

TOWN OF ACUSHNET



Transcript of Articles in the Warrant for the

SPECIAL FALL TOWN MEETING

Monday, October 17, 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

TABLE OF CONTENTS

Call to the Annual Town Meeting	3
Tribute: Gerard A. Bergeron	4
Finance Committee Report	5
Board of Selectmen Report	6
Glossary of Terms	7
Index of Annual Town Meeting Articles	9
Articles	10

- 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, October 17, 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 seventeenth day of October, 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, October 17, 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.



The Town of Acushnet
wishes to recognize and honor
the dedication and commitment of

Gerard A. Bergeron

for

Fifty Years

of service to

the Acushnet Fire Department,
the Emergency Medical Service,
the Emergency Management Agency,
the Acushnet School Committee,
and the Town of Acushnet.

TOWN OF ACUSHNET
FINANCE COMMITTEE
FY 23 FALL TOWN MEETING MESSAGE

Town of Acushnet, MA
Special 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 at Town Meeting and present balanced budget, however, it is the residents who have the final say at Town Meeting. The Finance Committee is not involved in setting the property tax rate, employee contract negotiations or hiring employees. 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.

The purpose of this year’s Special Town Meeting is to address any unresolved Departmental Spending Articles, Community Preservation Budget and various Zoning Articles which may impact the Town presently and in the future. Since the Annual Town Meeting this past May our current Finance Department has done a stellar job identifying some past bookkeeping omissions/errors and made the necessary corrections. Unfortunately, the company which does our auditing did not identify these issues and notify our Finance Departments, past or present. Rest assured, the Finance Department in collaboration with our Town Administrator and Board of Selectmen will be implementing measures to ensure proper fiscal record keeping going forward.

Looking ahead to our next Annual Town meeting in 2023 our Departments will need to continue take a conservative approach with their budgets with the exception of contractual obligations and fixed costs. We also need to be able to adequately fund our various stabilization accounts in case of any unforeseen circumstances that could negatively affect us financially. Our main stabilization account is essentially an emergency “savings account”. These aforementioned components are vitally important in maintaining a Town’s fiscal health, especially a small town like ours that has limited resources and like many others, has 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 still affecting all of us. The current level of uncertainty and instability in our national economy places an even greater emphasis on prudent fiscal management for us at the local level.

The ultimate goal for everyone involved in our Town Government 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 the Annual and Special Town Meeting 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.

Sincerely,

Dr. Michael R. Boucher
Finance Committee Chairman

TOWN OF ACUSHNET
BOARD OF SELECTMEN
FY 23 FALL TOWN MEETING MESSAGE

Greetings to the Citizens of Acushnet:

Traditionally, the Board of Selectmen proposes Town Meeting Articles to the Fall Town Meeting that involve changes to zoning, new or amended bylaws, and “housekeeping articles”. For the most part, the Warrants Articles presented conform to this practice. They involve paying prior years unpaid bills, annual funding for the Sewer I & I program, rescinding authorization for unused borrowing, the annual transfer of funds from the Sewer Betterment Fund to the Sewer Enterprise Debt Service, and a transfer from the Golf Course’s Retained Earning for capital expenses.

In addition, there is an article (Article 2) that makes minor adjustments to the FY 23 Budget and most importantly corrects the revenue, expense and assessment budgets so that these budgets correspond and reconcile to General Fund balances. The Board of Selectmen, after the personnel changes in the Administrator’s Office and the financial Departments, assigned the new Town Administrator, the Finance Department, and the Treasurer/Collector’s office to examine the Town’s financial records and accounts. This team encountered accounting errors and financial omissions that, after discussion with and advice from the Massachusetts Department of Revenue, needed to be rectified. The adjustments in this Article are what is needed to correct past errors. The new Finance team will continue to review the Town’s financial records to ensure that the mistakes of the past are corrected and are not carried forward.

The Board of Selectmen is proud to announce, through the efforts of the Town’s Finance and IT departments, that the Town was awarded a Commonwealth of Massachusetts Fiber Optics grant (\$250,000.00) which will pay for the external stringing of fiber optic cables and associated wiring, creating fiber optic connectivity between the most of the Town’s buildings including the schools. This article (Article 7) will provide funding from unused balances in past, no longer necessary, articles to pay for the supplemental costs for “internal to the buildings’ equipment” for the Town Buildings Fiber Optics Project. Any remaining funds will be used toward: Fire Panel, Security System & Camera Upgrades and the Town Wide Phone System upgrades.

As you might recall, the Community Preservation Committee was not able to meet and set a budget in advance of the Annual Town Meeting. After a reorganization of the Committee, the Committee met and established an annual budget for the CPC. This budget not only provides funding for local projects, it also ensures that the Town is compliant with the Community Preservation Act (CPA) which requires that a certain portion of the CPA funds be set aside for open space projects, community housing projects, and historic preservation projects.

This Warrant also includes three Articles that provide for the approval and funding of three collective bargaining agreements with AFSCME (Town Hall unit), the Laborers (DPW unit), and the Teamsters (Police unit). The Board is pleased to announce that the AFSCME agreement and the Laborers agreement involve no retroactive costs to the taxpayers. Past year costs will be paid out of the Town's ARPA funds. The Police contract is still being finished and has been included in hopes that it will be finished in time.

The amended Solar Bylaw is presented for ratification within the 180 day moratorium approved by the Annual Town Meeting. This bylaw replaces the prior bylaw which was found to be inadequate in protecting the interests of our Town and its citizens. The proposed bylaw includes more stringent protections for the Town as well as the environment. A redrafted zoning article, which answers the objections raised in the spring to the prior tabled article, is presented for the Town Meeting's consideration.

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 process. The Board would, also, like to thank all of the dedicated employees and volunteers for their work in preparing this Warrant.

Sincerely,

ACUSHNET BOARD OF SELECTMEN

David Wojnar
Chairman

Kevin Gaspar, Sr.

Robert Hinckley

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.

INDEX OF ARTICLES FOR THE TOWN MEETING

Article	Purpose	Requested By	Page
1	PRIOR FISCAL YEAR BILLS	Selectmen	
2	CURRENT YEAR BUDGET AMENDMENT	Selectmen	
3	RESCIND UNUSED BORROWING AUTHORITY	Selectmen	
4	SEWER BETTERMENT FUND TRANSFER	Selectmen	
5	FUND SEWER I & I PROGRAM	Selectmen	
6	GOLF COURSE RETAINED EARNINGS TRANSFER	Selectmen	
7	FUND TOWN FIBER OPTICS PROGRAM / RESCIND PRIOR FUNDED CAPITAL ARTICLES	Selectmen	
8	COMMUNITY PRESERVATION BUDGET	Community Preservation Committee	
9	APPROVE CONTRACT -MASSACHUSETTS LABORERS (DPW)	Selectmen	
10	APPROVE CONTRACT – AFSCME (TOWN HALL)	Selectmen	
11	APPROVE CONTRACT AND MOA - TEAMSTERS (POLICE)	Selectmen	
12	AMEND SOLAR BY-LAW	Historical Society	
13	REZONE FROM RESIDENTIAL A TO RESIDENTIAL – DRADFORD STREET		

SPECIAL FALL TOWN MEETING

AMENDMENTS to FISCAL YEAR 2023 OPERATING BUDGET

&

FY 2023 COMMUNITY PRESERVATION ACT BUDGET

ARTICLE 1: To see if the Town will vote to raise and appropriate the sum of \$4,077.62 to pay for the following unpaid bills from the prior fiscal year; or take any other action in relation thereto.

