

TOWN OF ACUSHNET



Transcript of Articles in the Warrant for the

SPECIAL FALL TOWN MEETING
Monday, November 6, 2023

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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- 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

Fall Town Meeting

Monday, November 6, 2023

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 sixth day of November, 2023 at 7:00 p.m.; then and there to act upon the enclosed articles, to wit:

In case all articles in the foregoing Warrant shall not be acted upon at the Meeting called for on Monday, November 6, 2023, 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.



TOWN OF ACUSHNET
BOARD OF SELECTMEN
FY 24 FALL TOWN MEETING MESSAGE

Greetings to the Citizens of Acushnet:

The Board of Selectmen is proposing Town Meeting Articles to the Fall Town Meeting that involve changes to zoning, changes to various bylaws, and financial “housekeeping articles”. For the most part, the financial “housekeeping articles” involve paying prior year’s unpaid bills, and adjusting revenue and account transfers for the FY 24 Budget. The Legislature did not pass the Commonwealth’s annual Appropriation Act until August. The Board is presenting an article to adjust the Town’s revenue estimates to reflect actual Town revenues from an increase in state aid. The difference between the May revenue estimates and actual revenue is \$98,309.00. Article 2 will adjust the Town Budget by \$89,676.00, folding in a majority of the increase into the Insurance budget for enrollment increases and the Finance Department budget (OPEB Annuity Valuation).

The Board is also proposing that the Town Meeting rescind authorization for the borrowing for the EMS ambulance, and authorize expenditures for certain

capital items including the ambulance from “Free Cash”. Because approximately 60% of available “Free Cash” is a one-time result of the staff’s efforts to “fix” the Town’s cash book, increase income by properly placing investments, and properly accounting for receipts; the Board is recommending transferring into two “rainy day” funds; \$100,000.00 into the Infrastructure Stabilization Fund and \$200,000.00 into the OPEB Trust Fund. The Board will address other capital needs at the Spring Town Meeting. The Golf Management Committee is recommending transfer from the Golf Course’s Retained Earnings (\$125,000.00) for capital expenses. This expenditure combined with past appropriations will continue the Golf Management Committee’s effort to maintain the success and quality of the course.

In addition, the Community Preservation Committee has recommended an expenditure of \$75,000.00 for improvements to the Lake Street Park and non-chemical weed remediation in the ponds. Originally, the Town planned to use chemicals to control the weed growth. After an investigation by Town officials, it was determined that the use of chemical was unacceptable because it could potentially harm the environment and the local cranberry industry.

The Planning Board and the Board of Selectmen are proposing two Zoning Articles. One article returns the time limit to exercise a special permit from three years to two years and provides for flexibility in granting extensions for up to two years. The Planning Board favors this article as a response to the Commonwealth increasing the time limit to begin work on a project from two years to three years. The Board’s concern, especially as it relates to solar projects, is that permitted projects could remain “on the shelf” for an inordinately long timeframe. The Board of Selectmen and the Planning Board are pleased to propose a second zoning article, “Over 55 Special Residential Development”. The purpose of this article is to encourage alternative housing for the Town’s

maturing population. The design of this type of “Over 55” development will provide a type of housing which reduces residents' burdens of property maintenance and promotes flexibility in land use planning in order to improve site layouts, protection of natural features (i.e., natural topography, wooded areas and scenic meadows) and environmental values. This new section would allow by Special Permit “Over 55” Development in all zones except Business Village and Industrial with the following standards:

- **Tract Size (with S & W)** **Three (3)-Thirty (30) Acres**
- **Tract Size (no S & W)** **Ten (10)-Thirty (30) Acres**
- **Frontage** **One Hundred and Fifty (150) Feet**
- **Building Unit Limit** **Four (4) Dwelling Units per Building**
- **Dwelling Unit Limit** **Two (2) Bedrooms per Dwelling Unit**
- **Dwelling Units/Acre Limit** **Three (3) Units per buildable acre**
- **Height Limit** **Two (2) Floors of living area**
- **Internal Road Setback** **Forty (40) Feet**
- **Building/Building Setback** **Forty (40) Feet**
- **Parking Spaces** **Two (2) per Dwelling Unit**

The Board of Selectmen would like to thank the Planning Board and the Finance Committee as well as the Finance Department and Town Administrator’s office for their work in preparing and reviewing this Warrant. The Board would, also, like to thank all of the dedicated employees and volunteers for their work in making Acushnet the great town that it is.

Sincerely,

Kevin Gaspar, Sr.
Chairman

Robert Hinckley

David Wojnar



TOWN OF ACUSHNET
FINANCE COMMITTEE
FY 24 FALL TOWN MEETING MESSAGE

Town of Acushnet, MA
Special Town Meeting
Ford Middle School

November 6th, 2023

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, various Capital expenditures and Zoning Articles which may impact the Town presently and in the future.

Looking ahead to our next Annual Town meeting in 2024 our Departments will need to continue take a conservative approach with their operational budgets and account for increases in 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 continued high level of inflation that is still affecting all of us. The continued 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

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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SPECIAL FALL 2023 TOWN MEETING
AMENDMENTS to FISCAL YEAR 2024 OPERATING & CAPITAL
BUDGETS

&

AMENDMENTS to GENERAL BYLAWS & ZONING BYLAW

ARTICLE 1: PAYMENT OF PRIOR YEAR BILLS

To see if the Town will vote to raise and appropriate the sum of \$5,080.69 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	Building	D. Corrigan	\$175.00	May/June Electrical Inspections
2	Building	J. Marot	\$120.00	May/June Building Inspections
3	Building	F. Knox	\$2,430.00	April/May/June Electrical Inspections
4	Police	Payroll	\$1,035.00	FY23 Contractual Sick Buyback
5	Police	Office Technology Group	\$112.61	FY23 Copier Overage
6	Police/Town Building	Joe & Perky's	\$70.00	Inspection Sticker x 2
7	Selectmen	Cabot	\$145.26	Worker's Comp. Claim
8	Technology	The Telecom Spot	\$377.92	IP Phones for EMS
9	Park	Town of Acushnet	\$614.90	Water Bills x 3
		Total	\$5,080.69	

(9/10 Vote Required)

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.

ARTICLE 2: AMENDMENTS TO FY 24 BUDGET

To see if the Town will vote to raise and appropriate the sum of \$89,676.00, to amend the appropriations stated below that were previously voted in Article 27 of the May 22, 2023 Annual Town Meeting for the Fiscal Year beginning July 1, 2023 for various Town Departments; or take any other action in relation thereto.

