**TOWN OF ACUSHNET**



Transcript of Articles in the Warrant for the

# **ANNUAL TOWN MEETING**

**Monday, May 9, 2022**

**At 7:00 p.m.**

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

## **ALBERT F. FORD MIDDLE SCHOOL**

**708 Middle Road**

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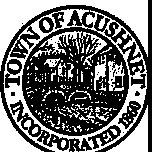
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Soil Conservation for the Town of Acushnet

### **- 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 ACUSHNET



WARRANT

Annual Town Meeting

Monday. May 9. 2022

At 7:00 o'clock in the evening at the

Albert F. Ford Middle School

708 Middle Road

#### Bristol, SS

To any of the Constables of the Town of Acushnet, in said County of Bristol, 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 Acushnet, who being qualified to vote in elections and Town affairs, to meet at the Albert F. Ford Middle School, 708 Middle Road, in said Acushnet, on Monday, the nineth day of May, 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, May 9, 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 508-998-0200 x4215.

May 9th, 2022

Town of Acushnet, MA

Annual Town Meeting

Ford Middle School

Dear Residents of Acushnet,

The role of the Finance Committee in Municipal Government is an important one and vital to a town with regards to prudent fiscal management. The Finance Committee is essentially a “Fiscal Watchdog” for a municipality and works collaboratively with the Board of Selectmen and Finance Department to ensure fiscal responsibility. The primary role for a Finance Committee is to analyze Departmental Budgets and make recommendations which will ensure a balanced budget. Our Finance Committee members have a diverse level of business experience from both the private and public sectors who volunteer their time without compensation or benefits. We care about our Town and that is the main reason we serve.

This year, like many others, has had its challenges with regards to providing a balanced budget for the Town while maintaining a quality level of services for our residents. Every year we face increases in fixed costs, some of which will be affected by the current substantial increase in inflation that is affecting all of us. This, combined with yearly uncertainty in State Aid always presents a challenge for our small Town and emphasizes the importance of sound conservative fiscal management of our Town’s finances. We started off this year without a Town Administrator, at which point the Board of Selectmen stepped up to the plate, along with our Finance Committee and other members of our Finance department to continue operations without a hitch. Since then, an Interim Town Administrator has come on board and has played a vital role in providing stability, guidance and direction by establishing long term goals to ensure financial stability for our Town. The ultimate goal is to provide quality level of services and to keep our property taxes within the constraints of Proposition 2 and ½ without the need for any tax overrides to maintain our Operational Budget. To achieve this, all Departments need to continue to work collaboratively with our Board of Selectmen, Town Administrator and Finance Committee to maintain fiscally responsible budgets. I would like to thank all of the Finance Committee members who participated in this year’s budgetary process as well as our Finance Department and Town Administrator along with our Board of Selectman who put in a lot of extra time to keep our town moving forward and in the right direction. Also, thank you to all of our Departments for understanding what it takes to present a balanced budget for our Town residents.

Sincerely,

Dr. Michael R. Boucher

Finance Committee Chairman

**TOWN OF ACUSHNET**

**BOARD OF SELECTMEN**

**FY 23 MUNICIPAL BUDGET MESSAGE**

***Greetings to the Citizens of Acushnet:***

The Board of Selectmen is proud to present this balanced budget to the citizens of Acushnet. Municipal services of today are very different from the essential services of the past. In the new millennium, our Public Safety, Health, and School employees are now frontline troops in the war against pandemics, opioid addictions, and increasing social violence. Our Veterans and Social Service professionals provide services to rapidly expanding senior and veteran populations while still dealing, along with our educators, with the dysfunctions of children and families in need. Our Public Works personnel repair, maintain, and restore a critically out-of-date and neglected infrastructure of roads, bridges, water systems, and sewer systems. Increasingly, municipal government is called upon to address increasing demands with very limited and in some cases decreasing public resources.

This FY23 Municipal Budget reflects the town’s financial operational and capital priorities. The Board of Selectmen has set these goals for the FY23 Municipal Operating Budget;

* Control Tax Impacts and Comply with Mandates
* Limit New Positions and Control Employee Benefit Increases
* Control “Budget Buster” Increases
* Increase Reserves and Mitigate Financial Fluctuations
* Pay Down Debt and Maintain Bond Rating
* Continue Planned Infrastructure Capital Projects

The FY23 Budget endeavors to achieve these priorities with economy and efficiency in the delivery of municipal services through the use of governmental “Best Practices”. Some of these “Best Practices” include providing for adequate funding of stabilization funds to maintain the Town’s bond rating, forecasting increases in mandated costs and employee benefits using data-driven analyses, and clearly communicating the town’s financial operational and capital priorities. Municipal budgets are composed of five (5) basic elements; **1) Revenue, 2) Reserves, 3) Operational Budget, 4) Debt** and **5) Capital Budget**.

**FY23 BUDGET REVENUE**

The **“Revenue”** element is comprised of the Tax Levy which is revenue raised through real estate and personal property taxes and limited to a 2 ½% annual increase under Proposition 2 ½ plus “New Growth, and other revenue derived primarily from fees, receipts and local aid. As we all know, Proposition 2 ½ provides for a limited increase in the tax levy of 2 1/2 percent plus the amount of "New Growth" in the community, plus capital debt exclusions. New Growth is based on the valuation of certain new construction and other growth not the result of property revaluation. The Town of Acushnet has seen encouraging New Growth over the past five fiscal years. Unfortunately, this accelerating New Growth has not continued into the present year.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **FISCAL YEAR** | **LEVY LIMIT** | **NEW GROWTH** | **LOCAL**  **RECEIPTS** | **STATE AID** |
| FY 23 | 20,965,438 | *325,000* | *3,755,663* | *8,144,840* |
| FY 22 | 20,137,013 | 444,186 | 3,591,215 | 8,064,088 |
| FY 21 | 19,212,514 | 734,390 | 3,247,442 | 7,971,527 |
| FY 20 | 18,024,438 | 430,938 | 3,691,768 | 7,971,527 |
| FY 19 | 17,237,500 | 220,611 | 3,851,111 | 7,891,039 |

In FY 23 the Principal Assessor estimates that “New Growth” for the Town will be in the area of $325,000.00. In spite of this downturn of New Growth, the FY23 budget continues to use reoccurring revenue and not “Free Cash” funding to maintain levels of service in public works, public safety, and education. “Free Cash” will only be used for capital projects, for one-time extraordinary expenses, and to maintain reserves. Because Free Cash is so reliant on previous years’ appropriations and expense spending, the amount of Free Cash available year to year is unpredictable. When the “total debt exclusions net of state aid and adjustments” is computed the “Maximum Allowable Levy” for FY23 is $21,013,948. Other sources of Revenue include “Local Receipts” and “Local Aid” as well as certain fund transfers from revolving funds and the Sewer Enterprise funds, and Free Cash. As stated above, Free Cash and these other sources of revenue are unpredictable and depend on economic factors not within the control of the Town or non-spending by the Town. From the table above, it is obvious that “Local Receipts” can fluctuate from year to year in varying amounts and were depressed during COVID (FY20 & FY21). Management has been conservative in estimating FY23 figures based on the actuals for prior years. Local receipts estimates are in line with conservative economic estimates. State aid estimates were based on the Governor’s recommendations. Traditionally, the Governor’s recommendations for Local Aid are less than the Legislature’s recommendations. Management is hopeful that trend will continue and local aid will increase during the legislative process.

The table below shows how little Massachusetts’ state aid to municipalities has changed during the last five years. In fact, during the COVID era, it remained unchanged.

|  |  |  |
| --- | --- | --- |
|  | **General Govt. Aid** | **Ch. 70 (School) Aid** |
| **2023** | **$1,711,378** | **$6,433,462** |
| **2022** | **$1,666,386** | **$6,397,702** |
| **2021** | **$1,610,035** | **$6,361,492** |
| **2020** | **$1,610,035** | **$6,361,492** |
| **2019** | **$1,567,707** | **$6,323,332** |

When all sources of revenue and receipts are conservatively estimated, management is confident that the total revenue available for FY23 will be adequate to deliver essential services.

|  |  |
| --- | --- |
| **TOTAL TAX LEVY** | **$21,013,948** |
| **ESTIMATED STATE AID** | **$8,059,992** |
| **ESTIMATED LOCAL RECEIPTS** | **$3,755,663** |
| **OTHER FUNDS** | **$575,488** |
|  |  |
| **TOTAL REVENUE** | **$33,405,091** |

**FY23 STABILIZATION & OPEB TRUST ACCOUNTS**

Knowing that future expenses will be growing at a rate that exceeds the Consumer Price Index (CPI) because of factors beyond the control of the Town or the School District, this FY23 Budget is providing for additional funding for a number of reserve accounts to mitigate cost spikes of the future. Within the FY23 Budget, the Board of Selectmen are proposing to transfer from Free Cash additional funding into:

* General Stabilization Fund …………………………..…………. $350,000
* Capital Expense Stabilization Fund………………………..……. $250,000
* OPEB Trust Fund………………………………………..……... $400,000

**OPEB TRUST FUND**

The town has an OPEB Trust account to enable the Town to adopt “Best Practices” concerning its future OPEB liability and to comply with the requirements of GASB 45. The Board of Selectmen are recommending continued funding for the OPEB trust account. This will permit said monies to be invested and solely utilized for payments to defray the costs of the Town’s future OPEB liabilities. The Town benefits from having an OPEB Trust fund as it shows financial responsibility and stability to bond and credit rating agencies and reduces the future fiscal impact of “pay-as-you-go” systems on the operating budget. With this transfer of $400,000, the balance in the OPEB Trust fund is $932,648.58. The latest determination of OPEB liability based on the 2020 audit is $21,653,297.

**STABILIZATION FUNDS**

As is evident from the table below, the Town has increased the Town’s unrestricted reserves to an advisable amount thus assisting the Town in the maintenance of the Town’s present bond rating of AA+. Rating agencies require municipalities to maintain a ratio between unrestricted reserves and operation budgets of at least 4.00% and at a maximum of 15.00%. While 10.0% is considered optimum, over 15.00% is looked upon as excessive. If the Town plans to go into the bond market for capital project in the future, it is critical that the Town maintains or improves its present bond rating of AA+. Achieving a mid-range ratio is commendable and should benefit the Town in the future. Since the Town has been using Free Cash as a funding source for capital projects as well as reserve funds, management did not include Free Cash amounts in the computation of a total for unrestricted reserves. If, in the future, any Free Cash is carried over to other fiscal years as an unrestricted reserve, that amount could be included in computation of the ratio.

|  |  |  |
| --- | --- | --- |
| **FISCAL YEAR** | **OVERLAY** | **STABILIZATION** |
| **FY23** | **TBD** | **$3,358,183.14** |
| **FY22** | **$843,166.52** | **$3,198,183.14** |
| **FY21** | **$751,473.37** | **$3,130,989.43** |
| **FY20** | **$535,319.09** | **$3,052,222.91** |
| **FY19** | **$358,434.86** | **$2,725,976.86** |

The Board of Selectmen is recommending that $160,000 be transferred from Free Cash to the General Stabilization Fund. This transfer will maintain a balance in the account equal to % of the total projected general fund operating revenue for the next fiscal year as advised by the Bond Rating Agencies. With this transfer, the General Stabilization Fund will be at $3,358,183.14 which will keep the unrestricted reserves balance at more than 4.0% and will show financial responsibility and stability to bond and credit rating agencies.

The Board is also recommending a transfer of $250,000 from Free Cash to the to the Capital Expense Stabilization Fund, a restricted, specific purpose, stabilization fund. This fund was created to defray future infrastructure repair, renovation, and construction costs as well as engineering and planning expenses. With this transfer, the Capital Expense (Infrastructure) Stabilization fund will be at $ 750,000.00, thus assisting the Town in its efforts to provide for necessary repairs to the Town’s infrastructure systems and roads. This fund will also facilitate the Town in applying for state and federal grants for infrastructure repairs.

In FY23, the Board of Selectmen is also proposing the establishment and funding of the following new restricted, specific purpose stabilization funds:

* Health Insurance Stabilization Fund……………………………. $200,000
* Accrued Liabilities for Compensated Absences Fund…………...$ 50,000
* Storm water System Improvements/MS4 Compliance Fund……. $ 50,000

The Health Insurance Stabilization Fund will assist in funding increase costs in the Town’s share of employee/retiree health insurance. Health Insurance costs are increasing in FY23 at the rate of 14.5%. This is the result of a negative premium to cost ratio of over 120% for seven months. The Town’s Health Insurance consultant has predicted large future increase in health insurance costs if no changes are made. The Town’s health insurance consultant has confirmed the Town’s intention to test the marketplace though the Request for Proposals process. The Town will issue a Request for Proposals to find an economic alternative to the present situation in FY 2023. In the meantime, it is prudent business practice to establish a health insurance stabilization account to assist in spreading out these costs.

Presently, the Town must fund compensated absences upon termination or retirement from the small Compensated Balances account or from the department’s operating budget. The Accrued Liabilities for Compensated Absences Stabilization Fund will enable the Town to provide for accrued liabilities for compensated absences upon the termination of an employee’s employment from this dedicated Stabilization Fund, which can be funded and carried over year to year. This will allow the Town to proactively plan and save for retirement payments.