Unpaid Bill No.	Department	Vendor	Amount	Purpose
1	Police	City of New Bedford	\$140.00	Range Fees-FY20
2	Police	City of New Bedford	120.00	Range Fees-FY21
3	Police	Ready Fresh	60.45	Water delivery
4	Police	WB Mason	79.42	Office supplies
5	Accounting	Milliman	3,500.00	FY21 actuarial services
6	Treasurer	Harpers Payroll Service	177.75	FY 22 Payroll processing
		Total	\$4,077.62	

Proposed by the Board of Selectmen
 Recommended by the Finance Committee

Explanation: This article is traditionally presented to settle prior years bills that were received and/or processed after the end of the fiscal year. The Finance Departments in reviewing past accounts revealed these omitted debts.

Selectman Wojnar:

I move the Town vote to raise and appropriate from taxation the sum of \$4,077.62 to pay for the following unpaid bills from the prior fiscal years;

Police FY20	City of New Bedford	\$ 140.00	Range Fees
Police FY21	City of New Bedford	\$ 120.00	Range Fees
Police	Ready Fresh	\$ 60.45	Water Delivery
Police	WB Mason	\$ 79.42	Office Supplies
Finance FY21	Milliman	\$3,500.00	Actuarial Serv
<u>Treasury FY22</u>	<u>Harpers Payroll</u>	<u>\$ 177.75</u>	<u>FY22 Payroll</u>
TOTAL		\$4,077.62	

9/10 MAJORITY

ARTICLE 2: To see if the Town will vote to raise and appropriate the sum of \$44,472.57, to transfer from School Roof Premium the sum of \$15,643.43, for a total of \$60,116.00, to amend the appropriations stated below that were previously voted in Article 17 of the May 9, 2022 Annual Town Meeting for the Fiscal Year beginning July 1, 2022 for various Town Departments, and to reduce estimated water revenue the sum of \$70,000.00 and estimated sewer revenue the sum of \$90,000.00; or take any other action in relation thereto.

Line No.	Department	Budget Line Item	Amount	Purpose
1122	Select Board	Salaries	\$2,500.00	Contractual obligation
1135	Finance	Salaries	\$5,000.00	Recruitment Adjustment
1145	Treasurer/Collector	Salaries	\$5,000.00	Recruitment Adjustment
2220	Fire Department	Expense	\$40,000.00	10 sets of Turnout Gear
3325	Acushnet Public Schools	Expenses	(\$136,788.00)	School Choice (to be paid from State Assessments)
3325	Acushnet Public Schools	Expenses	\$75,000.00	Collaborative Tuition
3325	Acushnet Public Schools	Debt Service	\$74,404.00	School Roof project (S-T Interest)
4422	Public Works-fuel	Expenses	\$25,000.00	Gasoline/Diesel Fuel
5543	Veterans	Expenses	(\$30,000.00)	Reduced cases
		Sub-Total	\$60,116.00	
4440	Sewer	Expenses	(\$90,000.00)	Reduction *
4450	Water	Expenses	(\$70,000.00)	Reduced consumption*

* New Estimate by recommendation of Massachusetts Department of Revenue

Table submitted by Finance Department
Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article will correct revenue, expense and assessment budgets as well as correspond and reconcile those budgets to the General Fund balances. In examining past financial records, the Town Administrator, the Finance Department, and the Treasurer/Collector's office encountered accounting errors and omissions that, after discussion with and advice from the Massachusetts Department of Revenue, the Town needs to rectify. Additionally, the FY23 Budget contains items that require adjustments. The Town Administrator's contract was negotiated after Town Meeting with a revised salary progression.

Selectman Gaspar:

I move the Town vote to raise and appropriate from taxation the sum of \$44,472.57 and to transfer from School Roof Premium the sum of \$15,643.43, for a total of \$60,116.00, and to amend the appropriations stated below that were previously voted in Article 17 of the May 9, 2022 Annual Town Meeting for the Fiscal Year beginning July 1, 2022 for various Town Departments;

Line #	Department	Line Item	Amount	Purpose
1122	Select Board	Salaries	\$2,500.00	TA contract
1135	Finance	Salaries	\$5,000.00	Recruit Adjust
1145	Treas/Coll	Salaries	\$5,000.00	Recruit Adjust
2250	Fire Dept	Expenses	\$40,000.00	Turnout Gear
3325	School Dept	Expenses	(\$136,788.00)	Budget Adjust
3325	School Dept	Expenses	\$75,000.00	Collab. Tuition
3325	School Dept	Expenses	\$74,404.00	S/T Interest
4422	Pub. Works	Expenses	\$25,000.00	Fuel
5543	Veterans	Expenses	<u>(\$30,000.00)</u>	Reduced Cases
			\$60,116.00	

and to reduce estimated water revenue the sum of \$70,000.00 and estimated sewer revenue the sum of \$90,000.00;

ARTICLE 3: To see if the Town will vote to rescind the borrowing authority for the following purposes:

Sewer Loan Program; Article 10 of the April 24, 2006 Annual Town Meeting	\$7,422.49
New Police Station; Article 3 of the October 22, 2012 Special Town Meeting	\$238,814.00

Proposed by the Board of Selectmen

Recommended by the Finance Committee

Explanation: This article is presented, on advice of the Town's Bond Counsel, to rescind the authorization to borrow for projects already completed. The borrowing limits involved have not been used and the extra funds are not needed. This action will clear the amounts involved from the Town's total borrowing limit.

Selectman Hinckley:

I move the Town vote to rescind the borrowing authority for the Sewer Loan Program as authorized in Article 10 of the April 24, 2006 Annual Town Meeting in the amount of \$7,422.49 and for the New Police Station as authorized in Article 3 of the October 22, 2012 Special Town Meeting in the amount of \$238,814.00;

ARTICLE 4: To see if the Town will vote to transfer from the Sewer Betterment Fund the sum of \$303,687 to amend the previous appropriations voted in Article 19 of the May 9, 2022 Annual Town Meeting for the Fiscal Year beginning July 1, 2022 to the Sewer Enterprise Debt Service, or take any other action thereto.

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article will clarify funding source voted in Article 19 of May 9, 2022 for repayment of the Sewer Enterprise Debt Service. The wording of this Article was recommended by the Massachusetts Department of Revenue.

Selectman Wojnar:

I move the Town vote to transfer from the Sewer Betterment Fund the sum of \$303,687 to amend the previous appropriations voted in Article 19 of the May 9, 2022 Annual Town Meeting for the Fiscal Year beginning July 1, 2022 to the Sewer Enterprise Debt Service;

ARTICLE 5: To see if the Town will vote to transfer from the Sewer Enterprise Fund the sum of \$60,500 to complete Phase 4 of Sewer Infiltration & Inflow Investigation Program or take any other action thereto.

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article will continue to fund the Town's program for leak detection in the sewer system as well as ensuring no cross contamination with the stormwater system.