Line No.	Department	Budget Line Item	Amount	Purpose
135	Town Accountant	Expenses	\$14,750.00	Professional & Actuarial Services
914	Group Health & General Insurance	Expenses	\$74,926.00	Liability/Injured on Duty/Health Ins/Unemployment
		Total	\$89,676.00	

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: *In light of the late passage of the Commonwealth’s General Appropriation Act, this article will correct revenue, expense and assessment budgets to reflect the changes in the actual state aid and assessment figures versus earlier staff estimates. The increase in Group Health and General Insurance (\$74,926.00) and the increase in Town Accountant Professional and Actuarial Services (\$14,750.00) are within the increase in state aid that was included in the Commonwealth’s final Budget which was passed in August.*

ARTICLE 3: ACCEPTANCE OF A PROVISION OF THE OMNIBUS MUNICIPAL MODERNIZATION ACT

To see if the Town will vote to accept the provisions of the third sentence of Massachusetts General Laws Chapter 59, section 2A, subsection (a) which would change the certification time frame of “New Growth” from the calendar year to the Town’s fiscal year, or take any other action thereon or in relation thereto.

(Majority Vote Required)

Proposed by the Board of Selectman
Recommended by the Finance Committee
Recommended by the Town Accountant

Explanation: *This article is presented to change the certification time frame of “New Growth” to correspond with the Town’s fiscal year not the calendar year. This article is recommended by the Town Accountant and the Town’s*

auditors. Two-thirds of the Commonwealth’s municipalities have already adopted this change.

CAPITAL EXPENSE ARTICLES

ARTICLE 4: RESCIND PRIOR AMBULANCE BORROWING

To see if the Town will vote to rescind the borrowing authority for the purchase of an EMS ambulance as authorized by Article 25 of the May 22, 2023 Annual Town Meeting or take any other action thereon or in relation thereto.

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article is presented to rescind a prior authorization to borrow for an EMS ambulance. The borrowing is not necessary. There is adequate “Free Cash” funding to purchase the vehicle outright. As the Town Meeting may recall the original authorization for the borrowing was a device to allow the Town to order the vehicle. It was the original intent of the Board of Selectmen as discussed with the Town Meeting, to rescind the borrowing and purchase the vehicle with “Free Cash”.

For Informational Purposes Only -

Article 25 of the May 22, 2023 Annual Town Meeting

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, file for, accept and expend grant(s) and/or matching funds provided by grants, or otherwise provide a sum or sums of money not to exceed \$610,000.00 to purchase and equip an Advanced Life Support (ALS) ambulance for the Acushnet Fire/EMS Department, or take any other action thereon or in relation thereto.

(Board of Selectmen) (Required Vote: Simple Majority (unless borrowing, then a 2/3 vote)

Reason: The current ambulances are 6 and 7 years old with the normal useful life of an emergency ambulance between 5-8 years. There is currently a two-year backlog from time of order to time of delivery, which will put our ambulance toward the outer limits of typical replacement timeline. Ordering the vehicle at this time will allow us to remain on schedule with our fleet.

ARTICLE 5: CAPITAL EXPENSES

To see if the Town will vote to appropriate by a transfer from free cash the sum of \$729,849.00 for the capital projects listed 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.

Department	Project/Purpose	Funding Source	Amount
Fire/EMS Dept.	Ambulance purchase and up-fitting	Free Cash	\$610,000.00
Fire EMS Dept.	Fire Chief’s Vehicle Dodge Durango or Chevrolet Tahoe	Free Cash	\$63,000.00
Selectmen	Chevrolet Bolt (2) Lease Close-outs	Free Cash	\$41,128.00
COA	Chrysler Voyager	Free Cash	\$15,721.00
		TOTAL	\$729,849.00

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article is presented to provide funding from certified “Free Cash” for the capital costs involved in closing out the electric cars’ “Green Community” leases, purchasing and outfitting an EMS ambulance, replacing the Fire Chief’s 11-year-old vehicle (2012), and the purchasing of a Chrysler Voyager LX, side-entry minivan through the Massachusetts Department of Transportation Community Transit Grant Program. This Town share for the Chrysler Voyager (\$15,721.00) equals 20% of the total purchase price of the vehicle.

ARTICLE 6: CARDIAC MONITORS

To see if the Town will vote to appropriate \$80,000.00 from “Free Cash” (which was the amount that the Town received from the Opioid Settlement Funds and transferred to “Free Cash”) and \$12,000.00 from the Ambulance Reserve Funds for a total of \$92,000.00, to purchase Cardiac Monitors (AEDs) for the Fire Department, or take any other action thereon or in relation thereto.

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article is presented to provide funding from certified “Free

Cash” (\$80,000.00) (the amount transferred from the Opioid Settlement Funds) and the Ambulance Reserve Fund (\$12,000.00) to purchase 2 Lifepak 15 cardiac monitors for use on the ALS ambulances. These units also act as Defibrillators. The current cardiac monitors, which were bought in 2013, have reached the end of their useful life (10 years).

ARTICLE 7: CAPITAL EXPENSE STABILIZATION FUND

To see if the Town will vote to transfer from “Free Cash” the sum of \$100,000.00 to the Capital Expense Stabilization Fund, or take any other action thereon or in relation thereto.

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: *According to municipal finance “Best Practices”, the Town will add \$100,000.00 to Capital Expense (Infrastructure) Stabilization Fund 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 \$971,195.02, thus assisting the Town in maintaining its bond rating and showing financial responsibility and stability to bond and credit rating agencies.*

ARTICLE 8: OPEB TRUST FUND

To see if the Town will vote to transfer from free cash the sum of \$200,000.00 to the OPEB Trust account, or take any other action thereon or in relation thereto.

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: *The town has an OPEB Trust account for expenses related to retiree health insurance costs. This account was created to enable the Town to adopt “Best Practices” and to 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 \$1,230,962.83.*

ARTICLE 9: COMMUNITY PRESERVATION ACT - LAKE STREET

To see if the Town will vote to transfer and appropriate the sum of \$75,000.00 from the Community Preservation Act’s Undesignated Fund Balance as a supplemental appropriation to Article 13 from the November 14th 2020 Fall Special Town Meeting or take any other action thereon or in relation thereto. (Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article supplements the funds needed to continue with “weed remediation” and other improvements at the Lake Street Recreation Area.

With this appropriation, the current balances in the CPC funds are as follows:

<i>Reserve for Open Space</i>	<i>\$ 48,083</i>
<i>Reserve for Historic Preservation</i>	<i>\$ 57,615</i>
<i>Reserve for Community Housing</i>	<i>\$101,694</i>
<i>Undesignated Fund Balance</i>	<i><u>\$494,670</u></i>
	<i>\$702,062</i>

CPC funds result from a community-wide annual surcharge of 1.5% 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.

