38H(b), or any other enabling authority, with the owners of solar photovoltaic facilities installed or to be installed on any land located in the Town of Truro for a period of up to 30 years, and (ii) take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such PILOT agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town; or to take any other action relative thereto; or to take any other action relative thereto. ***Requested by the Board of Selectmen***

**Energy Committee Recommendation: 5-0-0**  
**Finance Committee Recommendation: 5-0-0**  
**Board of Selectmen Recommendation: 5-0-0**

**Comment:**

*Following common practice and state Department of Revenue guidance for solar energy systems, the Town can assess personal property tax on the solar energy system owned by an independent developer. A PILOT agreement is a widely used approach that simply replaces the year-by-year tax with a long-term contract. Such a contract provides tax predictability and easier administration for both the Town and developer for the contracted lifetime of the solar energy system. This article allows the Board of Selectmen to execute and administer a PILOT agreement with the developer.*

**ARTICLE 3: NET METERING CREDIT PURCHASE AGREEMENTS**

To see if the Town will vote to authorize the Board of Selectmen to (i) enter into one or more net metering credit purchase agreements with one or more owners of solar photovoltaic facilities for periods of up to 30 years, and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such net metering credit purchase agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen deems in the best interests of the Town; or to take any other action relative thereto. ***Requested by the Board of Selectmen***

**Energy Committee Recommendation: 5-0-0**

**Finance Committee Recommendation: 5-0-0**

**Board of Selectmen Recommendation: 5-0-0**

**Comment:**

*Due to the complex structure of Massachusetts electricity regulation, the way that towns commonly purchase solar electricity from independent developers is to purchase Net Metering Credits (NMC) rather than purchasing the solar electricity directly. While the legal structure of NMCs differs from a direct electricity purchase, the practical and financial effect is the same: the Town would agree to purchase solar electricity for a long enough period, typically 20 years, to allow the developer to recover its investment and allow the Town to save money with solar energy. This article allows the Board of Selectmen to execute and administer a long-term contract for the purchase of solar electricity via NMCs if it is in the best interest of the Town.*

**ARTICLE 4: DEPARTMENT OF PUBLIC WORKS FACILITIES NEEDS ASSESSMENT**

To see if the Town will vote to transfer the sum of Fifty Thousand dollars and no cents (\$50,000.00) from Free Cash to the FY16 DPW Purchase of Service budget (01040052-520000) to complete an assessment of the department facilities, for current and future needs; or to take any other action relative thereto. ***Requested by the Board of Selectmen***

**Finance Committee Recommendation:**

**Board of Selectmen Recommendation: 5-0-0**

**Comment:**

*Several years ago, the Town was notified by the Department of Environmental Protection that the DPW facility must be moved from its current location. To insure that long term needs of the Town are met, staff is proposing a professionally conducted facilities needs assessment. The assessment will focus on site selection, facility programming, and building and site planning. Deliverables will include cost estimates, 2 & 3 dimensional concept plans and sketches, building alternatives that would identify critical elements of the facility including administrative offices, employee facilities, vehicle repair, workshops, vehicle & equipment storage and wash bays. This preliminary concept will also show a general layout of driveways, buildings, vehicle fueling facility, bulk storage areas, and parking. The conceptual designs and cost estimates will allow the Town to more accurately plan for future funding of this facility.*

**ARTICLE 5: TOWN HALL HVAC AIR HANDLING CONTROL  
REPAIR/REPLACEMENT/UPGRADE**

To see if the Town will vote to transfer the sum of Sixty Thousand dollars and no cents (\$60,000.00) from Free Cash to the FY16 DPW Capital Projects budget (01040058-580000) to complete replacement, repairs and upgrades to the Town Hall HVAC air handling controls; or to take any other action relative thereto. ***Requested by the Town Administrator and DPW Director***

**Finance Committee Recommendation: 5-0-0**

**Board of Selectmen Recommendation: 5-0-0**

**Comment:**

*Due to air flow and temperature problems during the summer that resulted in high humidity levels in Town Hall, an HVAC specialist was brought in to analyze the current HVAC mechanical components in the building. It was*

discovered that the existing Air Handler Units (AHU) in Town Hall are currently controlled by an outdated stand-alone control system. In addition, the damper actuators and sensors related to the stand-alone controls are outdated and malfunctioning. The project would involve updating the sensors and controls for the AHU's and replacing the dampers and individual zone thermostats that are not functioning properly. This will aid in providing a more consistent air flow and air temperature delivered to each zone. There are 31 zones in Town Hall that would require updating. The updated system will also be accessible from a remote location, which is not possible with the current system. If implemented, the updated system will aid in maintaining a healthy workplace, preserve the building and its contents from damage (moisture, mold, etc.), and potentially allow for energy savings with more efficient controls.