Selectman Gaspar:

I move the Town vote to transfer from the Sewer Enterprise Fund the sum of \$60,500.00 to complete Phase 4 of Sewer Infiltration & Inflow Investigation Program;

ARTICLE 6: To see if the Town will vote to transfer from the Golf Course Retained Earnings \$300,000 for the purpose of various capital repair and replacement projects, including but not limited to irrigation system repairs and replacements, cart path repairs, replacement of equipment, and expenditures approved by Golf Management Committee and the Board of Selectmen, or take any other action thereon or in relation thereto.

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article is presented by the Golf Management Committee to continue the capital repair projects for the upkeep of the course including cart path repair, course design, and turf repair as well as repairs to the irrigation system.

Selectman Hinckley:

I move the Town vote to transfer from the Golf Course Retained Earnings the sum of \$300,000 for the purpose of various capital repair and replacement projects, including but not limited to irrigation system repairs and replacements, cart path repairs, replacement of equipment, and expenditures approved by Golf Management Committee and the Board of Selectmen;

ARTICLE 7: To see if the Town will vote to transfer from the unused balances of the capital projects identified below the sum of \$80,000 for the capital projects stated below and anything incidental or related thereto, including but not limited to the purpose and installation of equipment and supplies; or take any other action in relation thereto.

Unused Capital Projects balances (to close/transfer):

Department	Project/Purpose	Town Meeting	Amount
Selectmen	CWMP Plan	STM 11/16	\$52,875.23
Assessors	Industrial Appraisal	ATM 5/21	\$4948.00
Conservation	GIS Plotter	ATM 5/19	\$2000.00
Animal Control	New Vehicle	ATM 11/20	\$10,878.77
Planning	Zoning By-law	STM 10/04	\$4315.76
Police	Radio Replacement	ATM 5/21	\$4,400.00
Town Clerk	CD-Roms	STM 10/03	\$582.24
		TOTAL (close/transfer)	\$80,000.00

And Transfer the Unused Funds to the Following FY2023 Capital Projects:

Line	Department	Item	Amount
1	Technology	Technology Capital Improvements	\$80,000
		TOTAL	\$80,000

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article is presented to provide funding from unused balances in past, no longer necessary, articles for the supplemental costs for “internal to the buildings’ equipment” for the Town Buildings Fiber Optics Project. The state Fiber Optics grant (\$250,000.00) pays for the external stringing of fiber optic cables and associated wiring. This project will create fiber optic connectivity between the Town’s buildings including the schools. Any remaining funds will be used toward: Fire Panel, Security System & Camera Upgrades for Town Hall and Parting Ways, and the Town Wide Phone System Replacement. All of these upgrades will be enhancements made possible by this project.

Selectman Wojnar:

I move the Town vote to transfer from the unused balances of the capital projects identified as:

Town Meeting	Article #	Purpose	Amount
STM 11/16	# 4	CWMP Plan	\$52,875.23
ATM 5/21	# 12	Indust. Appraisal	\$ 4,948.00
ATM 5/19	# 12	GIS Plotter	\$ 2,000.00
ATM 11/20	# 8	ACO Vehicle	\$10,878.77
STM 10/04	# 16	Zoning Bylaw	\$ 4,315.76
ATM 5/21	# 10	Police Radios	\$ 4400.00
STM 10/03	# 4	TwN Clk CDRom	\$ <u>582.24</u>
			\$80,000.00

in the sum of \$80,000 for the FY 23 Fiber Optic cabling and associated capital projects including but not limited to the purpose and installation of equipment and supplies;

ARTICLE 8: To see if the Town will vote to act on the Fiscal Year 2023 Community Preservation Budget and to appropriate or reserve from Fiscal Year 2023 Community Preservation Fund estimated annual revenues and reserves in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2023, as follows:

Amended Budget as recommended by the Board of Selectmen:

Appropriations

From FY2023 estimated revenues for Committee Administrative Expenses	\$12,000
--	----------

Reserves

From FY2023 estimated revenues for Historic Resources Reserve	\$26,900
---	----------

From FY2023 estimated revenues for Community Housing Reserve	\$25,000
--	----------

From FY2023 estimated revenues for Open Space Reserve	\$30,000
---	----------

From FY2023 estimated revenues for Unrestricted Reserves	<u>\$154,570</u>
--	------------------

\$248,470

or take any other action in relation thereto.

Original Budget proposed by Community Preservation Committee

Appropriations

<i>From FY2023 estimated revenues for Committee Administrative Expenses</i>	<i>\$12,000</i>
---	-----------------

Reserves

<i>From FY2023 estimated revenues for Historic Resources Reserve</i>	<i>\$26,900</i>
--	-----------------

<i>From FY2023 estimated revenues for Community Housing Reserve</i>	<i>\$25,000</i>
---	-----------------

<i>From FY2023 estimated revenues for Open Space Reserve</i>	<i>\$30,000</i>
--	-----------------

<i>From FY2023 estimated revenues for Unrestricted Reserves</i>	<u><i>\$239,570</i></u>
---	-------------------------

\$333,470

Proposed by the Community Preservation Committee

Amended by the Board of Selectmen

Recommended by the Finance Committee as amended

PROJECT REQUEST	PURPOSE	Reserve Source of Funds	Amount	Community Preservation Committee Recommend	Finance Committee Recommend	Board of Selectmen Recommend
Town Administrator	Draft/Update CPC Plan Admin Costs	Administrative	\$12,000.00	Yes	Yes	Yes
Town Administrator	Draft/Update Housing Plan, CPC Plan (Housing), Master Plan (Housing)	Community Housing	\$25,000.00	Yes	Yes	Yes
Town Administrator	Draft/Update Open Space Plan, CPC Plan – Open Space, Master Plan (Open Space)	Open Space	\$25,000.00	Yes	Yes	Yes
Town Administrator	Soccer Fields Irrigation Cost Overrun	Open Space	\$4,570.00	Yes	Yes	Yes
Parks & Recreation	Repairs & Upgrades to Pope Park	Open Space	\$30,000.00	Yes	Yes	Yes
Acushnet Schools	Resurfacing Basketball Courts and Installation of Bleachers	Open Space	\$125,000.00	Yes	Yes	Yes

Buzzards Bay Coalition	Land Purchase for Preservation 77 acres	Open Space	\$85,000.00	Yes	Not Recommended	Not Recommended
Historic Commission	Long Plain Museum Patio Roof Repair	Historic Preservation	\$3,800.00	Yes	Yes	Yes
Historic Commission	Long Plain Museum Window Repair	Historic Preservation	\$23,100.00	Yes	Yes	Yes
Historic Commission	Long Plain Museum Fence Installation	Historic Preservation	\$9,720.00	Tabled	No Action	No Action
Historic Commission	Perry Hill Church Floor Repair	Historic Preservation	\$14,192.00	Tabled	No Action	No Action
			357,382.00	333,470.00	248,470	248,470

Explanation: This article ensures that Acushnet’s Community Preservation Accounts are compliant with the Community Preservation Act (CPA) which requires that a certain portion of the CPA funds be set aside for open space projects, community housing projects, and historic preservation projects. The Town is mandated to draft and annually update a Community Preservation Plan, as well as an Open Space & Recreation Plan, a Community Housing Plan, and a Master Plan. The Community Preservation Plan (not drafted), as well as the Open Space & Recreation Plan (out of date, last updated 2008), the Community Housing Plan (last updated 2019), and the Master Plan (out of date) can be prepared at the same time. The Community Preservation Plan, the Open Space & Recreation Plan, and the Community Housing Plan can be included in the updated Master Plan as sections within that Plan. The administrative costs can be used for the administrative expenses of the Community Preservation