Article 13 from the November 14th 2020 Fall Special Town Meeting reads... To see if the town will vote to transfer and appropriate the sum of \$75,000 from the Undesignated Fund Balance of the Community Preservation Act funds account and/or the FY21 budgeted reserves of the Community Preservation Act funds for the purpose of improvements and cleaning efforts in the Lake Street lakes and adjacent recreational grounds, located on Lake Street, for open space and recreational purposes, or take any other action relative thereto.

ARTICLE 10: GOLF COURSE CAPITAL EXPENSES

To see if the Town will vote to transfer from the Golf Course Retained Earnings \$125,000.00 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.
(Majority Vote Required)

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.*

ZONING/BYLAW ARTICLES

ARTICLE 11: SPECIAL PERMIT TIME LIMIT

To see if the Town will vote to amend the Acushnet Zoning Bylaws, Section 3.4, Special Permit Requirements; Article VIII Zoning of the General Code; accepted by Town Meeting, April 22, 1996 and most recently amended December 28, 2022; by inserting the following text after the second sentence,

“A special permit lapses if not exercised within two years from the date of the grant thereof. A special permit may be extended by the special permit granting authority for good cause shown for up to two (2) years.”, or take any other action relative thereto.

(2/3 vote required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee
Planning Board to Report at Town Meeting

Explanation: *This article is presented to return the time limits for Special Permits to two (2) years from three (3) years. The change in time limits was instituted by the General Court. However, the Town has an option to return the limit to two (2) years. This change has been requested by the Town boards that issue Special Permits. This article also allows flexibility in granting extensions for less than two years and not just two years.*

ARTICLE 12: SPECIAL RESIDENTIAL DEVELOPMENT - OVER-55 ZONING BYLAW AMENDMENT

To see if the Town will vote to amend Article VIII (Zoning Bylaw) of the General Bylaws by deleting in Section 3.3.1 B (7) the words “for the elderly (55 years and older) or”; as in the sentence “ Multi-family housing ~~for the elderly (55 years and older) or~~ as allowed under MGL Ch. 40B” , and by deleting in Section 3.3.4 B (6) the words “for the elderly (55 years and older) or”; as in the sentence “ Multi-family housing ~~for the elderly (55 years and older) or~~ as allowed under MGL Ch. 40B”; and by adding a new Section 3.3.7, Special Residential Development – Over 55 Housing (listed below), or take any other action in relation thereto.

(2/3 vote required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee
Planning Board to Report at Town Meeting

NEW SECTION 3.3.7 LANGUAGE

Section 3.3.7: Special Residential Development – Over 55 Housing

A. Purpose

The purpose of the Special Residential Development Special Permit are to grant relief in the form of increased density to encourage housing needed in the Town of Acushnet such as providing alternative housing for a maturing population; providing a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and which promotes flexibility in land use planning in order to improve site layouts, protection of natural features (i.e., natural topography, wooded areas and scenic meadows) and environmental values and utilization of land in harmony with neighboring properties. For the purpose of this By-Law, the term Special Residential Development is defined as a residential development of multiple dwelling units configured as attached or detached single-family dwellings on a tract of land in single ownership.

B. Applicability

The Planning Board, acting as Special Permit Granting Authority, may grant a Special Permit for construction of a Special Residential Development (SRD) and accessory structures, in the Residential A District, the Residential/Village District, and the Business/Commercial District. The provisions of this section supersede the dimensional requirements and use provisions of the Zoning By-Law.

C. Standards

This section identifies the standards that will be applied to all Special Residential Developments.

1. Tract Size - At the time of granting a special permit by the Planning Board, the property under consideration for a SRD shall be located on one or more contiguous parcels with definite boundaries ascertainable from a recorded deed or recorded plan, for parcels capable of tying into municipal water and sewer, having a contiguous “Buildable Area” of no less than 3 and no more than 30 acres, and for parcels not capable of tying into municipal water and sewer, having a contiguous “Buildable Area” of no less than 10 and no more than 30 acres. Frontage shall be a minimum of 150 feet on a public way.

2. Age Qualification - A SRD may only be constructed as housing intended for persons of age fifty-five or over within the meaning of M.G.L. c151B, S4, 16 and 42 USC S3607 (b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in a Special Residential Development shall be owned or rented and also occupied by at least one person fifty-five (55) years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in a SRD, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

3. Applicant Qualifications - The applicant for a Special Permit for a SRD shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development.

4. Maximum Number of Dwelling Units Permitted - The maximum number of residential dwelling units per acre of buildable area shall be determined by multiplying the Buildable Area (expressed as acres) by the number 3. In order to achieve the maximum development as allowed under the above measures, the applicant must demonstrate compliance with all other standards identified in Section C.

5. Configuration of Buildings - The following requirements shall apply to all buildings and dwelling units in a Special Residential Development:

- a. Dwelling units can be attached, or detached as single units, or a combination of these types.
- b. *Dwelling Units per Building*. No building shall contain more than four dwelling units.
- c. *Maximum Height*. No building constructed in a SRD shall exceed 35 feet in height nor exceed two full floor levels of living area.
- d. *Maximum Number of Bedrooms*. No dwelling unit constructed in a SRD shall contain more than two bedrooms. No more than ten percent (10%) of the total units in a SRD shall have fewer than two bedrooms.
- e. Minimum setback from the center-line of internal roads shall be forty (40) feet.

6. Location Design Standards and Landscaping

- a. Identifying Conservation Areas and Potentially Developable Areas: Identify preservation land by the following steps:
 1. Identify Primary Conservation Areas such as wetlands and floodplains regulated by local, state or federal law. This shall be accompanied by Conservation Commission acceptance of the Abbreviated Notice of Wetlands Resource Delineation.
 2. An “Existing Conditions Plan” depicting soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined by G.L. c. 131, s.40, and delineation of the official wetland area boundaries as accepted by the Conservation Commission pursuant to the Massachusetts Wetlands Protection Act, existing floodplain boundary lines, existing topography, wetlands, water bodies and the 100-year

floodplain, all existing rights-of-ways, easements, and existing structures, the location of significant features such as woodlands, tree lines, individual hardwoods of significant stature, open fields or meadows, scenic views, watershed divides and drainage ways, fences and stone walls, roads, driveways, cart paths, and resources of historic or archeological importance.

b. The units shall provide for an effective and unified treatment of the development possibilities of the project site, in the judgment of the Planning Board, making appropriate provision for the preservation of natural features and amenities of the site and the surrounding areas wherever possible.

c. The units shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site wherever possible.

d. All units shall be arranged so as to preserve visual and audible privacy between adjacent houses wherever possible.

e. Whenever possible, existing trees and vegetation shall be preserved and integrated into the landscape design plan.

f. Whenever possible, the existing terrain shall be preserved and earth removal or relocation shall be kept to a minimum.

g. Negative visual impacts of the development, if any, in the judgment of the Planning Board, shall be adequately screened from adjacent properties and nearby streets by landscaping and other site plan techniques.

h. Additional landscaping amenities shall be proposed to achieve an effective, unified and aesthetic project in the judgement of the Planning Board.