The EPA and Massachusetts Department of Environmental Protection have established Storm Water Management Standards aimed at encouraging recharge and preventing storm water discharges from causing or contributing to the pollution of the Town’s surface waters and groundwater’s. These standards include the removal of illicit discharges to storm water systems, and improving the operation and maintenance of these systems. Storm water runoff results from rainfall and snow melt and represents the single largest source responsible for water quality impairments in the Town’s wetlands, rivers, lakes, ponds, and marine waters. These Storm Water Management Standards include environmentally sensitive site design and LID techniques to minimize impervious surface and land disturbance, source control and pollution prevention, construction period erosion and sedimentation control, and the long-term operation and maintenance of storm water management systems. To comply with these standards, the Town must continually perform inspections of existing systems and repair or update the systems that do not conform with the standards. The Board is proposing that the Town establish a reserve fund in the amount of $50,000.00, for storm water management operations and the costs of services for compliance with the General Permit for Discharges from the Municipal Separate Storm Water System. This will allow the Town to save funds that will be needed for future engineering costs as well as repair or construction costs to the Town’s Storm Water System.

**FY23 MUNICIPAL BUDGET**

This proposed FY23 Municipal Budget, a joint effort between both the Town and the School administrations, accounts for the need to provide Acushnet’s children with the skills and competencies necessary to thrive in the modern world while providing all of the other necessary services that our citizens rely on, such as public safety, public health, safe drinking water, sewer system services, and human services. The proposed FY23 Municipal Budget is $33,322,426.00 for a 3.53% increase from the previous year. Included in the budget for FY23 are continuing efforts to control the Joint Town/Education unclassified accounts, the maintenance of programmatic funding in the School Department, the maintenance of level services and initiatives designed to restore the Town’s infrastructure, and payment of both long-term and short-term debt. This year, the School District’s increase was limited to an increase of 3.00% over its FY22’s budget. This increase was not as large as the increases in the past because of the District’s effort to control expenses, such as funding for “out of District” placements, transportation increases, and utility costs. While the School District’s increase was not as large as in the past, the total public education budget increased by 3.19%. Old Colony Regional Vocational H.S. budget increased by a “budget busting” 8.19%. Bristol County Agricultural H.S. budget increased % from the previous year. The total increase in Town accounts amounts to 3.98%. The Town’s Municipal Budget includes accounts that are joint School and Town accounts for insurance and pensions. These joint accounts, the Employee Benefits account and the General Insurance account, are traditionally the costliest and least controllable of all of the Town accounts. The Employee Benefits account includes a “Budget Buster”, the Bristol County Retirement System assessment (6.04% increase) as well as School and Town Health Insurance cost increases (6.80%).

Note: The Municipal Budget includes the Town’s Operating Budget, Debt Repayments, and Joint Employee Benefits & Insurances, as well as Water Department operations within the Public Works Department. The Education Operating Budget includes the Old Colony Regional Vocational High School Assessment, Bristol County Agricultural High School Assessment, Fairhaven High School Tuition, New Bedford High School Tuition, and the Acushnet Schools Operating Budget. The Old Colony Regional Vocational High School Assessment, the Bristol County Agricultural High School Assessment, the Fairhaven High School Tuition, and the New Bedford High School Tuition are based on formulas mandated by the Commonwealth and their respective enrollments.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| GENERAL GOVERNMENT | $ 1,842,694.00 | 5.53% |
| PUBLIC SAFETY | $ 3,994,617.00 | 11.99% |
| EDUCATION | $ 18,124,573.00 | 54.39% |
| PUBLIC WORKS | $ 4,163,329.00 | 12.49% |
| HUMAN SERVICES | $ 610,352.00 | 1.83% |
| CULTURE & RECREATION | $ 389,312.00 | 1.17% |
| JOINT DEBT; TOWN & SCHOOLS | $ 390,413.00 | 1.17% |
| JOINT EMPLOYEE BENEFITS & INSURANCE | $ 3,807,136.00 | 11.43% |
|  |  |  |
| TOTAL | $ 33,322,426.00 | 100.00% |

The percentages listed reflect that portion of the total municipal budget that each functional category occuppies. Education comprises 54.39% of the total. However, the total cost of education includes $18,124,573.00 plus $1,574,004.00 in insurance and benefit costs for a total of $19,698,577.00, which is 59.12% of the Municipal Budget.

**FY23 MUNICIPAL OPERATING BUDGET**

**GENERAL GOVERNMENT ACCOUNTS**

The General Government accounts are increasing by 5.53%. Most General Government accounts are increasing by less than 2 ½%. About two-thirds (2/3) of the increase is driven by three accounts, Selectmen, Accountant, and Treasurer/Collector. The Selectmen Account increase reflects the transition from Interim Town Administrator to Town Administrator as well as reorganizing the support staff for more coverage. The Accountant Office increase is the result of an increase ($10,000) in the cost of the Town Audit. The increase for the Treasurer/ Collector’s Office is part of the three-year education commitment to ensure that the Treasurer/Collector is certified as is mandated by Massachusetts DOR. There is also a modest increase in the Planner’s Office for training and a similar increase in the Board of Registrars (Elections) because of the election years’ cycle.

**PUBLIC SAFETY ACCOUNTS**

The increase in the Public Safety accounts principally are the result of the potential transfer of two Police Officers to the State Police and the call-up of two other Police Officers for military duty. To ensure adequate police coverage for the town, new officers will have to be hired, sent to the Academy, trained, and equipped.

There is a savings in the Fire/EMS account of $13,973 in the Chief’s salary account. Chief Gallagher is retiring, so we are losing a very experienced and knowledgeable chief. The new Chief ‘s salary line reflects the fact that he will not have the skills, knowledge, or experience of Chief Gallagher. It should be noted that equipment replacement costs of $9,675 erase some of the savings.

**PUBLIC EDUCATION ACCOUNTS**

The Public Education accounts comprise 57.7% of the municipal operating budget for a total of $18,124,573.00. While this might seem excessive, it is not. In fact, it is typical of most communities. Schools are a vibrant living part of a community. Schools are one of the few unifying institution left in our modern world. Schools are the focal point for many community activities as well as a focal point for community pride. Support for education is essential for a growing vibrant community. Support for education and excellence in education is critical in attracting economic development to a community. The total Public Education budget increased by 3.19%. As stated above, the Acushnet School District’s increase was limited to an increase of 2.47% over its FY22’s budget. As stated previously, this increase was not as large as the increases in the past because of the District’s effort to restrict total increases, especially in funding for “out of District” placements, transportation increases, and utility costs. When the original budget had to be further reduced, the Acushnet School District shouldered its share of the reductions. However, the Old Colony Regional Vocational H.S. budget increased by a “budget busting” 8.19% for a total budget of $2,282,455. The Bristol County Agricultural H.S. assessment increased another “budget busting” amount for FY23 by 77.73% from $87,966.60 to $156,343.22. These two “budget busters” are driven by enrollment increases as well as basic cost increases. When the total costs to budget for Town operations are compared to the total costs to the budget for School District operations including a division of applicable joint costs, it results in a 2/3//1/3 breakdown.

**PUBLIC WORKS ACCOUNTS**

The minor increases in the Public Works accounts are the result of increased costs for fuel and equipment maintenance. SEMASS services have increased by $14,023 and the SEMASS salary account by $20,694. This 3.07% increase is the result of the Town holding multi-year trash processing and hauling contracts. This increase is very low compared with the present marketplace. There is no increase in the Snow and Ice Removal account, even though it traditionally operates in a deficit. This is one of two accounts that the Commonwealth has recognized and advised as an account that should be “partially” funded and then supplemented when final expenditures are known. There is also no increase in the Street Lighting account. With the installation of energy efficient equipment and in spite of increased energy costs management advises that no increase is necessary. Note: Some of the expenses of Public Works are spread through the Water Division and Sewer Enterprise accounts.

**PUBLIC HEALTH AND HUMAN SERVICES**

There is an increase in the Board of Health account that reflects an increase in the contractual costs for public health nurses. This increase is directly caused by the additional services required post-COVID. The increase in the Council on Aging account is to fund a part-time non-benefited Outreach Coordinator ($18,322) who will provide both outreach services and coordinate the Elder Community Services Program.

**CULTURAL AND RECREATION**

The increase in the Recreation Department account includes an increase in energy costs and a minor increase in summer youth salaries. The increase in the Parks Department is also a minor increase in the temporary (summer) personnel line item. The increase in the “Miscellaneous – Compensated Balance” line is based on expected “buyout” costs prior to being able to utilize the newly created Accrued Liabilities for Compensated Absences Stabilization Fund to defray the expenses resulting from contractually owed sick time and vacation buyouts.

**NON-DEPARTMENTAL ACCOUNTS**

Joint Town/Education unclassified or non-departmental accounts are experiencing across-the-board increases, some of which greatly exceed the targeted amount under the Proposition 2 1/2% mandate. The Joint Employee Pension account increased by 5.83%. The Bristol County Retirement System assessment is increasing of $91,426 (6.04%). The Bristol County Retirement Board costs are estimated at an 80/20 split between Town and the School District. Teachers participate in a separate retirement system overseen by the State Treasurer. The Medicare line increased by 4.32%. The Joint Health/Dental Insurance overall health insurance costs increased by 6.8%. The actual increase for health insurance was over 14%. The “6.8%” increase reflects management’s negotiations with the Harvard Community Health Plan for reductions and extreme optimistic estimates of employee plan participation numbers. The FY23 estimate may have to be revisited in the future. Post-65, Medicare retiree plan costs are being contained. Liability Insurance and Workers Compensation costs have been limited this year with no expected increase in premiums.

**JOINT ACCOUNTS – SCHOOL & TOWN FY22**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | **SCHOOL** | **%** | **TOWN** | **%** | **TOTAL** |
| **PENSIONS** |  |  |  |  |  |  |
|  | **Bristol Co. Retirement** | **302,600** | **20.00** | **1,210,401** | **80.00** | **1,513,001** |
|  | **Medicare** | **128,655** | **59.81** | **86,452** | **40.19** | **215,107** |
| **INSURANCES** |  |  |  |  |  |  |
|  | **Workers Comp.** | **73,461** | **55.49** | **58,935** | **44.51** | **132,396** |
|  | **Health/Dental** | **931,200** | **62.08** | **568,800** | **37.93** | **1,500,000** |
|  | **IOD Police/Fire** | **0** | **0** | **31,800** | **100.00** | **31,800** |
|  | **P&C Liability** | **108,588** | **38.85** | **170,859** | **61.15** | **279,447** |
|  | **Unemployment** | **29,500** | **59.00** | **20,500** | **41.00** | **50,000** |
|  |  |  |  |  |  |  |
| **TOTAL** |  | **1,574,004** | **42.29** | **2,147,747** | **57.71** | **3,721,751** |

**DEBT**

For FY23 the Town will be budgeting $277,000 for repayment of Bond Principal and $113,413 for repayment of Bond Interest for a total of $390,413. This is a $512 increase over the prior year. The School District will be budgeting $95,000 for repayment of Bond Principal and $12,260 for repayment of Bond Interest for a total of $107,260. The Town and School aggregate debt service is $9,839,523.96 for Bond Principal and $2,727,522.37 for Bond Interest for a total of $12,567,046.33. The “Par Value” of the “Debt Issues” include $3,480,000 – Police Station, $1,485,000 – Golf (multiple issues), $377,000 – School Construction, $3,004,576 – Water, and $1,372,948 for Water Pollution Abatement. These amounts are far below the debt limit of the Town.

**FY23 ENTERPRISE ACCOUNTS**

The major increase in the Water Division accounts is the increase of $24,000 in the New Bedford Water Billing. In the Sewer Enterprise Fund, there is an increase of $60,000 for New Bedford Sewer Pumping expenses. The Golf Enterprise Fund increased in the Clubhouse Employees Salary account by $31,785 and in the Maintenance Employee Salary account by $36,734. The maintenance of equipment and lease of equipment accounts each increased by $10,000 and $9,460 respectively. Insurance costs increased by $13,665. The Equipment Lease account increased by $49,000. These increases reflect the increased usage of the Golf Course during the COVID years up to the present. It also reflects the cycle in maintaining and replacing equipment.

**FY23 CAPITAL BUDGET**

As noted previously, “Free Cash” is only used for capital projects, for one-time extraordinary expenses, and to maintain reserves. The amount of “Free Cash” available year to year is unpredictable because “Free Cash” is so reliant on prior years’ appropriations and spending. This year, the Commonwealth certified “Free Cash” at $1,641,166.00 on April 11, 2022. The Town has proposed using $1,110,000 to fund FY23 contributions to various stabilization funds. Therefore $531,166 is available for individual capital purchases. The Board is proposing the following “Free Cash” expenditures for Capital Items.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **DEPT** | **REQUEST** | **AMOUNT** | **REASON** | **RECOMMENDED FUNDING SOURCE** |
| A | Public Works - Highway | 10 Wheel Sander/Plow Truck | $280,000 | Multi-purpose vehicle, highway, plowing, & sanding capability. | Free Cash |
| B | Public Works - Highway | Slide-in Sander | $50,000 | The Slide-in Sander will enable the DPW to use Snow Truck #16 for sanding as well as plowing. | Free Cash |
| C | Police | 24 Less Lethal Conducted Electrical Weapons (Tasers) | $86,400 | Present equipment is out of date and manufacturer recommendation is to replace. | Free Cash |
| D | Police | Computer Workstations and associated software | $9,500 | For the purchase, installation and configuration of replacement workstations and associated software | Free Cash |
| E | Schools | School Roof Preventative Maintenance and Repair | $15,000 |  | Free Cash |
| F | Schools | Repair and installation of new surface to parking lots | $45,000 | Materials to be purchased; labor provided by DPW | Free Cash |
| G | Emergency Management | Replacement of failing furnace and associated heating ducts | $16,000 | New Gas Furnace and associated duct work | Free Cash |

In addition, the Board is proposing that the initial funding for the Elders Community Services Program in the amount of $20,000 and the cost of the Nearmap software for the Board of Assessors in the amount of $8,000 be funded from “Free Cash”. The total expenditure of “Free Cash” on Capital Items is $529,900.00. The remaining balance is $1,266.00.