Committee as well as the administrative costs for the various plan updates. Expenditure of these funds will be controlled by the Board of Selectmen. Management’s financial review found an overrun in the Soccer Field Irrigation project of \$4,570.00 beyond the original appropriation. Open Space funds are also proposed to be used for renovations to Pope Park, School basketball and tennis courts and bleachers. A regional land purchase by Buzzards Bay Coalition, to preserve 77 acres in southeastern section of the town near Tinkham Pond and Brook as well as over 200 acres in Mattapoisett, was not recommended by the Board of Selectmen at this time. Historic Preservation funds were recommended for the Long Plain Museum Window Project and the Long Plain Museum Patio Roof Repair Project. The Community Preservation Committee tabled requests for Perry Hill Church and the fence at the Long Plain Museum. The current balances in the CPC funds are as follows:

<i>Reserve for Open Space</i>	<i>\$ 58,083</i>
<i>Reserve for Historic Preservation</i>	<i>\$ 66,918</i>
<i>Reserve for Community Housing</i>	<i>\$ 65,513</i>
<i>Undesignated Fund Balance</i>	<i><u>\$569,670</u></i>
	<i>\$760,184</i>

CPC funds result from a community-wide annual surcharge of up to 3% on property tax bills (not on assessed value) and state-matching funds from deed fees at the Registry of Deeds and Land Court. Proceeds from the property tax surcharge and State matching monies are deposited into a local dedicated Community Preservation Fund.

Selectman Gaspar:

I move that the Town with the recommendation of the Community Preservation Commission, appropriate and transfer as follows.

<i>From FY2023 estimated revenues for Committee Administrative Expenses</i>	<i>\$12,000</i>
<i>From FY2023 estimated revenues for Historic Resources Reserve</i>	<i>\$26,900</i>
<i>From FY2023 estimated revenues for Community Housing Reserve</i>	<i>\$25,000</i>
<i>From FY2023 estimated revenues for Open Space Reserve</i>	<i>\$30,000</i>
<i>From FY2023 estimated revenues for Unrestricted Reserves</i>	<i><u>\$239,570</u></i>
	<i>\$333,470</i>

ARTICLE 9: To see if the Town will vote to approve and fund the three-year collective bargaining agreement (July 1, 2021 – June 30, 2024) between the Massachusetts Laborers Public Employees Council and the Town by raising and appropriating \$10,969.00, or take any other action thereon.

Proposed by the Board of Selectmen
Recommended by the Finance

Committee

Explanation: The new Collective Bargaining Agreement includes a salary adjustment of 0% in the first year (a “retro” year), 2.00% in the second year, effective Nov. 1, 2022 (equivalent 1.34% annual), and 2.00% in the third year with a “signing bonus” paid by ARPA funds. It also includes a realignment of the salary grid to reflect comparability and parity with the other Town salary plans.

Selectman Hinckley:

I move the Town will vote to approve and fund the three-year collective bargaining agreement (July 1, 2021 – June 30, 2024) between the Massachusetts Laborers Public Employees Council and the Town by raising and appropriating \$10,969.00 from taxation:

ARTICLE 10: To see if the Town will vote to approve and fund the three-year collective bargaining agreement between the American Federation of State, County, and Municipal Employees Council 93, Local 851 (July 1, 2022 – June 30, 2025) and the Town, or take any other action thereon.

Proposed by the Board of Selectmen
Recommended by the Finance

Committee

Explanation: The new Collective Bargaining Agreement includes a salary adjustment of 0% in the first year, 2.00% in the second year, and 2.00% in the third year with a “signing bonus” paid by ARPA funds. There is no additional funding necessary to fund this agreement.

Selectman Wojnar:

I move the Town will vote to approve and fund the three-year collective bargaining agreement (July 1, 2022 – June 30, 2025) between the American Federation of State, County, and Municipal Employees Council 93, Local 851 and the Town:

ARTICLE 11: To see if the Town will vote to approve and fund the three year collective bargaining agreement (July 1, 2021 – June 30, 2024) between the Teamsters Local 59 and the Town by raising and appropriating \$25,250.00, or take any other action thereon.

Proposed by the Board of Selectmen
No Action taken by Finance

Committee

Explanation: As of the posting of this Warrant, a new Collective Bargaining Agreement is continuing to be negotiated. If negotiations conclude before Town Meeting and result in an agreement, then this article can be presented. Otherwise, this article will be passed over.

Selectman Gaspar:

I move the Town will vote to approve and fund the three-year collective bargaining agreement (July 1, 2021 – June 30, 2024) between the Teamsters Local 59 and the Town by raising and appropriating \$25,250.00 from taxation:

ARTICLE 12: Large-Scale Ground-Mounted Solar Photovoltaic Installations.

To see if the Town will vote to amend Article VIII of the Zoning Bylaws concerning Large-Scale Ground-Mounted Solar Photovoltaic Installations by replacing the existing article and inserting the following, or act in relation thereto:

Proposed by the Planning Board
Recommended by the Board of Selectmen
Recommended by the Finance Committee

Large-Scale Ground-Mounted Solar Photovoltaic Installations

1.1 Purpose and Intent

The purpose of this by-law is to permit the creation of new commercial solar photovoltaic installations that are to produce 200 kW or greater by providing comprehensive standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations to promote and address public safety and minimize the impacts on scenic, natural and historic resources, and promote public health and welfare. This is done by minimizing impacts on and undue disturbance to neighboring landowners, including from noise, traffic, lighting, smoke, fumes, dust, odor, glare, stormwater runoff, or the unnecessary removal of trees and destruction of natural habitat. The by-law also ensures provisions of adequate financial assurance for the eventual decommissioning and removal of such large-scale solar photovoltaic installations.

1.2 Applicability

This section applies to all ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section and that have a minimum nameplate capacity of, 200kW or greater. This article applies to all Large-Scale Installations for which building permits for initial construction or modification are sought after October 17, 2022. This section also applies to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. The provisions set forth in this bylaw shall apply to the construction, operation, and/or repair of Large-Scale Installations and also pertains to physical modifications. Large-Scale Installations, including the oil that is directly used in, or created by, the operation of a Large-Scale Installation itself, shall not be exempt from any local, state, or federal regulations and ordinances.

Within all Zoning Districts, Large-Scale Installations shall not be permitted within 300 feet of a way (as defined in G.L. Ch. 90, Section 1), unless natural topographic features of the landscape prevent observation of the solar installation from any portion of the way. Side and rear setbacks shall be no less than 150 feet.

Nothing in this Article shall be construed to prevent the installation of Large-Scale solar photovoltaic installations that are either primary or accessory use permitted as-of-right, subject to such other requirements that may apply, including Site Plan Review.

1.3 Compliance with Laws, Ordinances and Regulations

The construction and operation of all Large-Scale Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communication requirements. All buildings, fixings and structures forming part of a Large-Scale Installation shall be constructed in accordance with the State Building Code and local code. No such installation shall be constructed, installed or modified without first obtaining the necessary building permit(s) and stormwater permit(s).