7. Interrelationship of Buildings - The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy, and separation between buildings. Buildings shall comply with a minimum setback of forty (40) feet from each other and all other structures except internal roads in the development. Minimum setbacks shall be measured at the nearest point between building footprints, not including patios and

terraces. Building footprint shall include decks, porches and roof overhangs. The Planning Board at its discretion may allow up to 25 % of the buildings to have minimum setbacks from each other of thirty (30) feet if the applicant demonstrates outstanding preservation of natural features and/or open space.

8. Perimeter Buffer - A 50-foot-wide buffer between a SRD and public ways and a 50-foot wide buffer between a SRD and abutting properties is required; provided, however, that access roads and pedestrian paths may cross or be within the perimeter buffer at the discretion of the Planning Board. This perimeter buffer shall remain in a natural state, both at the outset and perpetually thereafter, to preserve the visual character of the parcel being developed. The Planning Board may permit exceptions to allow maintenance of desirable resources, which may exist at the time of application.

9. Common Property - This includes but is not limited to the perimeter buffer, roadways, yards, driveways, accessory structures as in #10 below, parking areas, and all areas not part of dwelling units. Common Property shall be for the exclusive use of owners or renters of the dwelling units and their guests. It shall be owned in common by the owners of the dwelling units in the SRD. An enforceable restriction, acceptable to the Planning Board, shall be recorded for this property.

10. Accessory Buildings and Structures - In a SRD, accessory buildings and structures over 120 square feet may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Plan and shall be available for the sole use and enjoyment of the residents and their guests.

11. Parking - A minimum of two off-street parking spaces shall be provided for each dwelling unit, in reasonable proximity to each dwelling, or in attached garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain less than one space per residential unit in the entire project, and all such areas shall be adequately landscaped. The adequacy of all parking facilities shall be determined by the Planning Board which may grant a waiver on the number of parking places.

12. Road Construction Standards - Roads and driveways within a SRD shall be subject to approval of the Planning Board based on the Rules and Regulations governing subdivisions as guidelines. The Planning Board may promulgate Rules & Regulations establishing minimum construction standards and design requirements for the SRD network of roads. There shall be an adequate, safe and convenient arrangement of roadways and driveways in the opinion of the Planning Board.

13. Other Facilities - All facilities including but not limited to utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning By-Law and the Rules and Regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

14. Project Maintenance - Every SRD shall establish a trust, association or other legal entity whose membership includes all dwelling unit owners or renters and which shall have the power to assess costs and fees to the dwelling unit owners or renters, satisfactory to the Planning Board, which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Acushnet shall not be responsible therefore. The organizational documents shall expressly require assumption of these obligations and shall be approved by the Planning Board before occupancy of any dwelling unit. All such maintenance shall be the responsibility of the developer until such time as the legal entity assumes responsibility.

15. Building Architecture - All buildings in a SRD shall be designed

- (a) to have compatibility of style and building materials with those currently in Acushnet,
- (b) to afford variations of facade and roof lines,
- (c) so as not to have any dwelling unit extend under or over another dwelling unit in the same building, and
- (d) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over.

The Planning Board shall be satisfied with the architectural details and styling of the buildings prior to approval of a SRD.

16. Common Water and Sanitary

a. Common Sanitary facilities are encouraged consistent with the applicable Board of Health and State regulation.

b. For potable water, projects shall be serviced entirely by Municipal Water as defined in 310 CMR 22.00. If the project is not served by Municipal water and regardless of number of service connections or number of individuals served, any ground water source that is part of the system shall comply with 310 CMR 22.21 Groundwater Supply Protection and the Massachusetts Department of Environmental Protection (DEP), Drinking Water Program's "Guidelines and Policies for Public Water Systems" as they presently exist and any subsequent amendments. Further, should the DEP for any reason, choose to not assert its jurisdiction, the Special Residential Development applicant shall still comply with the technical requirements of the regulations and guidelines.

D. Procedures

The procedure for issuance of a special permit for a Special Residential Development shall be as follows:

1. Pre-Application Meeting - A pre-application meeting with the Planning Board prior to formal submission of an application is strongly recommended. If such a meeting is requested, the Planning Board shall invite the Conservation Commission, Board of Health, the Town Planner, the Building Commissioner, and the Highway Superintendent. Peer Review participation may also be valuable at such a meeting. The applicant may choose to fund Board engagement of Peer Review capability at this time per Section E of this By-Law.

The pre-application discussion will be most productive if a report is available at this time from a Certified Soil Evaluator, confirmed by the Board of Health, stating which locations for residential units contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulation of the Town of Acushnet and applicable laws of the Commonwealth of Massachusetts.

Also facilitating this meeting will be availability of a plan, which contains the boundaries of all wetland resource areas as defined in the Massachusetts Wetlands Protection Act with Conservation Commission acceptance of the Abbreviated Notice of Wetlands Resource Delineation.

2. Application for Special Permit - Any person who desires a Special Permit for construction of a SRD shall submit a written application to the Planning Board. Each such application shall be accompanied by the following information:

a. Identification of applicant; information as to the record title to the tract; identification of applicant's professional and development associates.

b. An "Existing Conditions Plan" depicting soil characteristics as shown on Soil Conservation Service Maps; resource areas as defined by G.L. c. 131, s.40, and delineation of the official wetland area boundaries as accepted by the Acushnet Conservation Commission pursuant to the Massachusetts Wetlands Protection Act; existing floodplain boundary lines; existing topography, wetlands, water bodies and the 100-year floodplain, all existing rights-of-ways, easements, and existing structures, the location of significant features such as woodlands, tree lines, individual hardwoods of significant stature, open fields or meadows, scenic views, watershed divides and drainage ways, fences and stone walls, roads, driveways, cart paths, and resources of historic and archeological importance.