**ARTICLE 6: TO AMEND THE PERSONNEL BYLAW TO CREATE A FULL-TIME HEALTH/CONSERVATION AGENT**

To see if the Town will vote to amend the Personnel Bylaw by reclassifying the “Assistant to the Health and Conservation Agent” to a full-time Assistant Health and Conservation Agent position effective January 1, 2016 and to amend the Non-Union Personnel Classification/Compensation Schedule by deleting “Grade 10A Assistant to the Health and Conservation Agent” and inserting the following:

Grade	Job Title		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
12	Assistant Health & Conservation Agent	Hourly	30.77	31.72	32.70	33.75	34.76	35.80

And to transfer from Free Cash the sum of Twenty Seven thousand one hundred dollars and no cents (\$27,100.00) to the Board of Health Salary and Wage budget; or take any other action relative thereto.

***Requested by the Board of Selectmen and Town Administrator***

**Finance Committee Recommendation: 5-0-0**

**Board of Selectmen Recommendation: 4-0-1**

**Comment:**

*The request is to replace the part time Assistant to the Health and Conservation Agent with a full time Assistant Health and Conservation Agent. This position will replace the Field Inspector who is paid on a per inspection basis. The responsibilities of both the Health and Conservation Departments have become more complex. The Health and Conservation Agent is increasingly responsible for projects such as Ballston Beach and the Upper Pamet Valley, East Harbor, Eagle Creek, the Integrated Water Resources Management Plan, the mandate to develop a regional waste management agency and land use issues which are becoming more complicated due to water, wetland and other environmental reviews. The additional position, requiring at minimum a registered sanitarian license, will assist with witness percolation and soil testing; comprehensive housing inspections; various conservation filed work; various health inspections; plan review; and investigations of a variety of health and conservation related complaints. The additional staff hours will free up time for the Health and Conservation Agent to focus on the environmental projects that the Town must address.*

*In the first three months of the fiscal year, the Health and Conservation Agent was responsible for sixty inspections, review of sixty eight permits, and fourteen hours of Board meetings. These numbers do not illustrate the review time required for each permit, the time spent writing reports or the time spent preparing conditions for permit issuance. This level of day to day work combined with the added responsibility of managing environmental projects necessitates more than one and one-half staff persons.*

**ARTICLE 7: PAYMENT OF TWO (2) PRIOR YEAR OUTSTANDING INVOICES (9/10's vote)**

To see if the Town will vote to transfer the sum of Fourteen Thousand Eight Hundred dollars and no cents (\$14,800.00) from Free Cash to the FY16 Assessor's Purchase of Service budget (01014152-520000) to pay two outstanding invoices from Paul S. Kapinos & Associates, Inc. for services rendered in FY 2013 (\$7,400.00) and FY 2014 (\$7,400.00); or to take any other action relative thereto. *Requested by the Town Administrator*

**Finance Committee Recommendation: 5-0-0**

**Board of Selectmen Recommendation: 5-0-0**

**Comment:**

*Kapinos and Associates provides annual software maintenance and support for the assessment system used in Truro. They also provide Web Hosting and Maintenance of the Assessors on-line data base. Due to a change in the billing structure for services provided to the Town, the support and maintenance invoices for two fiscal years were generated after the close of the associated fiscal periods. Town Meeting approval is required in order to pay for bills from prior years.*

**ARTICLE 8: AMEND GENERAL BYLAWS TO BAN SINGLE USE PLASTIC BAGS**

To see if the Town will vote to amend the General Bylaw by adding a new Chapter 3 Section 6 to the General Bylaws as follows:

**3-6 Truro Single-Use Plastic Bag Reduction Bylaw**

**3-6-1. Purpose and Intent**

The use and disposition of single-use plastic bags, including bags made of high density polyethylene, low-density polyethylene, "biodegradable," "compostable" or "oxo-biodegradable" materials, have significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

1. Contributing to the injury and potential death of marine and terrestrial animals through ingestion and entanglement;
2. Contributing to pollution and degradation of the terrestrial and coastal environment;
3. Clogging storm drainage systems; and
4. Creating mechanical and disposal burdens for solid waste collection and recycling facilities.

Studies have shown that even those plastic bags made from "biodegradable," "compostable" or "oxo-biodegradable" materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein.

The goal of this Bylaw is to protect, conserve and enhance the Town's unique natural beauty and irreplaceable natural resources through the elimination, within the retail sector, of certain single-use plastic bags and by encouraging the use of reusable bags within the retail and municipal sectors. Therefore the Town of Truro seeks to phase out the use of single-use plastic bags by March 31, 2016.