1.4 Special Permit Approval

The Planning Commission shall be the Special Permit Granting Authority for all Large-Scale Solar Installations as defined in this bylaw.

1.5 Pre-Submission Conference and Informal Meeting with the Planning Board

Prior to submitting a Special Permit application, the applicant shall meet informally with the following Town staff members: Town Planner, Conservation Agent, Stormwater Agent, Building Commissioner, Board of Health Agent, Police Chief and Fire Chief or their representatives. Purpose of the meeting is to review the applicant's conceptual plan and provided preliminary comments to the applicant before incurring design expenses. Meetings can be requested through the Town Planner and Planning Department.

Following such meeting, the applicant shall meet with the Planning Commission at a regularly-scheduled public meeting to review the information the applicant shall submit and determine the required minimum Special Permit fee. At this meeting, the applicant shall also submit a list of requested waivers, if applicable. The Planning Commission shall advise the applicant in writing the amount of the Special Permit fee, application fee, and any exceptions in respect to the Special Permit within 20-days following the Planning Commission Meeting. Any technical services required to assist the Planning Commission in preparing their written response shall be included as part of the application fee.

1.6 Application Process

Applicants for Large-Scale Solar Special Permit Approval shall file a digital and hard copy application for Site Plan Review Application, Special Permit Application, and Site Plan accompanied by 8 copies of the Site Plan and any supporting reports and documentation. Additionally, applicants shall submit the application fee and minimum Special Permit fee as required by the Planning Commission. The Town Planner shall review submitted materials to confirm the application is complete pursuant to the submission requirements listed in this section. The Town Planner shall complete the review for applications within fifteen (15) business days or the application shall be considered complete. Applications and Site Plans shall include the elements on which the Planning Board is to make findings and determinations as provided in this section and shall also include format as to the nature and extent of the proposed use structures and such further information as the Planning Board shall reasonably require by rule and regulation.

1.7 Referrals to Town Boards / Commissions

The Planning Board within five (5) business days of receipt of the Site Plan Application, Special Permit Application, and Site Plan, transmit a copy of the application and site plan to each of the following Town committees, boards, commissions and departments for review and comment: Conservation Commission, Board of Health, Building Department, Department of Public Works, Fire Chief, Police Chief, and Board of Assessors. Other Town committees, boards, commissions and departments may be requested to review applications and site plans if the Planning Board feels such review will help in their deliberations.

The Conservation Commission and other agencies designated by the Planning Board shall consider the same and submit a final report thereon with recommendations to the Planning Board. The Conservation Commission shall review the application with particular references to Stormwater Regulations and the Wetlands Protection Act, and shall recommend to the advisability of granting the site plan and special permit approval and as to the restrictions and as to the restrictions which should be imposed upon the development as a condition of the Special Permit.

The Planning Board shall not make a finding and determination upon an application until it has received the final report from the Conservation Commission and/or other agencies designated by the Planning Board thereon, or until 30 days shall have elapsed since the transmittal of said copies of the application and site plan to the Conservation Commission and other agencies designated by the Planning Board without such report being submitted. Failure of a commission, committee, board or department to report within the allotted time shall be interpreted as non-opposition to the submitted Site Plan.

1.8 Site Plan and Application Details

Any site plan shall be prepared by a licensed engineer, architect or landscape architect for general locations, topographical and boundary survey information. The site plan shall be signed and sealed by a licensed land surveyor, and all elements of design, which shall include drainage, pavements, curbing, walkways, embankments, horizontal and vertical geometrics, utilities and all pertinent structures.

The following information shall be submitted on one or more site maps and in writing where appropriate. Such plans shall contain the following information for an application to be considered complete:

General Information

- I. Date of Site Plan. All revisions shall be noted and dated.
- II. Title of development, north arrow, scale, Assessor's Map and lot number, name and address of recorded owner
 - a) If applicant is not owner: name, address and certificate of agency if applicant is not owner. And name, address, and seal of person preparing site plan.
 - b) If owner of record is a corporation: the name and address of the president and secretary shall be submitted with the application.

- III. A scale of 1"= 20', 1"= 40', or 1"= 60', whichever is appropriate to the size of the proposal. All distances shall be in feet and decimals of a foot and all bearings shall be given to nearest 10 seconds. The error of closure shall not exceed one (1) in 10,000.
- IV. Key map showing the location of the tract with reference to surrounding areas and existing street intersections.
- V. The names of all owners of record of all abutting properties and those within 300 feet of the property line.
- VI. Zone boundaries and Overlay Districts shall be shown on the site plan as they affect the parcel. Adjacent zone districts or Overlay Districts within 300 feet also shall be indicated. Such features shall be shown on a separate map or as a key map on the detail map itself.
- VII. Boundaries of the property lines and lines of streets, lot reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way.
- VIII. All distances as measured along the right-of-way lines of existing streets abutting the property to the nearest intersection with any other public street.
- IX. Existing contours with intervals of two (2) feet where slopes are more than three percent but less than 15%, and five (5) feet when 15% or more, referred to US Coast and Geodetic datum, are to be indicated by a dashed line. Where any changes in the contours are proposed, finished grades should be shown as solid lines.
- X. If any areas fall within the 100-year flood plain as delineated on the Flood Insurance Rate Maps for the Town of Acushnet, the area will be shown and base elevations shown.
- XI. The location of the consecutively numbered flags denoting wetland resources shall be shown on the plan.
- XII. Location of existing rock outcrops, general soil types (including limitations as noted in "Soils and their interpretations for Various Land Uses" as prepared by the U. S. Department of Agriculture), high points, vistas, watercourses, depressions, ponds, marshes, wetlands, flood plain designations as shown on the Flood Insurance Rate Maps for the Town of Acushnet, wooded areas and major trees (12" caliper or over) and other significant existing features including previous flood elevations of watercourses, pond and marsh areas as determined by survey.
- XIII. Location of existing buildings, which shall remain and all other existing structures such as walls, fences, culverts, bridges, roadways, etc. with spot elevations of such structures. Structures to be removed shall be indicated in dashed lines.
- XIV. All structures or significant changes in topography within 50 feet of the property lines.
- XV. All stone walls, farm and woods roads.
- XVI. All calculations necessary to determine conformance to by-law regulations.
- XVII. Acreage of tract to nearest 1/10 of an acre.
- XVIII. Place for signature of the Planning Board on all plans and/or documents to be approved by the Planning Board.