A SRD Site Plan showing, insofar as pertinent, all of the information required for a definitive subdivision plan, as specified in the Town of Acushnet, Rules and Regulations Governing Subdivisions, as amended, and showing the following additional information: existing and conceptually proposed locations of buildings containing dwellings and other buildings; all setback lines; existing and proposed roads and driveways; lighting; signs; proposed and existing wells and wastewater disposal systems on the parcel and abutting properties if such systems are within 200 feet of the property line; existing and proposed topography; existing perimeter of trees; proposed landscape features (such as fences, walks, planting areas, type, size and location of planting materials, methods to be employed for screening); the proposed use of the common land including

improvements intended to be constructed thereon; the proposed ownership of all common land; and any other information required by the Planning Board.

Landscape Plan: A landscape plan shall be submitted at the same scale as the development plan, identifying areas of retained vegetation, proposed planting, proposed restrictions upon vegetation alteration, and other elements of the conceptual landscape design.

The plans shall be prepared and stamped by a team that includes a Registered Professional Engineer, Professional Land Surveyor and a Registered Landscape Architect.

c. A schedule of the stages or phases of development, which the applicant proposes for construction of the SRD, including dates.

d. Sample floor plans of dwellings; elevation drawings or models of dwellings; schedule of building materials.

e. Plans showing proposed methods of storm water management, including drainage calculations per the Planning Board Subdivision Rules & Regulations and Stormwater Bylaw.

f. Plans showing proposed wastewater disposal facilities.

g. Sample copies of the condominium association or other legal structure formed for the operation, maintenance, management and enforcement of this development, including a master deed and bylaws of the organization. All such documentation shall include a reference to the objectives of the Special Residential Development and the requirement for 100% of the units to be owned or rented and occupied by at least one person age 55 or over.

h. A Municipal Lien Certificate indicating tax status satisfactory to the Acushnet Tax Collector.

i. Impact Analysis: A narrative report, satisfactory to the Planning Board, detailing the impact of the proposed project on the Town's capacity to furnish services including but not limited to roads, traffic, water, and sewer, and sanitation and emergency services, including but not limited to police, fire apparatus and ambulance services.

3. Reports from Town Boards or Agencies - The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Board of Assessors, Historic District Commission, Building Commissioner, Fire Department, Highway Surveyor and the Police Department.

Plans shall be approved by the Water and Sewer Commissioners for satisfactory design and access to current water and sewer infrastructure and facilities. A narrative report detailing the impact of the proposed project on the Town's existing water and sewer capacity and infrastructure, including any planned or recommended upgrades, shall accompany the plans. This review may result in requirements for installation of additional infrastructure or facilities at the applicant's expense.

Plans shall be approved by the Police Chief and Fire Chief for satisfactory emergency access and facilities. This review may result in requirements for additional facilities such as reserve water tanks, emergency communications, etc.

Failure of other boards or agencies to make a written recommendation or submit a written report within sixty (60) days of receipt of the application shall be deemed a lack of opposition.

4. Planning Board Action - The Planning Board shall not grant a Special Permit for a SRD unless it shall, after holding a public hearing in accordance with requirements of Chapter 40A of the General Laws, find that:

- (i) the SRD complies with the purposes of the SRD bylaw as stated herein;
- (ii) the SRD is in an appropriate location and does not significantly alter the character of the neighborhood in comparison to a single-family residential development;
- (iii) adequate and appropriate facilities will be provided for the proper operation of the SRD;
- (iv) the SRD use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other nuisances;
- (v) the SRD use would not cause unreasonable traffic congestion in the immediate area;

(vi) the SRD responds to the recommendations of Town Boards and Agencies; and

(vii) the granting of the Special Permit would not result in unsuitable development of the land in question.

5. Building Permit Conditions - Any Special Permit issued hereunder shall impose the following conditions to be satisfied before construction of any dwelling unit commences (i) the applicant shall have submitted to the Planning Board detailed plans showing the locations, designs and layouts of such buildings and all access roads, driveways and accessory structures, (ii) the applicant shall have provided security by covenant, bond or other means satisfactory to the Planning Board, generally of the character that in the context of a subdivision, would satisfy the requirements of General Laws Chapter 41, Section 81 U, securing the construction and installation of access roads, driveways, utilities, drainage and related services. The Building Commissioner shall not issue a permit for construction of any dwelling unit in an SRD until he has received a notice from the Planning Board that these conditions have been satisfied.

The Planning Board may in a Special Permit for a SRD set forth further requirements and conditions as the Board shall deem appropriate to accomplish the purposes of this Bylaw, including requirements of recording of plans and documents and report thereof to the Board.

6. Enforcement – The Town shall have the right to enforce the conditions and safeguards imposed on the exercise of Special Permits under this Section in equity or at law and to recover from the applicant, his successor or approved assignee(s) all moneys that may be required to complete the development plan approved.

E. Fee Structure

The Planning Board shall not accept an application or schedule a public hearing if the full fee amount as determined herein is not submitted with the application and plans. All application fees are non-refundable. The following fees shall apply to plans for an SRD:

Application Fee: Per residential unit: \$250.00

Outside Consultants: The Planning Board may promulgate reasonable Rules and Regulations, consistent with General Laws Chapter 40 A, Section

9, to implement this section, including rules relating to the employment of outside consultants at the applicant's expense pursuant to MGL Chapter 44, section 53G.

F. Further Conditions

A tract of land that is subject to a special permit granted under this section shall not be further divided, and a note to this effect shall be shown on the plan. The Special Permit, the Order of Conditions, any Covenants, and the endorsed Plan with the note that the section or tract of land, "shall not be further divided", and shall be recorded in the Registry of Deeds. Subsequent to granting the permit, the Planning Board may permit minor adjustments of building locations within the cluster that do not result in violation of the By-Laws. However, any change in overall density, street layout, or open space layout will require further hearings.

1. The Planning Board may impose other conditions, safeguards, limitations on time and use, as it deems reasonable to achieve the stated purposes of this section.
2. Exterior modifications, excluding routine maintenance, to residential units and/or common facilities not formally approved by the Special Permit Decision, as amended and recorded from time to time, shall require application to the Planning Board.

Proposed by the Board of Selectmen
Recommended by the Finance Committee
Planning Board to Report at Town Meeting

Explanation: This article will add a new section to the Zoning Bylaw which would allow, by Special Permit, "Over 55" Development in all zones but the Business Village and Industrial Zones. Residency would be restricted to residents over 55 years old. The change will provide an opportunity for the development of senior housing without using Chapter 40B. It will also provide for consideration of the character of that area of the Town while safeguarding design standards. It recognizes that areas that have access to municipal sewer and water may have different density from areas that do not have access to municipal sewer and water. The concerns of neighbors and abutters will be protected by the Special Permit process which provides for advertised public hearings and multiple Town Boards' input.