The following Capital Items are proposed to be funded from the listed funding sources and/or pending grant applications. Specific funding sources will be included in the Capital Article’s motion.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| H | Fire | Breathing Apparatus | $320,000 |  | Ambulance Receipt Fund |
| I | Historical Committee | Fencing Repair and Replacement -  Long Plain Museum | $3,500 | Fencing removed in 2018 and not replaced by Apple-Peach festival | CPC Funds |
| J | Historical Committee | Replace/install windows – Long Plain Museum | $23,250 | Install and replace storm windows to become more energy efficient. | CPC Funds |
| K | Historical Committee | Finish interior – Perry Hill Church - Complete sheetrock installation, plastering, and painting | $42,000 | Total Cost $80,208.43  Prior Article ##### FY  $38,208.43 | CPC Funds |
| L | Parks Commission | Park Upgrades -  Pope Park | $20,000 | Purchase and install new basketball equipment; paint resurfaced basketball court. Install trash receptacles and “doggie stations” | CPC Funds |

**FY23 MUNICIPAL BUDGET**

The FY 23 Budget is a balanced budget. The estimated revenue at time of presentment is $33,405, 091 and the Operational Budget is proposed at $33,322,425. The Board of Selectmen acknowledges that these revenue estimates include best estimates based on data analysis for local receipts and the lower “Governor’s proposed Local Aid” amounts. However, the Board is confident in the Town’s future financial well-being based on the proposal before the Town Meeting.

The Board of Selectmen would like to thank the Finance Committee as well as the Finance Department and Town Administrator’s office for their work in this year’s budgetary process. The Board would, also, like to thank all of the Department managers for their work in preparing this budget. This has been a time consuming effort for a number of dedicated employees and volunteers.

The Board of Selectmen would also like to thank the Acushnet School Committee, the School Superintendent, and the School District’s staff for their collaboration in this process. This was a difficult budget to prepare during these trying financial times. The Board especially appreciates the School Committee’s cooperation in making reductions that enabled the Board to present a balanced budget.

Sincerely,

**ACUSHNET BOARD OF SELECTMEN**

David Desroches David Wojnar Kevin Gaspar, Sr

Chairman

#### **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.

Community Preservation Act (CPA): The Town adopted the Community Preservation Act (CPA) in 2004. This Act allows the town to collect up to a 3% surcharge (Acushnet has voted 1.5%) on property tax bills

(the funds can be matched up to 100% by the state when funds are available), which creates the Community Preservation Fund, to use for Community Preservation purposes. Each year, the town must appropriate, or reserve (but not necessarily spend), 10% of the funds for each of the three Community Preservation purposes: Open Space, Historic Resources, and Community Housing. The remaining 70% of the funds can be appropriated or reserved used for any of the three purposes and for Recreation and for administration.

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, FY19 is the fiscal year ending June 30, 2019.

Free Cash: Free cash is the portion of 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 which is created with town receipts and which 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.

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 assessed valuation of property by the tax rate. The tax rate is expressed “per thousand dollars” of assessed valuation.

Reserve Fund: Money set aside by Town Meeting to be allocated by the 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 as a result of 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.



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***ANNUAL TOWN MEETING***

***FISCAL YEAR 2023 OPERATING BUDGET & CAPITAL IMPROVEMENT BUDGET***

***&***

***PUBLIC ACCESS BUDGET***

**ARTICLE 1:** To see if the Town will accept the reports of its Officers, Boards, Departments, Committees, and Commissions, as printed in the 2021 Annual Report, or act on anything relative thereto.

(Requested by Board of Selectmen) (Required Vote: Simple Majority)

**ARTICLE 2:** To see if the Town will raise and appropriate, or transfer from available funds a sum of eighty-six thousand and sixty-nine dollars ($86,069.00) to be added to line item 0104423-529000, Snow Removal/Ice Control, or take any other action thereon or in relation thereto.

(Requested by the Board of Selectmen) (Required Vote: Simple Majority)

***FISCAL YEAR 2023 CONSENT AGENDA***

**ARTICLE 3**: To see if the Town will vote to appropriate a sum or sums of money from the PEG Access and Cable Related Fund the sum of $190,000.00 for the expenses of Public Access as follows,

***Salaries/Wages*               $ 90,000.00**

***General Expenses*           $100,000.00**

***Total:*                               $190,000.00**

and that this sum be raised as follows:

Cable Franchise Fees and

Cable Related Revenues $190,000.00

TOTAL: $190,000.00

or take any other action thereon.

(Requested by Board of Selectmen) (Required Vote: Simple Majority)

1. To see if the Town will vote to authorize the Board of Selectmen to apply for state or federal grants, and to expend any monies received, as outlined in the appropriate grant application; or take any other action thereon or in relation thereto.

(Requested by Board of Selectmen) (Required Vote: Simple Majority)

1. To see if the Town will vote to accept and expend any sum or sums of money that may be available from the Commonwealth of Massachusetts (Massachusetts Department of Transportation) for Chapter 90 type construction, improvements, and/or reconstruction of public ways and associated equipment; and to authorize the Board of Selectmen to enter into contracts relative thereto, and to appropriate said sum or sums in anticipation of reimbursement from the Commonwealth; or take any other action thereon or in relation thereto.

(Requested by Board of Selectmen) (Required Vote: Simple Majority)

**ARTICLE 6:** To see if the Town will vote to authorize the Town Treasurer, with the consent of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue for the fiscal year beginning July 1, 2021, in accordance with the provisions of Massachusetts General Law (MGL), Chapter 44, §4, and to issue a note or notes as may be given for a period of less than one year in accordance with MGL, Chapter 44, §17, or take any other action thereon or in relation thereto.

(Requested by Board of Selectmen) (Required Vote: Simple Majority)

**ARTICLE 7:** To see if the Town will vote to authorize the members of the Cemetery Board to perform work in the Cemeteries and to allow the Board of Selectmen to determine the compensation to be paid to said members; or take any other action thereon or in relation thereto.

(Requested by the Cemetery Board) (Required Vote: Simple Majority)

**ARTICLE 8:** To see if the Town will vote to authorize the members of the Recreation Commission to perform work in the park and to allow the Board of Selectmen to determine the compensation to be paid to said members; or take any other action thereon or in relation thereto.

(Requested by the Recreation Commission) (Required Vote: Simple Majority)

**ARTICLE 9:** To see if the Town will vote to allow the Board of Library Trustees to sell for the sum of $1 the discarded books and periodicals of the Acushnet Public Library to the Friends of Acushnet Public Library, a non-profit library support group, or take any other action thereon or in relation thereto.

(Requested by the Board of Library Trustees) (Required Vote: Simple Majority)

**ARTICLE 10:** To see if the Town will vote pursuant to Massachusetts General Laws Chapter 44, Section 53E ½, to set the limits on the total amounts that may be expended in Fiscal Year 2023 from each of the Town’s revolving funds established under the Acushnet General Bylaws Article XXI, Revolving Funds, as set forth below, or take any other action thereon. (Board of Selectmen) (Required Vote: Majority)

|  |  |  |
| --- | --- | --- |
| **Revolving Fund:** | **Authorized to Spend From Fund:** | **FY21 Maximum  Amount Expendable:** |
|  |  |  |
| Recycling | Public Works Department | $10,000 |
| Conservation | Conservation Commission | $2,500.00 |
| Parks and Recreation | Parks & Recreation Commissioners | $ 12,500.00 |
| Council on Aging | Council on Aging | $ 30,000.00 |
| Public Library | Public Library Trustees | $6,000.00 |

(Requested by Board of Selectmen) (Required Vote: Simple Majority)

***Reason:*** *Under the consent agenda, annually recurring articles may be grouped together for passage. All of these articles appear each year in the warrant and include “housekeeping items”.*

***FISCAL YEAR 2023 RESERVE ACCOUNT ARTICLES***

**ARTICLE 11:** To see if the Town will vote pursuant to Chapter 40, Section 5B, of the Massachusetts General Laws, to establish a Health Insurance Stabilization Fund for the purpose of paying for costs associated with providing employee health insurance and Health Reimbursement Accounts, in future fiscal years, and further to transfer from free cash the sum of $200,000.00 to said stabilization fund, or take any other action thereon. (Board of Selectmen) (Required Vote: Two-Thirds Majority)

***Reason:*** *Presently, the Town has a negative premium to cost ratio as a result of many catastrophic cases. The health insurance provider has predicted a large future increase in health insurance costs. It is prudent business practice to establish a health insurance stabilization account to assist in spreading out these costs. The Town’s health insurance consultant has also advised to change plan design*

**ARTICLE 12:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 5B, to establish a stabilization fund for accrued liabilities for compensated absences for payments in future fiscal years of accrued liabilities for compensated absences due any employee of the Town upon the termination of the employee’s employment and to authorize future payment of accrued liabilities for compensated absences due any employee of the Town upon the termination of the employee’s employment from the reserve fund for accrued liabilities for compensated absences and further to transfer from free cash the sum of $50,000.00 to said reserve fund, or take any other action thereon. (Board of Selectmen) (Required Vote: 2/3 Majority)

***Reason:*** *Municipal employees are eligible for payment of unused paid time off (sick and vacation). Currently there is funding source outside of the departmental operating budget for anticipated retirement. This fund allows the town to proactively plan for retirements.**This will allow for the Town to provide for contractual retirement obligations outside of the operating budget.*

**ARTICLE 13:** To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 5B, to establish a stabilization fund for stormwater management operations and the costs of services for compliance with the General Permit for Discharges from the Municipal Separate Stormwater System, and further to transfer from free cash the sum of $50,000.00 to said reserve fund, or take any other action thereon. (Board of Selectmen) (Required Vote: 2/3 Majority)

**ARTICLE 14:** To see if the Town will vote to transfer from free cash the sum of $160,000.00 to the General Stabilization Fund, or take any other action thereon. (Board of Selectmen) (Required Vote: Majority)

***Reason:*** *According to municipal finance “Best Practices”, the Town needs to maintain an amount equal to 4.00 % of the total projected general fund operating revenue for the next fiscal year in its unrestricted stabilization funds, the General Stabilization Fund, but less than 10 %. With this transfer, the General Stabilization Fund will be at $3,358,183.00 which is 10.05% of projected 2023 revenues. Keeping the General Stabilization Fund balance at this level will assist the Town in maintaining its bond rating and showing financial responsibility and stability to bond and credit rating agencies.*

**ARTICLE 15:** To see if the Town will vote to transfer from free cash the sum of $250,000.00 to the Capital Expense Stabilization Fund, or take any other action thereon. (Board of Selectmen) (Required Vote: Majority)

***Reason:*** *According to municipal finance “Best Practices”, the Town will add $250,000.00 to Capital Expense* *(Infrastructure) Stabilization Fund to defray future infrastructure re2air, renovation, and construction costs as well as engineering and planning expenses. With this transfer, the Capital Expense* *(Infrastructure) Stabilization fund will be at $ 750,000.00, thus assisting the Town in maintaining its bond rating and showing financial responsibility and stability to bond and credit rating agencies*

**ARTICLE 16:** To see if the Town will vote to transfer from free cash the sum of $400,000.00 to the OPEB Trust account, or take any other action thereon. (Board of Selectmen) (Required Vote: Majority)

***Reason:*** *The town has an OPEB Trust account was created to enable the Town to adopt “best Practices” and comply with the reporting requirements of GASB 45. This article continues funding the OPEB trust account and permits said monies to be invested and solely utilized for payments to defray the costs of the Town’s* *OPEB liabilities. The Town benefits from having an OPEB Trust fund as it shows financial responsibility and stability to bond and credit rating agencies and reduces the future fiscal impact of “pay-as-you-go” systems on the operating budget. With this transfer, the balance in the OPEB Trust fund is $932,648.58. The latest*

***FISCAL YEAR 2023 OPERATING BUDGET & CAPITAL IMPROVEMENT BUDGET***

**ARTICLE 17:** To see if the Town will vote, under the provisions of the General Laws of Massachusetts, Chapter 41, §108, or any amendments thereto, to fix the salaries of all elected officials and to fund collective bargaining agreements for Fiscal Year 2022, and raise and appropriate any sum or sums therefor, and further raise and appropriate any sum or sums of money for the maintenance of the several departments of the Town, and for other necessary charges, in accordance with the amount recommended by the Finance Committee as shown in the final column of the Warrant;