Buildings and Stationary Equipment

- I. The proposed uses of land, buildings and stationary equipment and proposed location of buildings and stationary equipment including proposed grading.
- II. Such features shall be shown on a separate drawing where deemed appropriate by the Building Inspector.
- III. The Gross Floor Area (GFA) of all buildings also shall be indicated.
- IV. Layout of proposed buildings or structures, including elevations plan and measurements as appropriate for easy interpretation. The type and color of materials to be used shall be indicated.
- V. The location, type and screening details for all waste disposal containers shall be shown.
- VI. A visual impact assessment, including analysis such as renderings, and visualizations.
- VII. A sight line representation of the proposed installation prepared by a Professional Engineer or Registered Landscape Architect. The representation shall include depictions,

both in a site plan and elevations, of the most visible point of the installation to:

- (i) any portion of a public way within 500 feet of the property;
 - (ii) any portion of a public way with a clear view of the installation; and
 - (iii) the closest facade of any residential building on a parcel located within 500 feet of the parcel on which the installation is proposed.
- VIII. Location of signs.
 - IX. Height of panels and associated structures, including their relationship to the existing and proposed grades.
 - X. A glare analysis that includes all proposed measures to minimize or mitigate the impact of glare on any land or way. Existing photographs and proposed renderings from at least four perspectives, including from the nearest residential structures and of the area(s) that are most publicly visible, as specified by the Planning Board, shall be included in the analysis. The analysis shall additionally include a technical explanation of how visualization was produced.
 - XI. A preliminary noise analysis prepared by a professional acoustical engineer that includes the ambient noise level traveling across the site prior to any construction or site clearing activities and any projected changes to those noise levels resulting from the installation or site alterations. The analysis shall include, at a minimum, the ambient noise level at three different locations deemed satisfactory by the Planning Board, with simulations performed and measurements taken on weekdays between the hours of 7:00 AM and 6:00 PM, including one simulation performed/measurement taken during the morning peak traffic period, one simulation performed/measurement taken during the evening peak traffic period, and one simulation performed/measurement taken at any point during this time period.

Landscaping

- I. A landscape plan prepared by a certified Landscape Architect showing all existing natural features, trees, forest and water resources and proposed changes to these features including the size and type of plant material.
 - a) Water resources include any ponds, lakes, brooks, streams, wetlands, certified vernal pools, floodplains and drainage detention/retention areas.
- II. The type and extent of groundcover being proposed beneath the solar array.
- III. Landscape Maintenance Plan that details the process by which plants and materials are to be maintained and replaced, as necessary.
- IV. The site plan shall minimize the number of removed trees 12” caliper or greater.
 - a) If trees 12” in caliper or greater are removed due to access or safety concerns, the applicant shall submit an additional landscaping plan to plant the same number of trees on site or at another location within Acushnet.

Utilities and Drainage

- I. Location of all existing storm drainage structures and utility lines, whether publicly or privately owned, with pipe sizes, grades and direction of flow, and if any existing utility lines are underground, the estimated location of any said underground utility lines shall be shown.
- II. The location of all proposed water lines, valves or hydrants and all sewer lines or alternative means of water supply of wastewater disposal and treatment in conformance with the applicable standards of the Town of Acushnet and for the appropriate utility.
- III. The location of the groundwater table in the vicinity of any proposed septic field, leaching catch basin, or drainage detention/retention area.
- IV. Plans to prevent the pollution of surface or groundwater, erosion of soil during and after construction; excessive runoff, excessive raising or lowering of the water table; and the flooding of other properties, as applicable.
- V. The proposed location, height, direction of illumination, bulb type, power and time of proposed outdoor lighting and methods to eliminate sky glare and glare onto adjoining properties must be shown.
- VI. The Planning Board may require analysis in comparison with a specified alternative where warranted by large or complex applications.
- VII. All utilities with the exception of lighting fixtures, transformers and telephone/cable pedestals shall be placed underground.

Vehicular and Emergency Access

- I. The site plan shall show provision of adequate vehicular access among the solar panels as well as around the perimeter of the array for the purposes of proper maintenance and repair as well as access for emergency vehicles subject to approval of the Acushnet Fire Department.
- II. The applicant shall provide information for adjacent roadways in the area of the proposed project to include accident data for the previous three (3) years, sight distances, roadway conditions, existing traffic volumes and site-generated traffic.

Open Space – Maintenance

- I. A copy of any covenants, deed restrictions or exceptions that are intended to cover all or any part of the tract.
- II. All proposed easements.
- III. The proposed screening, landscaping and planting plan, including details of types of planting.
- IV. A survey prepared by a licensed surveyor of the Commonwealth of Massachusetts shall accompany the site plan and shall show the boundaries of the parcel and the limits of all proposed streets, recreation and conservation areas and other property to be dedicated to public use.
- V. Adequate provision shall be provided for snow removal and positioning of snow mounds during snow removal as specified by the Highway Surveyor as approved by the Planning Board.

1.9 Use Regulations

Large-Scale Solar Photovoltaic Installations shall conform to the following requirements:

- I. A Large Scale Solar Photovoltaic Installation may be erected, upon the issuance of a special permit by the Planning Board and Stormwater Permit by the Conservation Commission, on a lot containing a minimum of three (3) acres.
- II. Large-Scale Solar Photovoltaic Installations shall be subject to the provisions of Article 3.5, Site Plan Approval.
- III. Minimum frontage shall be 300 feet, rear and side set backs shall be 150 feet, regardless of zoning district. The Planning Board may impose greater setback requirements as determined to be necessary based on project or site-specific factors, including solar array type or technology, topography, and tree cover to mitigate the installation's impacts, including those related to glare, on neighboring land uses.
- IV. A security fence or fences shall be installed around the installation and shall be maintained in good condition for as long as the installation continues to be located on the site, whether or not it is being operated. All security fences surrounding the installations shall be set back from the property line a distance that the Planning Board determines to be necessary to minimize visual and other impacts on neighboring land uses.
- V. Any permit authorizing a Large-Scale solar photovoltaic installation may set forth reasonable requirements to minimize or mitigate the visual impacts of the installation, including all accessory structures and appurtenances, as the Planning Board determines will protect the public health, safety, or welfare. At minimum, the following shall be required:
 - a) All accessory structures and appurtenances shall be architecturally compatible with each other.
 - b) Solar panels, supporting structures, and appurtenances shall be shielded from view year-round in all districts. Screening methods may include landscaping, natural features, earthen berms, fencing, or a combination thereof.
 - c) The design and materials used for the installation shall minimize and mitigate

reflected solar radiation or glare, including through the placement and arrangement of solar panels, and use of anti-reflective materials or additional screening.

- d) Visual impacts shall be minimized and mitigated.
 - e) Noise impacts shall be minimized and mitigated, including noise generated by the installation and noise from other sources that may be exacerbated, amplified, or otherwise altered by the installation or alterations to the site.
- VI. In applying the special permit standards set forth, the Planning Board shall specifically consider whether locating a commercial solar photovoltaic installation on a site that would require extensive tree cutting will be detrimental to the neighborhood or the Town because of the important water management, cooling, and climate benefits trees naturally possess. The clearing of natural vegetation, including trees, shall be limited to the minimum necessary for the construction and operation of the installation.
- VII. Installations shall be designed and constructed to protect and optimize the maintenance of wildlife corridors and trail networks. Where such corridors or trail networks may be impacted, an applicant shall prepare plans for alternative trail alignments and wildlife corridors that minimize or mitigate those impacts. Fencing shall be raised from the ground to allow passage of wildlife. This paragraph shall not be construed to require the establishment of public access rights, provided, however, that any agreement by an applicant to establish such a right may be given weight by the Planning Board in making its special permit decision.
- VIII. In addition to other applicable requirements in this Article, installations proposed for siting and construction on land that is in agricultural use or a pervious open space location shall conform to the following standards:
- a) Removal of field soils shall be minimized.
 - b) Disturbances to existing leveled field areas shall be minimized.
 - c) Soil leveling, smoothing, and penetrations shall be done in a manner that minimizes the displacement of or disturbance to soil. Displaced soils shall be recovered and returned to the area of displacement, to the extent practicable.
 - d) Ballasts, screw-type, or post driven pilings and other acceptable minimal soil impact methods shall be required. Footings or other methods requiring permanent penetration of soils for mounting are prohibited unless the need for such a method is demonstrated to the satisfaction of the Planning Board.
 - e) Concrete or asphalt shall not be installed in the mounting area other than that required for ballasts or as required by the Massachusetts State Building Code.
 - f) The use of geotextile fabrics shall be minimized. Vegetative cover shall be maintained to the extent practicable to prevent soil erosion.
- IX. The commercial solar photovoltaic installation, including accessory structures and appurtenances and all access roads and driveways serving the installation, shall be maintained by the owner and operator in good condition for as long as the installation continues to be located on the site, whether or not it is being operated. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance

with landscaping and screening requirements, and safeguarding the integrity of security measures.