This new section to the Zoning Bylaw would allow by Special Permit “Over 55” Development in all zones but the Business Village and Industrial Zones.

- **Tract Size (with S & W)** **Three (3) - Thirty (30) Acres**
- **Tract Size (no S & W)** **Ten (10) - Thirty (30) Acres**
- **Frontage** **One Hundred and Fifty (150) Feet**
- **Building Unit Limit** **Four (4) Dwelling Units per Building**
- **Dwelling Unit Limit** **Two (2) Bedrooms per Dwelling Unit**
- **Dwelling Units/Acre Limit** **Three (3) Units per buildable acre**
- **Height Limit** **Two (2) Floors of living area**
- **Internal Road Setback** **Forty (40) Feet**
- **Building/Building Setback** **Forty (40) Feet**
- **Parking Spaces** **Two (2) per Dwelling Unit**
- **Application Fee** **\$250.00**

ARTICLE 13: AMENDMENT TO SEWER ASSESSMENT BYLAW

To see if the Town will vote to amend Article X (Sewer Assessment Bylaw) of the General Bylaws by deleting the stricken language (in stricken red) from the present bylaw and by inserting the highlighted language (in bold red) (as shown below), or take any other action in relation thereto.

(2/3 Vote Required)

Proposed by the Water and Sewer Commissioners (Board of Selectmen)
Recommended by the Finance Committee

ARTICLE X: SEWER ASSESSMENTS BY-LAW

The Town of Acushnet, ~~acting through its Board of Public Works through its Board of Selectmen acting as the Water and Sewer Commission ("the Board")~~, shall assess one hundred percent of sewer project costs proportionately upon those properties that can be determined to benefit from the project. ~~In assessing one hundred percent of total project costs, the Board of Public Works shall determine what portion of such costs shall be assessed as betterment assessment and what portion shall be assessed as a privilege fee.~~

I. Assessment based on uniform unit method.

The Town of Acushnet, ~~acting through its Board of Public Work through the Board~~, in assessing a portion of project cost as betterment assessments, shall

assess the owners of land abutting a public sewer line installed by the Town by a rate based upon the uniform unit method. Sewer assessments shall be determined utilizing sewer unit values.

II. Statutory authority

The authority to assess betterments, as well as the permitted methodologies for doing so, are described in M.G.L c. 80, Betterments, and M.G.L. c. 83 Sewers, Drains and Sidewalks.

III. Severability

If any provisions of this bylaw or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of applications of this bylaw which can be given effect without such invalid provisions or applications.

IV. Method of assessing betterments: order of assessment

A. The ~~Town of Acushnet~~ **Board** shall assess sewer betterments based upon the uniform unit method. Properties abutting a sewer street shall be assessed by a rate proportional to the value assigned to the sewer unit at the time of the assessment. Said rate shall be determined by user class and shall apply to all lands developed or undeveloped abutting a sewer street. The total assessments shall not exceed the local share of the total sewer project cost which shall include total costs of engineering, survey and design, construction, land acquisition, construction engineering services, legal services, the cost of borrowing funds and all related contingencies less all state and federal aid received.

B. The Board shall levy, by preparing an order of assessment, assessments against all properties abutting a sewer street. In the order of assessment, the Board shall designate the owner of each parcel, as of the preceding January 1, as liable to assessment stipulation under the provisions of General Law.

V. Time of assessment

A. Betterments. The equivalent monetary value of one sewer unit shall be set by the Board for the sewer construction projects. The time of assessment for lands abutting the sewer street shall be a reasonable time following that date upon which the sewer system with appurtenances is approved for use. In the case where the construction of that portion of the sewer system (lateral sewers), partially funded by betterments, is completed prior to the date upon which the sewer system is approved for use, it shall be within the powers of the Board to establish an earlier date of assessment.

B. Connection and Privilege Fees. All sewer connection fees and privilege fees shall be assessed pursuant to the provisions of Article VII of this bylaw.

IV. Sewer unit designation

A. General. Sewer units shall be designated based upon the user class of those properties to be assessed a betterment. Said classes shall include residential and nonresidential. The nonresidential class shall include commercial, industrial, institutional, municipal and any or all other nonresidential properties.

B. Sewer unit determinations. Properties receiving direct benefit from the public sewer system, whether developed or undeveloped, shall be designated a number of sewer units in accordance with the following:

1. Residential, developed.

a. Single-family dwellings shall comprise one sewer unit.

b. Duplex dwellings shall comprise two sewer units.

c. Three-family dwellings shall comprise three sewer units.

d. Four-family dwellings shall comprise four sewer units.

e. Multiple family dwellings (in excess of four dwelling units) shall comprise a number of sewer units based on the following methodology:

(1) Rental properties (apartments) shall be assessed one sewer unit for each apartment with more than one bedroom. Rental properties shall be assessed on half of one sewer unit for each one-bedroom or studio apartment.

(2) Condominium complexes shall be assessed one sewer unit for

each dwelling unit.

2. Nonresidential, developed.
 - a. Nonresidential property shall include all commercial, industrial, institutional and municipal properties.
 - b. Nonresidential buildings which are metered for water use shall comprise a number of sewer units based upon the average water consumption for the 12 months preceding the appropriation of the funds for construction using the following formula:

Nonresidential sewage

$$\frac{\text{In gallons per day (gpd)}}{300 \text{ gpd}} = \text{equivalent number of sewer units}$$

(all decimals shall be rounded up to the next whole number)

- c. Nonresidential buildings not metered for water shall be assigned a water consumption based on Title 5 (Part 2, Section 13) of the State Environmental Code for the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage. An equivalent number of sewer units shall then be determined by using the following formula:

Nonresidential sewage

$$\frac{\text{In gallons per day (gpd)}}{240 \text{ gpd}} = \text{equivalent number of sewer units}$$

(all decimals shall be rounded up to the next whole number)

3. Residential undeveloped. Undeveloped lots shall be assigned one sewer unit and be assessed accordingly. Future subdivisions of the assessed lot shall be subject to the assessment of sewer privilege fees.
4. Nonresidential, undeveloped. Undeveloped lots shall be assigned one sewer unit and be assessed accordingly. Future use of land shall govern the assessment of privilege fees.