**3-6-2. Definitions**

An "Establishment" means any business in Truro selling goods, articles, food or personal services to the public, including but not limited to markets, restaurants, bars, take-out food purveyors, merchandise retailers, florists and galleries.

A "single-use plastic bag" for the purposes of this Bylaw is defined as a bag made of plastic, including but not

limited to bags made of high-density polyethylene, low-density polyethylene, “biodegradable,” “compostable” or “oxo-biodegradable” materials, with a thickness of less than 1.5 mils provided at the checkout stand, cash register, point of sale or other point of departure and that are intended for the purpose of transporting food or merchandise out of the Establishment.

Single-use plastic bags **do not include** plastic bags which are a maximum of 11 inches by 17 inches and are without handles provided to the customer:

1. To transport produce, bulk food, candy or meat from a department within a store to the point of sale;
2. To hold prescription medication dispensed from a pharmacy;
3. To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;
4. To distribute newspapers; or
5. To protect clothing in dry-cleaning establishment.

A “reusable bag” is defined as a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

1. Made of cloth or other machine washable fabric;
2. Made of durable plastic that is at least 3.5 mils thick; or
3. Other durable material suitable for reuse.

### **3-6-3. Use Regulations**

Single-use plastic bags shall not be distributed or sold at any Establishment beginning June 1, 2016, by which date existing stock of single-use plastic bags shall be phased out; any stock remaining after that date shall be disposed of properly (e.g., recycled or returned to manufacturer) by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to Establishments. Establishments may provide paper or reusable bags at no charge, or charge a fee which would be kept by the Establishment, as they so desire.

### **3-6-4. Administration and Enforcement**

This Bylaw may be enforced by any Town police officer, enforcement officer or agent of the Board of Health. This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties;

\$50.00 for first offense

\$100.00 for second offense

\$200.00 for third and subsequent offenses

Each day that such violation continues shall be considered a separate offense.

Or take any other action relative thereto. *Requested by the Board of Selectmen*

### **Board of Selectmen Recommendation: 5-0-0**

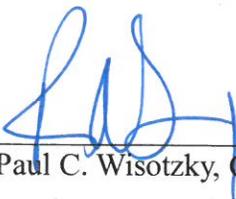
#### **Comment:**

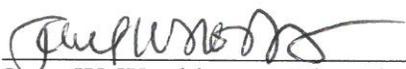
*In keeping with our neighboring communities and the Town’s commitment to Green Communities, this bylaw is proposed to prevent single use plastic bags from impacting the environment. The intent is to protect, conserve and enhance the Town’s unique natural beauty and irreplaceable natural resources. Single use plastic bags pose a risk to birds, wildlife and sea life when not disposed of properly. The ban on plastic bags has been implemented in other towns with no apparent negative impact on businesses.*

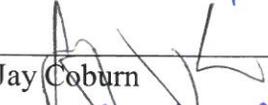
In conformity with Section 2.3.5 of the Truro Town Charter, you are hereby directed to serve these warrants, by posting duly-attested copies in Town Hall, the United States Post Offices, two other public places in Truro and two other public places in North Truro, fourteen days, at least, before the date of said meetings.

Hereto fail not and make due return of the warrants, together with your doings thereon, to the Town Clerk, at time and place of said meetings. Given unto our hands this 20<sup>th</sup> day of October in the Year of our Lord, Two Thousand and Fifteen.

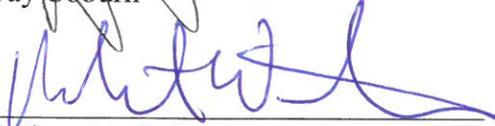
We, the members of the Board of Selectmen of the Town of Truro, have read the warrant for Special Town Meeting to be held at 6:00 p.m. on November 5, 2015, at the Truro Central School. Acting in capacity of the Board of Selectmen we do hereby grant approval of and permission for the above mentioned warrant.

  
\_\_\_\_\_  
Paul C. Wisotzky, Chairman

  
\_\_\_\_\_  
Janet W. Worthington, Vice Chairman

  
\_\_\_\_\_  
Jay Coburn

  
\_\_\_\_\_  
Maureen Burgess, Clerk

  
\_\_\_\_\_  
Robert M. Weinstein

A true copy, attest:

  
Cynthia A. Slade  
Town Clerk, Town of Truro

Sirs: I have served this warrant by posting duly attested copies thereof at the following places: Grozier's Garage, Lower Cape Auto & Truck Repair, Savory & Sweet Escape, Pamet Valley Liquors, Truro Post Office, N. Truro Post Office, Truro Public Safety Facility, Truro Public Library, Transfer Station, Truro Central School, Truro Community Center, and Truro Town Hall

10/20/2015  \_\_\_\_\_ Constable  
date