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| DEPARTMENT | | |  | | FISCAL 2022 | FISCAL 2023 | FISCAL 2023 | |
|  | |  | |  | Appropriation | Department Request | Fin Com Rec | |
| **GENERAL GOVERNMENT** | | | | | | | | |
|  |  | | |  |  |  |  |
| 1110 | **RESERVE FUND** | | |  |  |  |  |
|  | Expense Total | | |  | 150,000 | 150,000 | 150,000 |
|  |  | | |  |  |  |  |
| 1113 | **TOWN MEETING/ELECTIONS** | | |  |  |  |  |
|  | Expense Total | | |  | 8,500 | 14,280 | 14,280 |
|  |  | | |  |  |  |  |
| 1114 | **MODERATOR** | | |  |  |  |  |
|  | Salary Total | | |  | 725 | 725 | 725 |
|  | Expense Total | | |  | 100 | 150 | 150 |
|  | **Moderator Total** | | |  | 825 | 875 | 875 |
|  |  | | |  |  |  |  |
| 1122 | **SELECTMEN** | | |  |  |  |  |
|  | Salary Total | | |  | 234,079 | 249,091 | 249,091 |
|  | Expense Total | | |  | 26,000 | 26,800 | 26,800 |
|  | **Selectmen Total** | | |  | 260,079 | 275,891 | 275,891 |
|  |  | | |  |  |  |  |
| 1131 | **FINANCE COMMITTEE** | | |  |  |  |  |
|  | Salary Total | | |  | 3,500 | 3,500 | 3,500 |
|  | Expense Total | | |  | 400 | 400 | 400 |
|  | **Finance Committee Total** | | |  | 3,900 | 3,900 | 3,900 |
|  |  | | |  |  |  |  |
| 1135 | **ACCOUNTANT** | | |  |  |  |  |
|  | Salary Total | | |  | 156,133 | 155,417 | 155,417 |
|  | Expense Total | | |  | 38,400 | 52,1502 | 52,150 |
|  | **Accountant Total** | | |  | 194,533 | 207,567 | 207,567 |
|  |  | | |  |  |  |  |
| 1141 | **ASSESSORS** | | |  |  |  |  |
|  | Salary Total | | |  | 117,294 | 118,595 | 118,595 |
|  | Expense Total | | |  | 61,600 | 61,620 | 61,620 |
|  | **Assessors Total** | | |  | 178,894 | 180,215 | 180,215 |
|  |  | | |  |  |  |  |
| 1145 | **TREASURER/COLLECTOR** | | |  |  |  |  |
|  | Salary Total | | |  | 179,103 | 173,837 | 173,837 |
|  | Expense Total | | |  | 37,700 | 52,800 | 52,800 |
|  | **Treasurer/Collector Total** | | |  | 216,803 | 226,637 | 226,637 |
|  |  | | |  |  |  |  |
| 1151 | **TOWN COUNSEL** | | |  |  |  |  |
|  | Legal Expenses | | |  | 67,500 | 67,500 | 67,500 |
|  | Legal-Land Court | | |  | 17,000 | 17,000 | 17,000 |
|  | **Town Counsel Total** | | |  | 84,500 | 84,500 | 84,500 |
|  |  | | |  |  |  |  |
| 1155 | **TECHNOLOGY** | | |  |  |  |  |
|  | Salary Total | | |  | 25,319 | 20,300 | 20,300 |
|  | Expense Total | | |  | 112,600 | 121,800 | 121,800 |
|  | **Technology Total** | | |  | 137,919 | 142,100 | 142,100 |
|  |  | | |  |  |  |  |
|  |  | | |  |  |  |  |
| 1161 | **TOWN CLERK** | | |  |  |  |  |
|  | Salary Total | | |  | 136.456 | 138,225 | 138,225 |
|  | Expense Total | | |  | 5,750 | 4,552 | 4,552 |
|  | **Town Clerk Total** | | |  | 142,206 | 142,777 | 142,777 |
|  |  | | |  |  |  |  |
| 1163 | **BOARD OF REGISTRARS** | | |  |  |  |  |
|  | Salary Total | | |  | 8,000 | 13,060 | 13,060 |
|  | Expense Total | | |  | 9,950 | 11,994 | 11,994 |
|  | **Board of Registrars Total** | | |  | 17,950 | 25,054 | 25,054 |
|  |  | | |  |  |  |  |
| 1171 | **CONSERVATION COMM.** | | |  |  |  |  |
|  | Salary Total | | |  | 73,915 | 59,525 | 59,525 |
|  | Expense Total | | |  | 14,350 | 25,000 | 25,000 |
|  | **Conservation Comm. Total** | | |  | 88,265 | 84,525 | 84,525 |
|  |  | | |  |  |  |  |
| 1172 | **SOIL BOARD** | | |  |  |  |  |
|  | Salary Total | | |  | 1,900 | 1,900 | 1,900 |
|  | Expense Total | | |  | 200 | 200 | 200 |
|  | **Soil Board Total** | | |  | 2100 | 2100 | 2100 |
|  |  | | |  |  |  |  |
| 1175 | **PLANNING BOARD** | | |  |  |  |  |
|  | Salary Total | | |  | 70,740 | 73,300 | 73,300 |
|  | Expense Total | | |  | 820 | 6,000 | 6,000 |
|  | **Planning Board Total** | | |  | 71,560 | 79,300 | 79,300 |
|  |  | | |  |  |  |  |
| 1176 | **BOARD OF APPEALS** | | |  |  |  |  |
|  | Salary Total | | |  | 3,000 | 3,000 | 3,000 |
|  | Expense Total | | |  | 3,150 | 3,150 | 3,150 |
|  | **Board of Appeals Total** | | |  | 6,150 | 6,150 | 6,150 |
|  |  | | |  |  |  |  |
| 1192 | **TOWN BUILDINGS** | | |  |  |  |  |
|  | Salary Total | | |  | 104,464 | 106,323 | 106,323 |
|  | Expense Total | | |  | 116,000 | 110,500 | 110,500 |
|  | **Town Buildings Total** | | |  | 220,464 | 216,823 | 216,823 |
|  |  | | |  |  |  |  |
| 2.40% | **GENERAL GOVERNMENT TOTAL** | | |  | 1,784,648 | 1,842,694 | 1,842,694 |
|  |  | | |  |  |  |  |
| **PUBLIC SAFETY** | | | | | | | | |
|  |  | | |  |  |  |  |
| 2210 | **POLICE DEPARTMENT** | | |  |  |  |  |
|  | Salary Total | | |  | 2,211,566 | 2,298500, | 2,298500, |
|  | Expense Total | | |  | 302,185 | 361,510 | 361,510 |
|  | **Police Dept. Total** | | |  | 2,513,751 | 2,660,010 | 2,660,010 |
|  |  | | |  |  |  |  |
| 2220 | **FIRE/EMS DEPARTMENT** | | |  |  |  |  |
|  | Salary Total | | |  | 920,758 | 910,733 | 910,733 |
|  | Expense Total | | |  | 154,156 | 166,419 | 166,419 |
|  | **Fire Department Total** | | |  | 1,074,914 | 1,077,152 | 1,077,152 |
|  |  | | |  |  |  |  |
| 2241 | **BUILDING DEPARTMENT** | | |  |  |  |  |
|  | Salary Total | | |  | 134,070 | 134,889 | 134,889 |
|  | Expense Total | | |  | 28,750 | 28,840 | 28,840 |
|  | **Building Dept. Total** | | |  | 162,820 | 163,729 | 163,729 |
|  |  | | |  |  |  |  |
| 2244 | **SEALER; WEIGHTS/MEASURES** | | |  |  |  |  |
|  | Salary Total | | |  | 1,169 | 1,169 | 1,169 |
|  | **Weights & Measures Total** | | |  | 1,169 | 1,169 | 1,169 |
|  |  | | |  |  |  |  |
| 2291 | **EMERGENCY MGT** | | |  |  |  |  |
|  | Salary Total | | |  | 3,299 | 3,799 | 3,799 |
|  | Expense Total | | |  | 14,550 | 14,850 | 14,850 |
|  | **Emergency Management Total** | | |  | 17,849 | 18,649 | 18,649 |
|  |  | | |  |  |  |  |
| 2292 | **ANIMAL CONTROL** | | |  |  |  |  |
|  | Salary Total | | |  | 50,168 | 50,168 | 50,168 |
|  | Expense Total | | |  | 6,740 | 6,740 | 6,740 |
|  | **Animal Control Total** | | |  | 56,908 | 56,908 | 56,908 |
|  |  | | |  |  |  |  |
| 2294 | **FORESTRY** | | |  |  |  |  |
|  | Salary Total | | |  | 600 | 1,000 | 1,000 |
|  | Expense Total | | |  | 14,000 | 16,000 | 16,000 |
| 3.93% | **Forestry Total** | | |  | 14,600 | 17,000 | 17,000 |
|  |  | | |  |  |  |  |
|  | **PUBLIC SAFETY TOTAL** | | |  | 3,842,011 | 3,994,617 | 3,994,617 |
|  |  | | |  |  |  |  |
| **EDUCATION** | | | | | | | | |
|  |  | | |  |  |  |  |
| 3320 | **OLD COLONY REGIONAL** | | |  | 2,109,632 | 2,282,455 | 2,282,455 |
|  |  | | |  |  |  |  |
| 3325 | **ACUSHNET SCHOOL DEPT.** | | |  | 15,460,066 | 15,842,118 | 15,842,118 |
|  |  | | |  |  |  |  |
| 3.59% | **EDUCATION TOTAL** | | |  | 17,569,698 | 18,124,573 | 18,124,573 |
|  |  | | |  |  |  |  |
| **PUBLIC WORKS** | | | | | | | | |
|  |  | | |  |  |  |  |
| 4422 | **PUBLIC WORKS - HIGHWAY** | | |  |  |  |  |
|  | Salary Total | | |  | 401,802 | 407,107 | 407,107 |
|  | Expense Total | | |  | 509,700 | 545,700 | 545,700 |
|  | **Public Works-Highway Total** | | |  | 911,502 | 952,807 | 952,807 |
|  |  | | |  |  |  |  |
| 4423 | **SNOW & ICE** | | |  |  |  |  |
|  | Expense Total | | |  | 110,000 | 110,000 | 110,000 |
|  | **Snow & Ice - Total** | | |  | 110,000 | 110,000 | 110,000 |
|  |  | | |  |  |  |  |
| 4424 | **STREET LIGHTING** | | |  |  |  |  |
|  | Expense Total | | |  | 20,000 | 20,000 | 20,000 |
|  | **Street Lighting - Total** | | |  | 20,000 | 20,000 | 20,000 |
|  |  | | |  |  |  |  |
| 4431 | **SEMASS** | | |  |  |  |  |
|  | Salary Total | | |  | 19,269 | 39,963 | 39,963 |
|  | Expense Total | | |  | 1,108,500 | 1,122,523 | 1,122,523 |
|  | **SEMASS- Total** | | |  | 1,127,769 | 1,162,486 | 1,162,486 |
|  |  | | |  |  |  |  |
| 4491 | **CEMETERY** | | |  |  |  |  |
|  | Salary Total | | |  | 5,464 | 5,464 | 5,464 |
|  | Expense Total | | |  | 1,325 | 1,325 | 1,325 |
|  | **Cemetery- Total** | | |  | 6,789 | 6,789 | 6,789 |
|  |  | | |  |  |  |  |
| 4451 | **WATER RESERVE FUND** | | |  |  |  |  |
|  | Expense Total | | |  | 60,000 | 60,000 | 60,000 |
|  | **Water Fund Reserve Fund-Total** | | |  | 60,000 | 60,000 | 60,000 |
|  |  | | |  |  |  |  |
| 4450 | **PUBLIC WORKS - WATER** | | |  |  |  |  |
|  | Salary Total | | |  | 198,124 | 199,955 | 199,955 |
|  | Expense Total | | |  | 1,408,100 | 1,444,300 | 1,444,300 |
|  | **Public Works-Water Total** | | |  | 1,606,224 | 1,644,255 | 1,644,255 |
|  |  | | |  |  |  |  |
| 7450 | **WATER DEBT RETIREMENT** | | |  |  |  |  |
|  | Expense Total | | |  | 206,991 | 206,992 | 206,992 |
|  | **Water Fund Debt Retirement Total** | | |  | 206,991 | 206,992 | 206,992 |
|  |  | | |  |  |  |  |
| 2.82% | **PUBLIC WORKS TOTAL** | | |  | 4,049,275 | 4,163,329 | 4,163,329 |
|  |  | | |  |  |  |  |
| **HUMAN SERVICES** | | | | | | | | |
|  |  | | |  |  |  |  |
| 5510 | **BOARD OF HEALTH** | | |  |  |  |  |
|  | Salary Total | | |  | 170,628 | 170,646 | 170,646 |
|  | Expense Total | | |  | 16,975 | 29,375 | 29,375 |
|  | **Board of Health Total** | | |  | 187,603 | 200,021 | 200,021 |
|  |  | | |  |  |  |  |
| 5541 | **COUNCIL ON AGING** | | |  |  |  |  |
|  | Salary Total | | |  | 122,052 | 140,374 | 140,374 |
|  | Expense Total | | |  | 21,240 | 22,740 | 22,740 |
|  | **Council on Aging Total** | | |  | 143,292 | 163,114 | 163,114 |
|  |  | | |  |  |  |  |
| 5543 | **VETERANS** | | |  |  |  |  |
|  | Salary Total | | |  | 20,772 | 20,772 | 20,772 |
|  | Expense Total | | |  | 226,445 | 226,445 | 226,445 |
|  | **Veterans Total** | | |  | 247,217 | 247,217 | 247,217 |
|  |  | | |  |  |  |  |
| 5.58% | **HUMAN SERVICES TOTAL** | | |  | 578,112 | 610,352 | 610,352 |
|  |  | | |  |  |  |  |
| **CULTURE & RECREATION** | | | | | | | | |
|  |  | | |  |  |  |  |
| 6610 | **LIBRARY** | | |  |  |  |  |
|  | Salary Total | | |  | 226,984 | 224,542 | 224,542 |
|  | Expense Total | | |  | 55,149 | 63,237 | 63,237 |
|  | **Library Total** | | |  | 282,133 | 287,779 | 287,779 |
|  |  | | |  |  |  |  |
| 6630 | **RECREATION** | | |  |  |  |  |
|  | Salary Total | | |  | 0 | 10,000 | 10,000 |
|  | Expense Total | | |  | 20,393 | 13,893 | 13,893 |
|  | **Recreation Total** | | |  | 20,393 | 23,893 | 23,893 |
|  |  | | |  |  |  |  |
| 6650 | **PARKS DEPARTMENT** | | |  |  |  |  |
|  | Salary Total | | |  | 21,000 | 29,000 | 29,000 |
|  | Expense Total | | |  | 19,167 | 19,667 | 19,667 |
|  | **Parks Dept. Total** | | |  | 40,167 | 48,667 | 48,667 |
|  |  | | |  |  |  |  |
| 6691 | **HISTORICAL COMMISSION** | | |  |  |  |  |
|  | Expense Total | | |  | 7,000 | 7,000 | 7,000 |
|  | **Historical Comm. Total** | | |  | 7.000 | 7.000 | 7.000 |
|  |  | | |  |  |  |  |
| 2699 | **MISCELLANEOUS** | | |  |  |  |  |
|  | Salary Total | | |  | 5,000 | 10,000 | 10,000 |
|  | Expense Total | | |  | 11,973 | 11,973 | 11,973 |
|  | **Miscellaneous Total** | | |  | 16,973 | 21,973 | 21,973 |
|  |  | | |  |  |  |  |
| 6.18% | **CULTURE & RECREATION TOTAL** | | |  | 366,666 | 389,312 | 389,312 |
|  |  | | |  |  |  |  |
| **DEBT SERVICE** | | | | | | | | |
|  |  | | |  |  |  |  |
| 7710 | **DEBT RETIREMENT PRINCIPAL** | | |  |  |  |  |
|  | Expense Total | | |  | 267,000 | 277,000 | 277,000 |
|  | **Debt-Principal Total** | | |  | 267,000 | 277,000 | 277,000 |
|  |  | | |  |  |  |  |
|  | **DEBT RETIREMENT INTEREST** | | |  |  |  |  |
|  | Expense Total | | |  | 122,901 | 113,413 | 113,413 |
|  | **Debt-Interest Total** | | |  | 122,901 | 113,413 | 113,413 |
|  |  | | |  |  |  |  |
| 0.13% | **DEBT SERVICE TOTAL** | | |  | 389,901 | 390,413 | 390,413 |
|  |  | | |  |  |  |  |
| **NON\_DEPARTMENTAL (JOINT ACCOUNTS)** | | | | | | | | |
|  |  | | |  |  |  |  |
| 1911 | **PENSIONS** | | |  |  |  |  |
|  | Expense Total | | |  | 1,728,108 | 1,828,836 | 1,828,836 |
|  | **Pensions Total** | | |  | 1,728,108 | 1,828,836 | 1,828,836 |
|  |  | | |  |  |  |  |
| 1914 | **INSURANCE** | | |  |  |  |  |
|  | Expense Total | | |  | 1,876,300 | 1,978,300 | 1,978,300 |
|  | **Pensions Total** | | |  | 1,876,300 | 1,978,300 | 1,978,300 |
|  |  | | |  |  |  |  |
| 5.62% | **NON\_DEPARTMENTAL TOTAL** | | |  | 3,604,408 | 3,807,136 | 3,807,136 |
|  |  | | |  |  |  |  |
|  |  | | |  |  |  |  |
| 3.48% | **GENERAL FUND TOTAL** | | |  | 32,184,719 | 33,322,426 | 33,322,426 |