- X. The installation shall conform to all other applicable federal and state laws and regulations and bylaws and regulations of the Town.

1.10 Landscaping, Screening and Drainage

- I. All landscaped areas and plants required by the Planning Board in connection with any permit issued or site plan review must be permanently maintained in a healthy growing condition in order to accomplish the purpose for which they were required.
- II. The owners, their agents and assigns are responsible for providing, protecting, and maintaining all landscaping material in a healthy and growing condition, replacing it when necessary, and keeping it free of refuse and debris.
- III. Dead or diseased plants must be replaced within 30 days of notification, or as soon as practical in regard to weather, or complex situations involving the removal and replacement of large trees.
- IV. Plant material must not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
- V. All fencing, walls and other features used for screening purposes shall be kept in good repair and free of litter and debris.
- VI. All drainage systems must be kept in working order.
- VII. Maintenance Plan
A Maintenance Plan shall be submitted by the applicant for the continuing maintenance of all required plantings, fencing, walls and/or drainage system, including a schedule of specific maintenance activities to be conducted. A Maintenance Plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping, fencing and/or drainage shall be a continuing condition of any approval that may be granted. A cost estimate for required maintenance shall be presented as part of any application and a 5-year maintenance bond, in an amount and form approved by Town Counsel and the Planning Board shall be a condition of approval.
- VIII. Continuing Maintenance
The applicant and its successors and assigns shall be responsible for the ongoing maintenance of the landscaping, screening and/or drainage required as a condition of approval and as outlined in the Maintenance Plan. If it becomes necessary, after notice as required above, for the Town to take action in removal and/or replacement of required landscaping, screening and/or drainage system, the property owner will be billed for all costs associated with the removal and/or replacement. Any unpaid amounts so billed shall constitute a lien on the property in question and will be collected as such.

1.11 Endorsement of Site Plan

After approval by the Planning Board and subject to the satisfaction of any conditions of approval, a mylar print of all approved site plan maps shall be submitted for signature and filing; all information thereon shall be in black India ink.

1.12 Monitoring

The applicant shall provide an annual energy output summary to the Planning Board to verify consistent use of the facility.

1.13 Abandonment or Decommissioning

- I. Any Large-Scale Installation which has reached the end of its useful life, or has been abandoned for 12 months, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a) Physical removal of all Large-Scale Installations, structures, all electrical equipment, all appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, security barriers and overhead and underground electric lines from the site;
 - b) Disposal of all solid and hazardous waste in accordance with Town, State, and Federal waste disposal regulations;
 - c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director of Inspectional Services may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- IX. Abandonment. Absent written notice to the Planning Board of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Installation shall be considered abandoned when it fails to operate for more than 12 months without the written consent of the Planning Board. If the owner or operator of the Large-Scale Installation fails to remove the installation in accordance with the requirements of this section within 60 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
- X. Financial surety. Proponents of Large-Scale Installations shall provide a form of surety, either through cash or bond, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125% of the cost of removal due to inflation. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

1.14 Severability

If any part of this By-Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-Law. The Town of Acushnet hereby declares the provisions of this By-Law to be severable.

Explanation:

At the 2022 Spring Town Meeting, the Town of Acushnet passed a temporary 180-day solar moratorium on the siting of Large-Scale Ground-Mounted Solar Photovoltaic Installations. During this time, the Town undertook a planning process to study, review, analyze and address necessary revisions to the Zoning by-laws relative to large-scale ground-mounted solar photovoltaic installations that were needed or desirable to allow for and regulate such use consistent with protecting the Town's natural resources and future goals. Previously, large-scale ground-mounted solar installations fall under section 3.5 Site Plan Approval of Acushnet's General By-Laws, which has proven inadequate in addressing public health, safety and maintaining the rural characteristics of the community. The purpose of the new by-law is to provide clear and comprehensive regulations for the placement, design, construction, operation, monitoring, modification, and removal of such installations to promote and address public safety and minimize the impacts on scenic, natural and historic resources, and promote public health and welfare. This by-law ensures any large-scale ground-mounted solar photovoltaic installations of 200kw or greater will require a minimum of 3 acres of land. No such structure shall be erected within 300 feet of a way as defined in Massachusetts G.L. Ch. 90, Section 1. Further, side and rear setbacks shall be 150 feet from the nearest abutting property lines. The by-law provides required application material such as glare assessments, noise and sound studies, visual renderings from the nearest abutter, and provisions for trees removed larger than 12 inches in caliper.

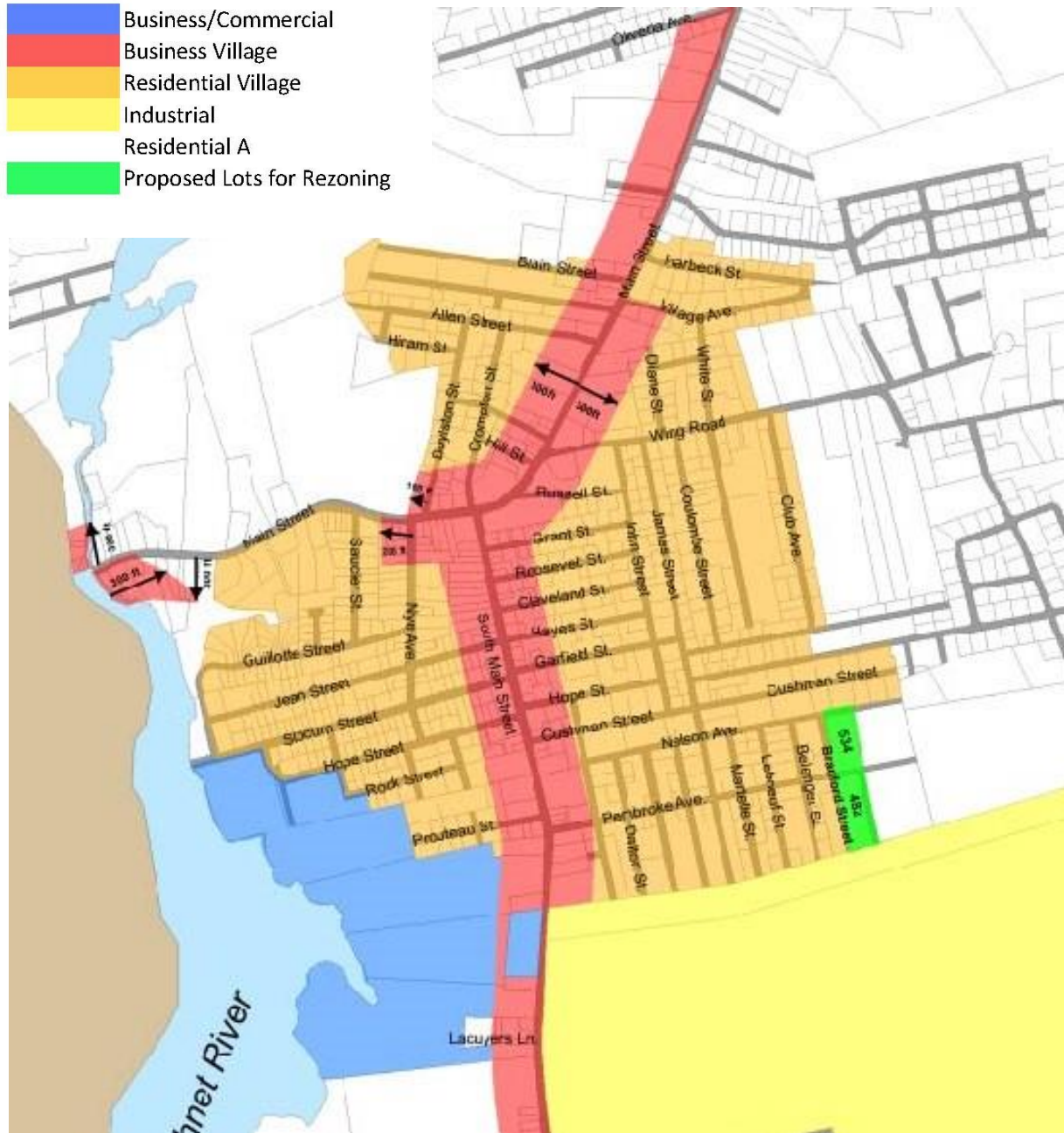
Selectman Hinckley:

I move the Town vote to amend Article VIII of the Zoning Bylaws concerning Large-Scale Ground-Mounted Solar Photovoltaic Installations by replacing the existing bylaw and inserting the amended bylaw as printed in the warrant:

This requires a 2/3 majority vote and a recommendation and report by the planning board after a public hearing pursuant to c.40A, s5.

ARTICLE 13: 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.

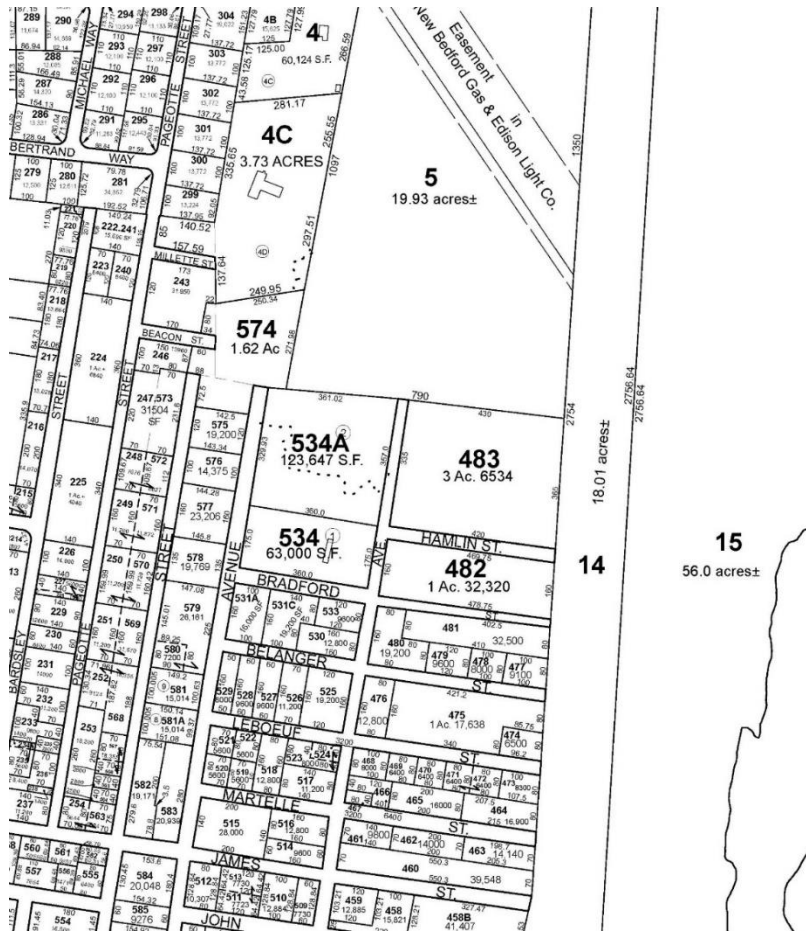
Proposed by the Planning Board
Recommended by the Board of Selectmen
Recommended by the Finance Committee



Note: Above 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:
 - a. Front – 20 feet
 - b. Rear – 20 feet
 - c. Side – 10 feet
 - d. Width – 100 feet
 - e. Lot Depth – 80 Feet



Purpose

The rezoning of lots 482 and 534 from the Residential A zoning district to the Residential Village zoning district. 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. Any waiver request from sewer and water pressure testing shall require a Public Hearing. 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.

Summary

This article affects a total of two lots being transferred from the Residential A district to Residential Village. The purpose for re-zoning map 15, lots 534 and 482 would be to create greater conformity within the Residential Village district. Additionally, these changes would rectify the effects of spot zoning and allow for new growth of residential development

Selectman Wojnar:

I move the Town 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 as printed in the warrant.

This requires a 2/3 majority vote and a recommendation and report by the planning board after a public hearing pursuant to c.40A, s5.

You are directed to serve this Warrant by posting a copy thereof attested to by you in writing in each of eight public places in the Town at least fourteen days before the time for holding the meeting called for in the Warrant. Therefore fail not, and make do return of this Warrant, with your doings thereon, to the Town Clerk of said Town on or before the 30th day of September, 2022.

Given under our hands this 30th day of September in the year of our Lord Two Thousand and Twenty-two.

Town of Acushnet
Board of Selectmen

Attest:
Date:

David Wojnar, Chair

Pamela Labonte, Town Clerk

Kevin Gaspar, Sr.

Robert Hinckley

BRISTOL, SS.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the Town of Acushnet by posting up attested copies of the same at the Town Hall, the Council on Aging, the Acushnet Post Office, Jason's Variety, Scuttlebutts Variety, Ford Middle School, Acushnet Elementary School and the Acushnet Public Library, of said Town fourteen days at least before the date hereof, as within directed.

Constable of Acushnet

Date

MAY REMOVE AFTER OCTOBER 17, 2022

APPENDIX 1: Town Meeting Parliamentary Procedure

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

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

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

There are five general types of motions:

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

Some questions relating to motions:

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

How Do I Present My Motion?

Obtain the Floor:

- Wait until the previous speaker is finished.

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

Make your motion:

- Speak clearly and concisely.
- State your motion affirmatively. Say, “I move that we do....” Instead of “I move that we do not...” Stay on the subject and avoid personal attacks.

You wait for a second:

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

The Moderator states your motion:

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

You expand on your motion:

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

The Moderator puts the question:

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

The method of voting on a motion: **Voice:** The Moderator asks those in favor to say “aye” and those opposed to say “no.” A member may move for an exact count.

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

More Motions:

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

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