VII. Betterment payment

- A. General. Except as herein, the provisions of the General Laws relative to the assessments, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefore and to interest thereon, shall apply to assessments made under this article, and the Tax Assessor of the Town shall have all of the powers conveyed by the General Laws.
- B. Lump-sum betterment. The lump sum betterment payment for an assessed property shall be equivalent to the product of the total number of sewer units designated upon said property and the appropriated value of one sewer unit at the time of assessment. Said values shall be determined as described herein.
- C. Apportionment of betterment payment. Property owners shall have the option to finance betterment payments through apportionment. The interest rate charged by the Town shall be 2% greater than the project bond rating being paid by the Town for the sewer construction project.
- D. Betterment deferral. The provisions of M.G.L. c. 80, 13B, with regard to deferral of betterment assessments shall apply.

VIII. ~~Sewer privilege fees~~

- ~~A. For those properties not abutting the sewer line, but tying into the system at a future date, the time of assessment of privilege fee shall be the date upon at which that property connects into the sewer system.~~
- ~~B. For those properties serviced by the sewer system, but subdivided at a future date, the time of assessment of privilege fee for the unsewered subdivision shall be the date upon which those subdivision connect to the sewer system~~
- ~~C. Private sewer extension.
 - 1. If a developer or a person other than the Town of Acushnet, or dually authorized representative of the same, constructs a sewer extension to the public system, the Town shall assess a sewer privilege fee in lieu of the betterment assessment against each property tying into said~~

~~sewer extension. The sewer privilege fee shall be equivalent to 905 of the calculated betterment assessment value pertinent to each property, as determined following the procedure outlined in Article VI of these regulations. Sewer privilege fees shall be levied at the time of connection to the public sewer system. Property owner options for payment of said fees shall reflect those related to payment of betterment assessment as described in Article VII.~~

~~2. In addition, the developer and/or property owners connecting to private sewer extensions shall bear the burden of all costs, including legal services, related to the following:~~

- ~~a) Review of design plans and specifications for the private sewer extensions to be accepted as part of the public sewer system, conducted by a registered, professional engineer, as authorized by the Board.~~
- ~~b) Inspection fees of the Board related to the installation of the private sewer extension tying into the public sewer system.~~
- ~~c) Application fees for a building sewer installation permit, which shall include all reasonable costs related to the installation inspection performed by an inspector for the Town of Acushnet.~~

~~3. Costs associated with the design and construction of a private sewer extension shall be considered separate to the sewer privilege fee. Payments or methods of payment related to these costs shall not be reflected within the sewer privilege fee.~~

~~D. If a property abuts a private or unaccepted way within which a public sewer has been installed, the Town shall assess the betterment assessment against said property. All rules and regulations governing the payment and the method of payment relating to betterment assessments, as described in these regulations, shall apply. The sewer privilege fee shall be levied at the time of the connection to the public sewer. All rules and regulations governing and method of payment related to better assessments, as described in these regulations, shall apply.~~

E. VIII. Sewer **Connection/Privilege Fees.**

A. Compensatory Sewer Privilege Fee.

1. Undeveloped property. In the situation where a betterment has been assessed to an undeveloped property based upon the number of sewer units required by these regulations, and said property is ultimately developed to accommodate a number of sewer units in excess of the number used for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee.
2. In the situation where a betterment has been assessed to a developed nonresidential property based upon the number of sewer units required by these regulations, and the usage of said property is changed or increased, which results in a number of sewer units in excess of the number used for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee.
3. The compensatory sewer privilege fee shall be equivalent to that sum of money that would have been charged, as a betterment assessment upon the property at the time of the original assessment, under the conditions to which they have changed or increased, less the amount of the original assessment.
4. All rules and regulations governing the payment and method of payment related to betterment assessments **pursuant to Article VII**, as designated in these regulations, shall apply.
5. The ~~Board of Public Works~~ **Board** is authorized to take any other action necessary or appropriate to accomplish the establishment and recovery of such betterment assessments.

B. Sewer Connection Privilege Fee.

- 1. Any property not subject to a betterment assessment or compensatory privilege fee, connecting to the public sewer system or connecting to a private sewer system that is laid with intention of becoming part of the public sewer system shall be assessed a sewer connection privilege fee for each sewer unit on the property. The number of sewer units shall be determined pursuant Article IV. The amount of the sewer connection**

fee shall be determined from time to time pursuant to Section 14 of Chapter 83 of the General Laws, by the Board of Selectmen acting as the Water and Sewer Commission.

2. **At any time, an additional sewer unit or units are added to any property having paid a sewer connection privilege fee, an additional sewer connection privilege fee shall be assessed to said property for the additional number of sewer units.**

3. **All rules and regulations governing the payment and method of payment related to betterment assessments pursuant to Article VII, as designated in these regulations, shall apply.**

C. Private Sewer Extension Fees.

If a **private** developer or a person other than the town of Acushnet, or duly authorized representative of same, **proposes to** construct a sewer extension to the public sewer system, the developer shall be subject to the provisions of this section.

1. **Application Fee.**

- a. **The developer shall be required to make application to the town for a sewer extension to the public sewer system. The town shall charge the applicant a non-refundable application fee at the time application is made which shall include all administrative costs to the town for proper review of said application and any submitted plans. The application fee shall be for an amount determined from time to time by the Board.**

- b. **The application fee is due and paid in full at the time of application and any rules and regulations governing the payment and method of payment related to betterment assessments pursuant to Article VII, as designated in these regulations, shall not apply.**

2. Permit Fee

- a. **Upon approval of said application for construction of a private sewer extension, the town shall charge the developer a permit fee which shall include all administrative costs related to the construction of said extension, including but not limited to inspections during construction, review of necessary changes during construction period.**
- b. **The permit fee shall be due and paid in full at the time of issuing the permit and any rules and regulations governing the payment and method of payment related to betterment assessments pursuant to Article VII, as designated in these regulations, shall not apply.**

3. Betterment Main Extension Privilege Fee.

- a. **In addition to a fee for application and permitting, for any extension of a sewer system main that was previously laid as part of a sewer betterment project paid for by the property owners where the cost to said owners can be ascertained, upon approval of said application, the town shall charge a betterment main extension privilege fee to the applicant developer in lieu of betterment assessment against each property that ties into said sewer extension. The fee shall be the equivalent to 90% of the cost to each of the property owners who paid an assessment for said betterment.**
- b. **This fee shall be due and paid in full prior to any property being approved for tie-in to the newly constructed sewer extension and any rules and regulations governing the payment and method of payment related to betterment assessments pursuant to Article VII, as designated in these regulations, shall not apply.**

Explanation:

The current sewer bylaw contains language that is very confusing about how fees are to be assessed. Developers, property owners and DPW staff often became confused about how and when fees were to be charged.

The purpose of the amendments is primarily to clarify what fees are to be charged and when they are to be charged, in a such manner that is fair to all property owners, developers and to the Town for costs absorbed during the process.