or take any other action thereon.

(Board of Selectmen) (Required Vote: Simple Majority)

**ARTICLE 18:** To see if the Town will vote to appropriate a sum of money to operate the Golf Club Enterprise Fund as shown below:

*Reserve Fund* $ 100,000.00

*Salaries* $ 629,256.00

*Operation & Maintenance* $ 640,246.00

*Debt Service* $ 340,500.00

***TOTAL*** $1,710,002.00

And this sum to be raised as follows:

*Golf Center Revenue* $1,610,002.00

*Golf Retained Earnings* $ 100,000.00

***TOTAL*** $1,710,002.00

Or take any other action thereon or in relation thereto.

(Requested by Golf Committee and the Board of Selectmen) (Required Vote: Simple Majority)

**ARTICLE 19**: To see if the Town will vote to appropriate a sum of money to operate the Sewer Enterprise Fund as shown below:

*Reserve Fund* $ 60,000.00

*Salaries* $ 85,579.00

*Operations & Maintenance*  $654,400.00

***TOTAL*** $799,979.00

And this to be raised as follows:

*Sewer Revenues* $739,979.00

*Sewer Retained Earnings* $ 60,000.00

***TOTAL*** $799,979.00

Or take any other action thereon or in relation thereto.

(Requested by Board of Selectmen) (Required Vote: Simple Majority)

**ARTICLE 20:** To see if the Town will vote to raise and appropriate or transfer the following sums from available listed funds for any or all of the following capital improvement projects and purchases, or take any other action thereon.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **DEPT** | **REQUEST** | **AMOUNT** | **REASON** | **RECOMMENDED FUNDING SOURCE** |
| A | Public Works - Highway | 10 Wheel Sander/Plow Truck | $280,000 | Multi-purpose vehicle, highway, plowing, & sanding capability. | Free Cash |
| B | Public Works - Highway | Slide-in Sander | $50,000 | The Slide-in Sander will enable the DPW to use Snow Truck #16 for sanding as well as plowing. | Free Cash |
| C | Police | 24 Less Lethal Conducted Electrical Weapons (Tasers) | $86,400 | Present equipment is out of date and manufacturer recommendation is to replace. | Free Cash |
| D | Police | Computer Workstations and associated software | $9,500 | For the purchase, installation and configuration of replacement workstations and associated software | Free Cash |
| E | Schools | School Roof Preventative Maintenance and Repair | $15,000 |  | Free Cash |
| F | Schools | Repair and installation of new surface to parking lots | $45,000 | Materials to be purchased; labor provided by DPW | Free Cash |
| G | Emergency Management | Replacement of failing furnace and associated heating ducts | $16,000 | New Gas Furnace and associated duct work | Free Cash |
| H | Fire | Breathing Apparatus | $320,000 |  | Ambulance Receipt Fund |
| I | Historical Committee | Fencing Repair and Replacement -  Long Plain Museum | $3,500 | Fencing removed in 2018 and not replaced by Apple-Peach festival | CPC Funds |
| J | Historical Committee | Replace/install windows – Long Plain Museum | $23,250 | Install and replace storm windows to become more energy efficient. | CPC Funds |
| K | Historical Committee | Finish interior – Perry Hill Church - Complete sheetrock installation, plastering, and painting | $42,000 | Total Cost $80,208.43  Prior Article ##### FY  $38,208.43 | CPC Funds |
| L | Parks Commission | Park Upgrades -  Pope Park | $20,000 | Purchase and install new basketball equipment; paint resurfaced basketball court. Install trash receptacles and “doggie stations” | CPC Funds |

(Board of Selectmen) (Required Vote: Simple Majority)

1. To see if the Town will vote to raise and appropriate, transfer from free cash or otherwise provide the sum of $8,000.00 for the Board of Assessors to purchase Nearmap software to bring together geospatial and construction datasets into a common operating environment to be utilized for assessment information of real estate values for tax purposes.

(Board of Assessors) (Required Vote: Simple Majority)

*The Board of Assessors is requesting these funds to have the ability to measure and list and potential discovery of assessment data through this digital platform. This software could also be made available to other town departments including Fire, Police, and Building Departments.*

*This appropriation would be for the inception year, and there is an annual maintenance fee of approximately $3,000.00*

***MISCELLANEOUS ACTIONS***

**ARTICLE 22:** To see if the Town will vote to raise and appropriate or transfer from free cash the sum of $20,000.00 to fund an Elders Community Services Program for the purpose of providing a payment voucher for services rendered for the departments, boards and committees of the municipality to resident property owners who have attained the age of sixty (60) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides; said program shall be subject to the following conditions, in addition to any and all eligibility requirements promulgated by the Board of Selectmen, after receiving the recommendations of the Council-On-Aging: (a) participation in the program shall be limited to elderly residents of the Town who own property and are willing and able to provide services to the Town; (b) program participants shall receive compensation at a rate of $8.00 an hour for each hour of service rendered for a total not to exceed $1,500.00 in any calendar year; (c) program participants must agree in writing prior to participating in the program to receive compensation in the form of a voucher to be presented to the Treasurer/Tax Collector to be applied to the real estate obligations of the participant for the property in which the participant resides; (d) the Treasurer/Tax Collector shall comply with the wage, tax and payroll deduction requirements of the state Department of Revenue and the federal Internal Revenue Service, prior to compensating program participants or applying the net amount of wages earned to the real estate tax obligations of the participants; and (e) program participants who meet the eligibility guidelines established for the program by the Board of Selectmen shall be selected for participation in the program on a first-come-first-served basis, or take any other action thereon.

(Board of Selectmen and Council-On-Aging) (Required Vote: Simple Majority)

**ARTICLE 23:** To see if the Town will vote to accept, for all boards, committees, or commissions when holding an adjudicatory hearing in the Town, the provisions of M.G.L. chapter 39, section 23D, which provides that a member of a boards committee, or commission when holding an adjudicatory hearing, shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that certain conditions as established by M.G.L. chapter 39, section 23D,are met.

(Board of Selectmen) (Required Vote: Simple Majority)

**AMENDMENTS TO ZONING AND GENERAL BYLAWS**

**ARTICLE 24**: **Large-Scale Ground-Mounted Solar Photovoltaic Installations**. To see if the Town will vote to amend the Zoning Bylaws to add a new Section \_\_: Temporary Moratorium on the Siting of Large-Scale Ground-Mounted Solar Photovoltaic Installations, as follows, or act in relation thereto:

**SECTION 24:** **Temporary Moratorium on the Siting of Large-Scale Ground Mounted Solar Photovoltaic Installations**

1 Authority and Purpose: The Town of Acushnet currently has \_\_20\_\_\_ approved large-scale ground mounted solar photovoltaic installations completed or under construction. These projects have involved significant clear cutting of trees and ground vegetation and have been located in close proximity to abutting residential neighborhoods. An installation in an abutting town has made clear the threat of further solar development in Acushnet to scenic vistas and recreational areas. Pursuant to the Zoning Bylaw, large-scale ground mounted solar photovoltaic installations are defined as solar photovoltaic systems in excess of 25 kW rated nameplate capacity structurally mounted on the ground, and are allowed by special permit in the Residential A (RA), Business Village (BV), and Business Commercial (BC) Districts. Existing regulation, however, has proved inadequate for protecting the Town’s natural resources and mitigating other negative effects of large-scale ground mounted solar facilities on the Town. Further, the unexpected high demand for large-scale ground mounted solar installation sites, together with the size of the proposed installations, has demonstrated the potential for rapidly changing the face of the Town, thereby raising novel legal, planning, and economic issues and creating an urgent need to review the current regulation of this use. The Town needs time to consider and study the future implications and impact of ground-mounted solar photovoltaic installations upon the Town as a whole, as well as the consistency of the already completed solar facilities with the Town's current and future planning goals, and adopt regulation accordingly. Imposition of a temporary moratorium on large-scale ground-mounted solar photovoltaic installations will allow sufficient time to assess these issues and amend the Zoning Bylaws to address the impact of these facilities on the Town's natural resources and its planning goals.

2.Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for large-scale ground-mounted solar photovoltaic installations. The moratorium shall be in effect through \_\_180 Days \_\_ or the date on which the Town adopts amendments to the Zoning Bylaw regulating large-scale ground-mounted solar photovoltaic installations, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to largescale ground-mounted solar photovoltaic installations are needed or desirable to allow for and regulate such use consistent with protecting the Town's natural resources and furthering its planning goals.

**(Planning Board) (Required vote 2/3 majority)**.

***Planning Board Summary****. This article establishes a moratorium on large scale ground mounted solar power facilities while the Town considers appropriate zoning measures.*

**Article 25:** To see if the Town will vote to amend the Town of Acushnet Official zoning map by rezoning a parcel of land identified in Assessor’s records as Map 15, Lots 482 and 534, from the Residential A zoning district to the Residential Village zoning district; or take any other action thereto.

**(Planning Board) (Required vote 2/3 majority)**.

***Planning Board Summary****.* The rezoning of lots 482 and 534 from the Residential A zoning district to the Residential Village zoning district will create an additional 10-13 conforming lots within the Residential Village district for potential residential development. Transitioning these two parcels to the Residential Village district would allow for the creation of additional housing units in a part of Acushnet that has pre-existing sewer and water connection points. Future development in this area shall require professional sewer and water pressure testing conducted by a third-party engineer at the project proponents’ expense. Lot 482 is 1.74 acres and lot 534 is 1.45 acres with a combined total of 3.19 acres or 138,956.4 square feet of land to be rezoned to the Residential Village district.

**SEE APPENDIX 2 for ZONING MAPS**

**ARTICLE 26: Stormwater Bylaw Amendment**

To see if the Town will vote to amend the Town of Acushnet Stormwater Bylaw by deleting the present language and replacing said language with the following language attached or take any other action thereto.

**(Conservation Agent & Stormwater Agent; Board of Selectmen) (Required Vote: Simple Majority)**

**Stormwater Agent Summary:** The EPA required Towns to update their MS4 Stormwater bylaw. This is an updated bylaw with language required by EPA, which was prepared by the Towns MS4 consultant.

The bylaw gives the town the authority to make local Stormwater regulations that are based on town wide needs. It also contains language required by EPA. Updated regulations do not have to be voted on at town meeting. Conservation will advertise it, hold a public hearing, vote to approve and the regulation will take effect seven days later.

There is nothing more stringent in this change, in fact, it is being relaxed to prevent putting residents through the expense of the permit for residential single lot permits and driveway paving.

**SEE APPENDIX 3 for AMENDED BYLAW**

**ARTICLE 27: Citizens Petition**

To see if the Town will vote to amend the Town of Acushnet General Bylaws Article VI – Soil Conservation for the Town of Acushnet by deleting the present language and replacing said language with the following language attached or take any other action thereto.

**SEE APPENDIX 4 for AMENDED**

**(Citizens Petition) (Required Vote: Simple Majority)**

CONSTABLES:

In addition, you are directed to serve the above warrant by posting up an attested copy thereof at the Acushnet Town Hall, Acushnet Post Office, Acushnet Public Library, Acushnet Council on Aging, Acushnet Elementary School, Ford Middle School in said Town of Acushnet and in addition at available public places, Jason's Variety and Scuttlebutts Variety, in seven days at least before the time of holding said meeting.

Given under our Hands this 20th day of April, Two Thousand Twenty-Two.





David

Desroches,

Chair

Bristol SS Town of Acushnet

I have served the above warrant by posting up attested copies, as directed by vote of the Town at least seven (7) days before time of holding said meeting.

Date & Time: May 2022 @ A TRUE COPY ATTEST - TOWN CLERK:



CONSTABLE: Pamela Labonte

**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 ¾ 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:

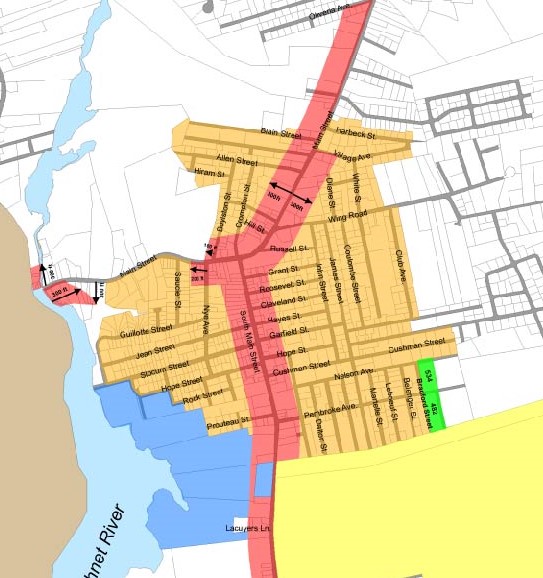
A motion to lay on the table: This motion is used to lay something aside temporarily to take care of more urgent matters. It should not be used to prevent debate or to kill a question. Members can “take from the table” a motion for reconsideration. This must happen by the end of the town meeting.

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.

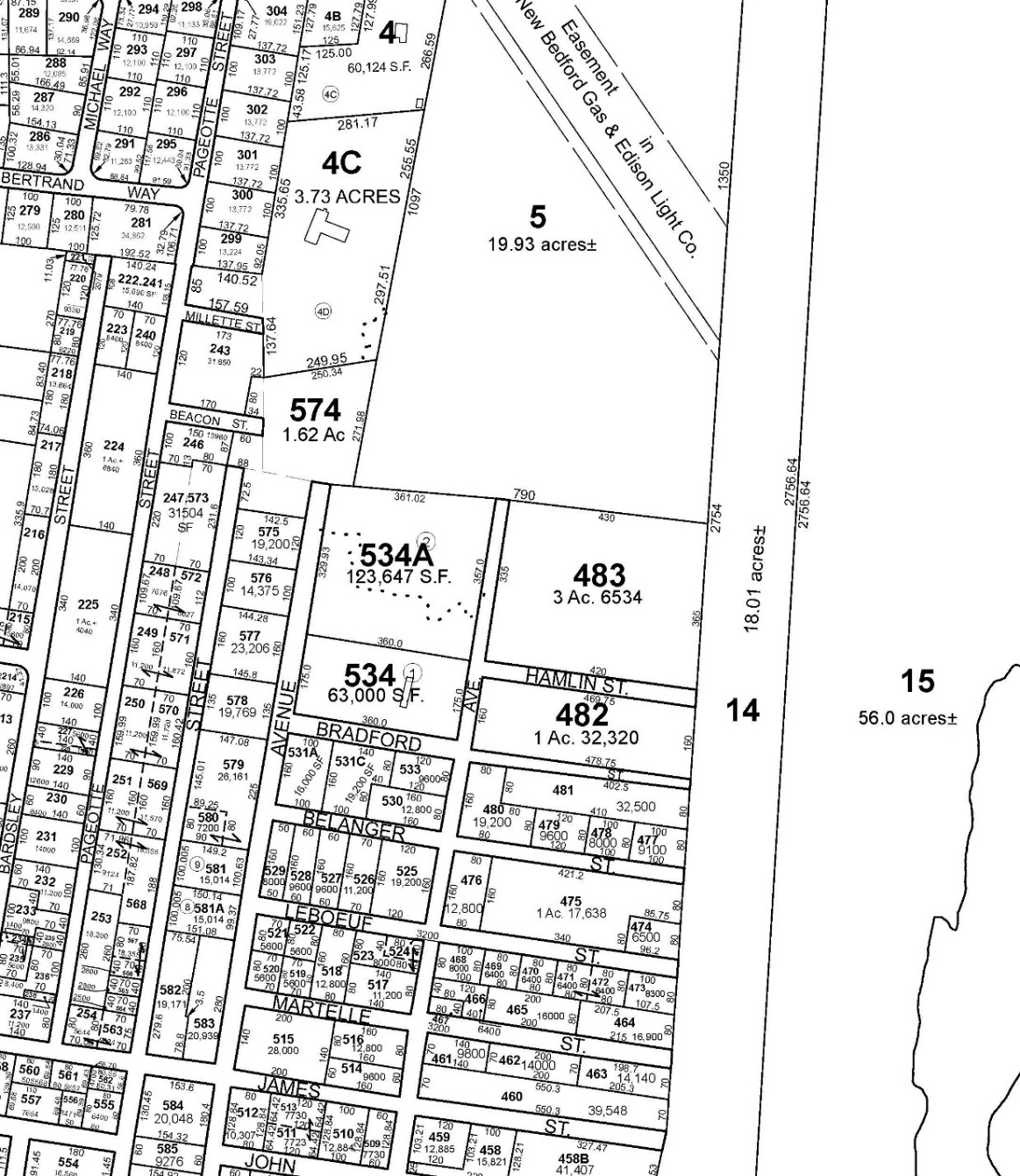
**APPENDIX 2: Maps for Article 25: Zoning Amendment; Bradford Street**





Note: Below is Acushnet Assessors Map 15 and the two lots in consideration for rezoning to the Residential Village are 534 and 482. Total land area for rezoning is 3.19 acres or 138,956.4 square feet.

Residential Village Lot Standards:

1. Minimum lot area: 10,000 square feet
2. Minimum Frontage: 100 feet
3. Minimum Setbacks:
   1. Front – 20 feet
   2. Rear – 20 feet
   3. Side – 10 feet
   4. Width – 100 feet
   5. Lot Depth – 80 Feet

**APPENDIX 3: Amended Stormwater Bylaw**

**Stormwater Management Bylaw**

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Section 6. Final Reports

ARTICLE 1- GENERAL PROVISIONS

Section 1. Purpose and Objective

A. The purpose of this bylaw is to protect public health, safety, general welfare, and the environment by regulating illicit connections and discharges to the storm drain system, as well as to control the adverse effects of construction site Stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:

(1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies; (2) Contamination of drinking water supplies; 

1. Contamination of downstream coastal areas;
2. Alteration or destruction of aquatic and wildlife habitat;
3. Overloading or clogging of municipal Storrnwater management systems; and
4. Flooding.

B. The objectives of this bylaw are to:

1. Protect water resources;
2. Comply with state and federal statutes and regulations relating to Stormwater discharges including total maximum daily load requirements and with the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts, issued by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection ("MS4 Permit"); (3) Prevent and reduce pollutants from entering the Town of Acushnet's municipal separate storm sewer system (MS4);
3. Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
4. Establish minimum construction and post construction Stormwater management standards and design criteria for the regulation and control of Stormwater runoff quantity and quality;
5. Establish provisions for the long-term responsibility for, and maintenance of, structural Stomwater control facilities and nonstructural Stormwater best management practices to ensure that they continue to function as designed, and pose no threat to public safety; and (7) Recognize the Town of Acushnet's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

Section 2. Definitions

Unless a different definition is indicated in other sections of this bylaw, the following definitions and provisions shall apply throughout this bylaw:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, finn, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Land Disturbance Permit. AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Land Disturbance Permit.

BEST MANAGEMENT PRACTICE (BMP): schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING: Any activity that removes the vegetative surface cover.

CONMON PLAN OF DEVELOPMENT: - A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the Waters of the United States or Commonwealth from any source.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles • .

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities. GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

HAZARDOUS MATERIAL: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 3 10 CMR 40.0000. ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Article Il, §2D. The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities and other activities exempted pursuant to Article Il, §2D(l) of this bylaw. IMPERVIOUS SURFACE: Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas and other areas created using nonporous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND DISTURBANCE PERMIT: A permit issued by the Stormwater Authority pursuant to this bylaw prior to commencement of Land Disturbing Activity.

LOW IMPACT DEVELOPMENT or LID: site planning and design strategies that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. LID practices include but are not limited to bioretention facilities, rain gardens, vegetated rooftops, rain barrels and permeable pavements.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Acushnet.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSIEM (NPDES)

STORMWATER DISCHARGE PERMIT: A permit issued by the EPA that authorizes the discharge of pollutants to Waters of the United States.

NEW DEVELOPMENT: any construction activities or land alteration on an area that has not previously been developed to include impervious cover.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snovunelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area. NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of Stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a Stormwater management system to ensure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in property. 

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, construction wastes and residues including discarded building materials, concrete fruck wash out, chemicals, litter, and sanitary wastes and industrial, municipal and agricultural waste discharged into water.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previous.ly developed sites.

RUNOFF: Rainfall, snowmelt, or inigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: The areal extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

SOIL: Any earth, sand, rock, gravel, or similar material.

STORMWATER AUTHORITY: The Town Conservation Commission or its authorized agent(s).

STORMWATER: Stormwater runoff, snow melt runoff, and surface runoff and drainage.

STORMWATER MANAGEMENT PERMIT: Any activity that causes a change in the position or location of soil, sand, rock, gavel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing, grading, or excavating, including grubbing; or results in an alteration of drainage characteristics.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings, details and reporting requirements developed by a qualified professional engineer (PE), which describes structural and non-structural best management practices designed to control the discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed. TOTAL MAXIMUM DAILY LOAD or TMDL: Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories and authorized tribes in listing impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a pollutant that a waterbody can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL includes Waste Load Allocations for point source discharges, Load Allocations for nonpoint sources and/or natural background and must include a margin of safety and account for seasonal variations.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

Section 3. Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Massachusetts home rule statute.

Section 4. Responsibility for Administration

A. The Stormwater Authority shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents. (Through this section the Conservation Commission will now administer the Bylaw, not the Stormwater Review Board)

Section 5. Waivers

A. The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:

1. allowed by federal, state and local statutes and/or regulations and the MS4 Permit; and
2. in the public interest; and
3. not inconsistent with the purpose and intent of this bylaw.
4. Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.
5. If in the opinion of the Stormwater Authority or its authorized agent, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 6. Regulations

A The Stormwater Authority shall adopt, and may periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management bylaw by majority vote after conducting a public hearing to receive comments.

Such hearing shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

Stormwater Management regulations, rules or guidance shall identify requirements for Stormwater Management Permits required by this bylaw and consistent with or more stringent than the relevant requirements of the most recent MS4 Permit.

Section 7. Enforcement

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

A Criminal and Civil Relief.

1. Any person who violates the provisions of this bylaw, or any associated regulations, permit, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and/ or a fine of not more than $300 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
2. The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. B. Orders.