The betterment assessments to properties whenever a betterment project is undertaken by the Town do not change under this new amended version.

The privilege fees, however, are where the changes are made to be more clear.

The new bylaw would establish fees as follows:

Compensatory Sewer Privilege fee – is charged to any property located where a betterment project was completed and the property was assessed but then later, some time after the betterment project was completed, the property is subdivided and additional sewer units are added to the property.

The amount of this fee per sewer unit is the same as the amount charged to all properties along the betterment project.

*** (this fee is also unchanged from the current bylaw).*

Sewer Connection Privilege fee – is charged to any property that ties into the sewer system. The only properties, not charged this fee when they tie in, are those that are subject to a betterment assessment or a Compensatory Sewer Privilege fee.

The amount of the fee will be established based on the costs to the town.

Private Sewer Extension Privilege fee - comes in 3 different phases and is charged, not to properties that tie in, but to the developer of an extension to the sewer system.

Application fee – the developer will be required to apply to the Town to extend the sewer main and pay this fee at the time of application.

The amount of this fee will be established to recover all the costs to the town to review the application and is non-refundable.

Permit fee – the developer will be charged this fee after the application has been approved and the Town is ready to give the developer a permit for construction. (Obviously if the application is denied, the permit is not given and this permit fee would not be necessary).

The amount of this fee will be established based on the town's cost of monitoring and inspecting during the construction phase.

Betterment Main Extension Privilege fee – this fee is charged (in addition to the application fee and permit fee) to a developer whenever the developer is extending a sewer main that was previously laid and paid for as part of a betterment project.

The amount of this fee is 90% of the fee property owners had previously paid when the betterment sewer line was laid.

If the developer is extending a main that cannot be traced to a betterment project, this fee is not applied and only the Application fee and Permit fee would be paid by the developer.

NOTE: It should be clear that the Private Sewer Extension Privilege fees are charged only to a developer of the extension of the main sewer line and not to individual property owners that tie into the extension.

Once the extension is complete and ready for individual properties to tie in, each property tying in will be charged a Sewer Connection Privilege fee whenever any such tie in occurs.

ARTICLE 14: To see if the Town will vote to transfer from the Board or official having custody for the purposes of which it is presently held to the Board of Selectmen for general municipal purposes including the purpose of sale, the care, custody, and control of the land and the building thereon known as the Russell Memorial Library and to authorize the Board of Selectmen to convey said land and building and improvements thereon or any portion thereof on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate, which may include reuse restrictions and minimum purchase amounts, and to utilize the RFP process, pursuant to Massachusetts General Law Chapter 30B, or any other lawful process for disposition or take any other action thereon.

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article will authorize the Board of Selectmen to sell the Russell Memorial Library “as is”. It will also enable the Board of Selectmen to identify any “reuse” restrictions, historical considerations, proposal submission

requirements, and terms and conditions for the sale contract. The RFP process involves multiple advertisements and public evaluation of proposals.

ARTICLE 15: To see if the Town will vote to transfer from the Board or official having custody for the purposes of which it is presently held, including the tax title custodian, to the Board of Selectmen for general municipal purposes including the purpose of sale, the care, custody, and control of selected town-owned parcels of under 20,000 square feet and to authorize the Board of Selectmen to convey said parcels separately or in combination, or any portion thereof on such terms and conditions and for such consideration as the Board of Selectmen deems appropriate, which may include reuse restrictions and minimum purchase amounts, and to utilize the RFP process, pursuant to Massachusetts General Law Chapter 30B, or any other lawful process for disposition or take any other action thereon.

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article will authorize the Board of Selectmen to sell individual Town-owned lots separately or in combination “as is”. It will enable the Board of Selectmen to identify any “reuse” restrictions, proposal submission requirements, and terms and conditions for the sale contract. The RFP process involves notice to abutting property owners, multiple advertisements and public evaluation of proposals.

ARTICLE 16: To see if the Town will vote to approve by funding the necessary cost items contained in the initial years of a Memorandum of Agreement that amends 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 that the Town appropriate funds if necessary, and/or confirm the use of previous appropriations therefrom, or take any other action thereon.

(Majority Vote Required)

Proposed by the Board of Selectmen
Recommended by the Finance Committee

Explanation: This article will amend the existing Collective Bargaining Agreement to recognize that there is four distinct sub-units of employees under this agreement; CLERICAL EMPLOYEES OF THE TOWN (Unit A),

LIBRARY TECHNICIANS (Unit B), CUSTODIANS AND MAINTENANCE EMPLOYEES (Unit C), and DISPATCHERS (Unit D). The various “sub-units” have different provisions for each unit as it relates to following contract articles (8 out of 34):

- **Article 7 - Paid Holidays (Based on Days of Week / Site Open / Shifts)**
- **Article 16 - Hours of Work**
- **Article 20 - Overtime (Based on Hours of Work)**
- **Article 23 - Clothing**
- **Article 26 - Longevity (Based on Hours of Work)**
- **Article 29 - Miscellaneous Provisions (Clothing)**
- **Article 30 - Severe Weather Closing (Based on Hours of Work)**

In the past, the Town and the Union drafted annual MOUs dealing with these differences. Rather than deal with the issue annually, the parties are seeking to establish a master schedule within the agreement. In addition, there is a market adjustment of public safety dispatchers that reflects state mandated changes in certifications. The CBA expires on June 30, 2025.

ADDITIONAL FUNDING IS NOT NECESSARY.

ARTICLE 17: To see if the Town will vote to approve by funding the initial years of a three-year collective bargaining agreement (July 1, 2021 – June 30, 2024) between the Teamsters Local 59 and the Town, that the Town appropriate funds if necessary, and/or confirm the use of previous appropriations therefrom or take any other action thereon.

(Majority Vote Required)

Proposed by the Board of Selectmen
Finance Committee to Report at Town Meeting

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.

ARTICLE 18: To see if the Town will vote to approve by funding the initial years of a three-year collective bargaining agreement between the Steelworkers and the Town, that the Town appropriate funds if necessary, and/or confirm the use of previous appropriations therefrom, or take any other action thereon.

(Majority Vote Required)

Proposed by the Board of Selectmen
Finance Committee to Report at Town Meeting

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.

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 20th day of October, 2023.

Given under our hands this 20th day of October in the year of our Lord Two Thousand and Twenty-three.

Town of Acushnet
Board of Selectmen

Attest:
Date:

Kevin Gaspar, Sr., Chairman

Pamela Labonte, Town Clerk

Robert Hinckley

David Wojnar

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, Parting Ways, 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 NOVEMBER 7, 2023

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 $\frac{9}{10}$'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.