(1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of Article Il of this bylaw or any associated regulations, which may include: (a) Elimination of illicit connections or discharges to the MS4;

1. Performance of monitoring, analyses, and reporting;
2. Cessation of unlawful discharges, practices, or operations;
3. Implementation of measures to minimize the discharge of pollutants until such time as the illicit connection or discharge shall be eliminated; and
4. Remediation of any adverse impacts of an illicit discharge or connection.

(2) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of Article Ill of this bylaw or any associated regulations or permit. Violations include, without limitation, failure to obtain a Stormwater Management Permit for an activity subject to this bylaw, or failure to follow the requirements of a Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this bylaw or regulations issued hereunder. The written order may require the violator to remediate the non-compliance and/or any adverse impact caused by it, including without limitation:

1. A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit or other authorization;
2. Maintenance, installation or performance of additional erosion and sediment control measures;
3. Monitoring, analyses, and reporting;
4. Remediation of erosion and sedimentation resulting directly or indirectly from the landdisturbing activity;
5. Construction, reconstruction, repair or maintenance of Stormwater BMPs or any other aspect of the post-construction Stormwater management system;
6. Remediation of adverse impacts resulting from improper construction or operation of the post-construction Stormwater management system; and/or
7. A requirement to eliminate discharges, directly or indirectly, into the MS4, a watercourse or into the Waters of the Commonwealth.
8. If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, The Town of Acushnet may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
9. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction affirming or reducing the costs, the costs shall constitute a municipal charge for purposes of G.L. c.40, §58, and a lien may be imposed on the property for the amount of the unpaid charge, pursuant to G.L. c.40, §58. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59 § 57 on the 31st day after the costs first become due.

C. Noncriminal disposition. As an alternative to criminal prosecution or civil action, The Town of Acushnet may elect to utilize the noncriminal disposition procedure set forth in M.G.L.

c. 40, § 2 ID, in which case designated agents of the Stormwater Authority shall be the enforcing persons. The penalty for the first violation shall be a warning. The penalty for the second violation shall be $100. The penalty for the third and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

1. Enfry to perform duties under this bylaw. To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
2. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be appealed to a court of competent jurisdiction.

Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 8. Severability

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

ARTICLE 11 - DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

Section 1. Applicability

Article Il of this bylaw shall apply to all direct or indirect discharges to the municipal storm drain system and to any activities that might obstruct the municipal storm drain system.

Section 2. Prohibited activities; exemptions.

Illicit discharges. No person shall commence, allow, conduct or continue any illicit discharge to the municipal storm drain system.

B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

c. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Stormwater Authority. D. Exemptions.

1. Discharge or flow resulting from fire-fighting activities, unless the Stormwater Authority determines that such discharge or flow is a significant source of pollutants to Waters of the United States;
2. The following categories of non-stormwater discharges are allowed unless the

Stormwater Authority, EPA, or the MassDEP identifies any category or individual discharge of non-stormwater discharge below as a significant contributor of pollutants to the MS4; then that category or individual discharge is not allowed, but rather constitutes an "illicit discharge' : (a) Water line flushing

1. Landscape irrigation
2. Diverted stream flows
3. Rising groundwater
4. Uncontaminated groundwater infiltration (as defined at 40 CFR §

35.2005(20))

(t) Uncontaminated pumped groundwater

1. Discharge from potable water sources
2. Foundation drains
3. Air conditioning condensation

G) Irrigation water; springs

(k) Water from crawl space pumps Footing drains

1. Lawn watering
2. Individual resident car washing
3. Flows from riparian habitats and wetlands
4. De-chlorinated swimming pool discharges (less than one ppm chlorine) provided the pool is drained in such a way as not to cause a nuisance (q) Street wash waters

(r) Residential building wash waters without detergents

Section 3. Additional Prohibited Pollutants

Pet Waste: Dog feces are a major component of Stormwater pollution and it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a helping dog or other helping animal registered as such. Persons walking dogs must carry with them a device designed to properly dispose of dog feces including, but not limited to, a bag or "pooper scooper. " For specific requirements and penalties for violations see Article VIl of the General Laws.

B. Pavement Sealers: Coal tar based driveway and pavement sealers have been identified as a primary source of poly-aromatic hydrocarbons affecting streams in developed areas. Poly-aromatic hydrocarbons are classified by the United States Environmental Protection Agency as a probable human carcinogen and are highly toxic to aquatic life. Asphalt-based driveway and pavement sealers contain low concentrations of poly-aromatic hydrocarbons. Therefore, application of coal tar based driveway and pavement sealers is prohibited for all paved areas directly connected to the MS4, a watercourse, or Waters of the Commonwealth.

Section - Emergency suspension of storm drainage system access

The Storrnwater Authority or its authorized agent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 5. Notification of spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and MassDEP if necessary. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator. of the facility shall retain on site a written record of the discharge and the actions taken to address it and prevent its recurrence. Such records shall be retained for at least three years.

ARTICLE 111- STORMWATER MANAGEMENT AND LAND DISTURBANCE

Section 1. Applicability

A. These regulations shall apply to all construction activity or land disturbance that individually or as part of a Common Plan of Development resulting in disturbance of land in excess of the thresholds below.

(l) A Stormwater Management Permit is required for disturbance of 40,000 square feet or more of land, or for the disturbance of more than 5,000 square feet of land where the proposed use is a land use of higher potential pollutant loads pursuant to the Massachusetts Stormwater Management Standards.

B. The following activities are exempt from the provisions of Section 5(A):

1. Maintenance of existing landscaping, gardens or lawn areas associated with a singlefamily dwelling conducted in such a way as not to cause a nuisance;
2. Construction of fencing that will not substantially alter existing terrain or drainage patterns;
3. Consfi•uction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment or other pollutants to the MS4 or, directly or indirectly, to a Watercourse or Waters of the Commonwealth; (4) Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act regulation 310 CMR 10.04.

Any person that fails to follow the requirements of a Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan, shall be in violation of this bylaw.

Section 2. Review or Permit

1. A Stormwater Management Permit must be obtained prior to the commencement of any construction activity or land disturbance for which such a review or permit is required. An applicant seeking a review or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and in regulations adopted by the Stormwater Authority.
2. Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority. Applicants shall pay the application fee before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer (PE) or other professional consultant to advise the Stormwater Authority on any or all aspects of the application and/or the project's compliance with conditions of a Review or Permit. The Stormwater Authority may require the applicant to pay reasonable costs to be incurred by the

Stormwater Authority for the employment of outside consultants pursuant to Stormwater Authority regulations as authorized by G.L. c. 44, § 530.

c. Required submittals to obtain a Stormwater Management Permit shall include (without limitation) an Erosion and Sedimentation Control Plan, a Stormwater Management Plan, and an Operation and Maintenance Plan. To obtain a Stormwater Management Permit, the applicant must show that site design, construction site stormwater runoff control and post-construction stormwater management will meet the standards set by the Stormwater Authority in its regulations, rules and/or guidance, which shall be at least as stringent as the relevant requirements of the MS4 Permit and may also address relevant environmental considerations including (without limitation) protection of aquifers and sensitive water bodies, climate resilience, and prevention of flooding.

D. The Stormwater Management Permit shall include measures to ensure adequate longterm operation and maintenance of Stormwater management design features and BMPs. The Stormwater Authority may impose requirements including (without limitation) the following: (I) A requirement that ftmds for future operation and maintenance be set aside in a dedicated fund or escrow account;

1. A permanent permit condition requiring compliance with an Operation and Maintenance Plan;
2. A permanent permit condition requiring that the property owner submit an annual report or certification regarding operation and maintenance;
3. A requirement to record the Operation and Maintenance Plan (or notice thereof); (5) A requirement that a legal instrument be put in place establishing responsibility for operation and maintenance of a Stormwater BMP serving more than one lot; and

(6) A requirement that an easement be recorded allowing the Town to access a Stormwater BMP to remedy any operational failure or maintenance problem.

Section 3. Consent to Entry onto Property

By signing the permit application, an applicant consents to the entry of members of the Stormwater Authority or its authorized agents in or on the site while the application is under review to verify the information in the application, and at any time after a Review or Permit is issued to inspect for compliance with Review or Permit conditions.

Section 4. Inspection and Site Supervision

The Storrnwater Authority or its designated agent shall make inspections to verify and document compliance with the Stormwater Management Permit.

Section 5. Surety

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit. If the permittee defaults on any obligations imposed by the Stormwater Management Permit, the Stormwater Authority may (after notification of the permittee) inform the holder of the security (and the municipal treasurer if the treasurer is not holding the funds) of the default, in which event the Town shall be entitled to the security funds.

Section 6. Final Reports

Upon completion of the work and no later than two (2) years after completion of construction, the holder of a Stormwater Management Permit shall submit a report (including certified as-built construction plans) from a Professional Engineer (PE), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that the project has been completed in accordance with the conditions of the Stormwater Management Permit. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the Stormwater associated with the completed site (post construction Stomwater management). Any discrepancies with the approved permit plans shall be noted in the cover letter submitting the reported as-built plans.

**APPENDIX 4 - CITIZENS PETITION: AMENDMENT to Town of Acushnet General Bylaws Article VI – Soil Conservation for the Town of Acushnet**

**Article VI**

**SOIL CONSERVATION FOR THE TOWN OF ACUSHNET**

**Section 1**

The Town By-Laws shall be amended to establish a Soil Conservation Board in the Town of Acushnet for the purpose of exercising the powers and duties hereunder.

1. The members of the Board shall consist of the Board of Selectmen.
2. In the event that a vacancy shall occur on the Board, the Board from which such representative comes, shall select a representative to fill such vacancy by a majority vote of the Board at any meeting at which a quorum is present in the same manner as which the original representative was selected.
3. Organization
   1. A quorum for the conduct of any and all business shall be two (2) members.
   2. The affirmative vote of at least two (2) members shall be required for the recommendation to grant, modify, revoke or remove any permit authorized hereunder.
   3. The members shall elect a chairman and vice-chairman, the latter to serve in the absence of the chairman.
   4. The Board may appoint a secretary, who need not be a member of the Board. The secretary shall keep a true record of the proceedings of the Board, which shall be a public record.
   5. The Board shall file a copy of all its official actions with the Town of Acushnet Clerk and Board of Selectmen as required by law.
   6. The Board may appoint an enforcement officer who need not be a member of the Board. The enforcement officer shall keep a record of all duties performed and inspections made.

**Section 2 Definitions**

1. For the purpose of this by-law, “earth” shall include soil, loam, sand, gravel, clay, rock, bedrock, rap or other allied products.
2. For the purpose of this by-law, the “enforcement officer” shall be the inspector or inspectors appointed by the Soil Conservation Board to carry out these duties.
3. For the purpose of this by-law, “Board” shall mean the Soil Conservation Board.
4. For the purpose of this by-law, “petitioner” shall be the person or persons making application to remove earth from a property in the Town.
5. For the purpose of this by-law, “parcel” or “parcel of land” shall mean a lot showing on the then current Assessors’ Plat Plans.
6. As used in this by-law, the following terms shall have the meanings indicated.
7. The purpose of this by law and associated regulations is to regulate earth removal operations and land filling operations for the protection of human health, public safety,welfare, and the town’s natural resources in the Town of Acushnet. Further, the provisions of this by law are intended to protect abutting property owners from drainage problems that could potentially be created by poorly managed earth removal and or filling operations.

**ABUTTER is any property within 2000 feet for the front, rear and side property lines.**

**BULK MATERIAL** is stone, sand, gravel, soil, aggregate material less than twelve inches in length or diameter, and other organic or inorganic particulate matter.

CONTRARY is a fact or condition incompatible with another

**DISTURBED SURFACE AREA** means a portion of the earth's surface which has been physically moved, uncovered, destabilized, mined or otherwise modified from its undisturbed natural soil condition. This definition excludes those areas which have: (a) been restored to a natural state, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions; (b) been paved or otherwise covered by a permanent structure; or

1. sustained a vegetative ground cover of at least 70 percent of the native cover for a particular area for at least 30 days.

**DUST SUPPRESSANTS** are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to prevent fugitive dust emissions beyond the property line

**EARTH-MOVING ACTIVITIES** means the use of any equipment for any activity where soil is being moved or uncovered, and shall include, but not be limited to the following: grading, earth cutting and filling operations, loading or unloading of dirt or bulk materials, adding to or removing from open storage piles of bulk materials, quarry operations, weed abatement through disking, and soil mulching.

**DUST CONTROL SUPERVISOR** means a person with the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with this regulation and any permit or condition issued thereunder.

**HIGH WIND CONDITIONS** means that instantaneous wind speeds exceed 20 miles per hour.

**LARGE OPERATIONS** means any active operations on property which contains 50 or more acres of disturbed surface area; or any soil removal or filling operation with a soil removal or filling throughput volume of 15,000 cubic yards during the most recent 365-day period.

**FILL** means soil, sediments, rocks/stones, or other organic or inorganic material obtained off- site that is used to fill holes, pits or depressions; create mounds; or otherwise artificially change the grade or elevation of real property.

**RAP shall mean asphalt millings ( the material produced from the milling of roads before repaving) and pieces of asphaltic roadway pavement removed from the roadway surface.**

**FILLING OF LAND the import and use of earth materials on any pacel of land within the Town of Acushnet.**

**PROPOSED FILL MATERIAL Any geologic,man-made,recycled or processed material including its entirety or as a proportion containing clay,rock,sand,gravel,peat,sediment.Material meeting the federal and or state definition of soild or hazards waste or as toxic,infectious,radioactive,coorosive,contaminated or reactive material is specifically excluded.**

**SOIL REMOVAL** means the use of any equipment for any activity where soil is being moved or uncovered, and shall include, but not be limited to the following: grading, earth cutting and filling operations, loading or unloading of dirt or bulk materials, adding to or removing from open storage piles of bulk materials, landfill operations, weed abatement through disking, and soil mulching.

**OPEN STORAGE PILE** is any accumulation of bulk material, which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area of 150 or more square feet.

**PROPERTY LINE** means the boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property.

**WATER TABLE** means the spring high water table established from a test pit or piezometer and the level related to a permanent monument on the property.

**Section 3**

**Earth Removal Procedure**

* 1. No earth shall be removed from any parcel of land within the Town, and no earth filling operation on any parcel of land within the town except as hereafter provided, and only in accordance with a written permit issued by the Board of Selectmen. The Board of Selectmen may grant a permit for such removal and for temporary structure accessory thereto, in accordance with the procedure hereafter set forth for special permits. No permit for removal or filling shall be granted unless the Board of Selectmen finds that such removal or filling (subject to the conditions imposed by the permit) will not be contrary to the best interests of the Town, and no removal or filling operations subsequently conducted under such permit shall continue if contrary to such interests. For this purpose, removal of earth material shall be considered contrary to the best interest of the Town which
     1. will be injurious or dangerous to the public health or safety,
     2. will produce noise, dust,vibration,odor, or other effects observable at or beyond the lot lines in amounts objectionable or detrimental to the normal use of adjacent property,
     3. will result in excessive transportation of materials on ways giving access to the land in question which will cause traffic congestion or hazards,
     4. will result in transportation which will cause undue injury to the roadway surfaces,
     5. will result in change in topography and cover which will be disadvantageous to the most appropriate use of land on which the operation is conducted, or
     6. will have a material adverse effect on the health or safety of persons living in the surrounding neighborhoods, or on the use of amenities of adjacent land.
     7. Will result in transportation of materials in excess of the Federal truck weight limits of 80,000 pounds.
  2. Any person wishing to fill a property or remove such material from a property in the Town shall file a formal application with the Board, which application shall include the following specific information and supporting documentation:

1. The location of the proposed filling or excavation, including Assessors’ Plat and Lot numbers
2. The legal name and address of the owner of the property involved.
3. The legal name and address of the petitioner, which address shall be used by the Board for all correspondence hereunder.
4. Names and addresses of all abutting property owners, including those across any streets.
5. The proposed method of performance security to be used shall be a
6. *cash surety* of $10,000.00 per acre to secure a permit.
7. A plan and representative profiles of the area covering the permit prepared by a Registered Professional Engineer, from which final grades may be established.

Topographical plans depicting existing and proposed grades. A reclamation plan prepared by a Professional Engineer with all associated costs and requirements to complete the reclamation of the entire property.

1. Copies of the information outlined in the above articles shall be filed with the Town Clerk.
2. In approving the issuance of a permit, the Board shall impose reasonable conditions, especially designed to safeguard the neighborhood and the town, as follows:
   1. The finished leveling and grading shall be indicated on approved plans indicated and submitted to the Board.
   2. The placing of swales, basins, check dams, topsoil and planting of vegetation necessary to control erosion.
   3. The duration of the removal or filling operation.
   4. The construction of necessary fencing and other protections against nuisances. Boulders may be used for this purpose; boulders not used

for this purpose must be disposed of as required by sub-paragraph (i) hereunder.

* 1. Method of earth removal.
  2. Hours of operation.
  3. Routes of travel and number of truck trips per day for transportation of material both inbound and outbound.
  4. Control of temporary or permanent drainage, discharge and compliance with Article IX of the Town Bylaws.
  5. Disposition of boulders and tree stumps. Boulders may be buried below grade. Stumps may not be buried below the normal grade.
  6. Set and maintain permanent boundary monuments at each property corner.
  7. At the conclusion of every day’s operation, the vertical bank shall be caved into a slope no greater than a 2 to 1 vertical slope to protect public safety.
  8. All soil removal or filling activities that exist as of the effective date of this regulation must apply for a permit within sixty (60) days of such effective date.

For all active operations or large operations requiring a permit under this Regulation, the Board may consult, at the applicant's expense, and pursuant to G.L. c. 44, § 53G, a Professional Engineer, Air Quality Expert, Traffic Engineer and/or Licensed Site Professional (LSP) registered in the Commonwealth of Massachusetts, approved of or chosen by the Board. Said Engineer or LSP, if retained by the Board, shall assist the Board with analysis of the proposed soil removal activities so that the Board may determine whether such project may be contrary to the best interest of the town, or result in the removal or filling of contaminated soil or whether such project may otherwise impact the public health safety or welfare of the residents of the town or the environment.

Any appeal of the Board’s selection of a Professional Engineer and/or Licensed Site Professional (LSP) may be filed pursuant to G.L. c. 44, § 53G.

The Board's hearing may be continued as may be necessary to receive any and all applicable and relevant evidence. In all cases, it shall be the Applicant's burden to demonstrate that the proposed soil removal will not adversely impact the public and or be contrary to the benefit of the town. The Board may deny a permit if the Applicant fails to supply adequate materials to evaluate the project or if the soil removal activities

will adversely impact the public and or be contrary to the interests of the town.

* 1. No permit for the removal of earth shall be issued by the Board of Selectmen, except as provided in Section 4 below, until a public hearing has been held by the Board, notice of which shall have been given by them at least fourteen days in advance, in a paper of general circulation, published not less than weekly, in the Town of Acushnet, the posting of copies thereon on municipal bulletin boards and the mailing of copies thereof to the abutting property owners, and abutters to abutters within two thousand feet(2000) including those across any streets and a recommendation has been received in writing from said Board.
  2. Any permit issued hereunder shall automatically expire upon the completion of the earth removal project for which it was issued or at the expiration of one year from the date of issue, or upon revocation for cause by the Board of Selectmen, whichever shall first occur.
  3. Approval of the renewal of a permit for a period not in excess of one year may be made by the Board of Selectmen after holding a public hearing.
  4. The removal of earth pursuant to any permit granted hereunder shall be deemed a permitted use under Section 4 of the Zoning By-law.

**Section 4 Exceptions**

1. No permit shall be required for the following purposes:
   1. Repealed

(05/10/2020 b. p. TBD a. 22)

* 1. As part of a cemetery operation.
  2. When such earth removal is necessary in connection with the construction of a building being built in accord with a permit issued by the Building Inspector. The amount to be removed to be limited to the volume of earth necessary to construct the structure authorized by the permit.
  3. Repealed

(05/10/2020 b. p. TBD a. 22)

1. The Board of Selectmen, without a public hearing, may approve permits without requiring compliance with conditions set forth in Section 3, B1 – B8, for the removal from the site of earth for the following purposes:
   1. Where necessary as part of farm, garden or nursery activities.
   2. When incidental to landscaping or similar activities for which building or zoning permits are not required.
2. Repealed

(05/10/2020 b. p. TBD a. 22)

**Section 5 Specific Limitations**

1. No permit for the removal of earth shall be approved by the Board of Selectmen except upon the condition that a drainage layer of not less than eighteen inches (18”) in depth, with a permeability of <10 -5 and a cover of topsoil of not less than 4 inches in depth shall be replaced or allowed to remain, except that it shall be no greater than the depth of the topsoil, if any, shown on submitted plans, and except where, due to construction of roads, buildings or other permanent physical features, such provision is impractical.
2. Every permit granted under this bylaw shall be valid for a period not to exceed one year. Requests for renewal must be submitted no later than the end of the 10th month following issuance, with decisions on renewal to issue within thirty days of such request. Renewals shall be granted based upon compliance with the terms of the underlying permit. Any expansion or material modification of the underlying soil removal activities, as may be determined by the Board's Agent, shall require a new public hearing.

**Section 6 General Limitations**

1. No permit for the removal of earth shall be approved by the Board of Selectmen if the work extends within two hundred (200) feet of a public road unless the Board of Selectmen is satisfied that such removal will not undermine the way.
2. No permit shall be issued for the removal of earth within one hundred (100) feet of a dwelling foundation or existing leaching field unless the Board is satisfied that such removal will not interfere with the dwelling or septic system.
3. No permit shall be issued for the removal of earth within twenty (20) feet plus a sufficient distance to provide a 2 horizontal to 1 vertical foot slope from an abutting owner, unless the Board of Selectmen finds after a report from the inspector that a closer distance would not be detrimental to the site or if a closer dimension is not objectionable to the abutting property owner. In the case of two abutting gravel operations, if it is agreeable to both parties, there shall be no lot line restrictions.
4. The required bond or the method of performance security will be used to enforce performance of conditions imposed by this By-law or under this section.

**Section 7 Fees**

1. The Board of Selectmen shall establish such fees as it shall find necessary for the administration of this By-law, including for the issuance of the original permit, renewal permits, semi-annual inspections, complaint inspections and special inspections.
2. Any fees received hereunder shall be transmitted to the Town Treasurer.
3. The Town Treasurer shall pay all charges or bills, properly authorized by the Board charged with the administration of this By-law.

**Section 8 General Administration**

1. The Board or Enforcement Officer may enter upon the premises involved during operating hours to inspect and ensure proper conduct of the work.
   1. The inspector shall be required to notify the owner or petitioner before making any inspections on the site
2. The Board or inspector may retain a civil engineer to inspect the site and to do such engineering as is necessary to determine conformity with plans and conditions of the permit and such necessary costs for engineering shall be borne by the Town.
3. Prior to the anniversary date of the permit, each petitioner shall specify the number of cubic yards of material to be taken out of his/her pit the following year. At the end of the year, he/she shall file a sworn statement of how many cubic yards have been removed or delivered as fill material during that preceding year. Annual removal or filling shall not exceed the amount permitted at the beginning of the year unless the Board of Selectmen, on the advice of their Enforcement Officer, determines there will be no adverse effect to the Town.
4. A permit shall be issued only after full payment of all annual fees and charges and receipt of a bond or other approved financial assurance.

**Section 9 Violations**

1. If the Enforcement Officer concludes that there has been a violation of this By-law, he or she shall hand deliver or send to the person in charge or permit holder, by certified mail, return receipt requested, to the address stated on the initial application, or any other manner provided for by law, a notice ordering a cessation of the improper activities.
2. If a permit holder or other offender persists in such violation, the inspector shall seek the imposition of the penalties authorized by paragraph 17, of Section 21D of Chapter 40, G.L., through appropriate legal action; and the penalty for removing earth in violation of this By-law shall be a fine of not more than two-hundred dollars ($200) for the first offense after such warning; not more than three hundred dollars ($300) for the second offense; and not more than three hundred dollars ($300) for any subsequent offense. Each day or part thereof shall constitute a separate offense.
3. If the offender persists with the violation, a permit issued under the By-law may be revoked, by the Board of Selectmen, after notice and hearing.

**Section 10**

Any permit issued by the Board of Selectmen shall be accompanied by a copy of the following: Bond must be filed in amount indicated on list of stipulations attached to permit.

Any soil or loam shall, in connection with removing sand and gravel under this permit, be stockpiled on the premises in accordance with a stockpile plan approved by the Board.

As soon as practicable, and in accordance with good conservation practices not to exceed 90 days, all stripped areas shall be graded and covered with a drainage layer, topsoil and loam, graded and vegetated in a proper soil conserving manner.

As soon as practicable, and in accordance with good conservation practices, not to exceed 10 days, as soon, as the loam is restored, it shall be planted with a suitable cover crop approved by the Board to prevent erosion of the surface.

The operations to be conducted under this permit are to be carried on in such a way as not to interfere with the natural flow of any stream, intermittent or otherwise running through the premises.

No earth shall be removed within four feet of spring high water table. This elevation shall be established from a test pit or piezometer and the level related to a permanent monument on the property. This information shall show on the topographic plan.

Boulders that are dug up during this operation must be taken from the land or buried as per Article III (B) (I).

No mounds of loam, fill, silt, waste, gravel, stones, brush, sand, etc. are to be left at the completion of this operation, or upon the termination of this permit.

At the completion of the operation, or upon the termination of this permit, any uncovered portions of the pit shall be sloped and reclaimed as provided in the paragraphs above.

All work shall be performed in the following manner:

After the operation has proceeded 600 feet, the operator shall slope, grade, and reseed the initial 300 feet before or during the period when he begins work on the following 300 feet. Thereafter, he shall proceed to advance his operations at integral distances of 300 feet while he simultaneously grades, slopes, loams and reseeds the previous integral distance of 300 feet.

The conveyance of the property covered by this license by the licensees, or either of them, shall result in the termination of the right to remove any further earth, sand, rock and gravel under this permit and the premises shall be restored as above provided. This termination shall not be effective if prior to such conveyance as bond conditioned upon the full performance of all the terms and conditions of this license and with sureties satisfactory to the Soil Conservation Board of Acushnet shall be filed with such Board.

**Section 11 Validity**

The validity of any section or provision of this By-law shall not invalidate any other section or provision thereof.

This By-Law accepted at Town Meeting On this date: 9/11/89

Voted: 79 Yes

2 No

(09/11/1989 b 7 p 311 a 3) (05/10/2021 b p TBD a 22)