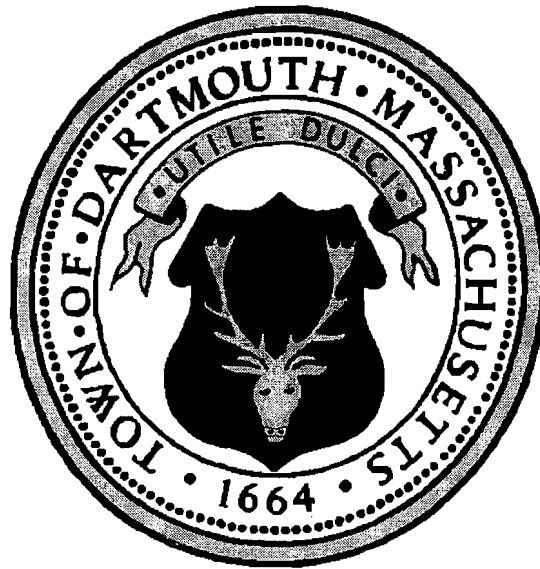


**DARTMOUTH
FALL ANNUAL TOWN MEETING
WARRANT**



TUESDAY, OCTOBER 20, 2009

7:00 P.M.

DARTMOUTH HIGH SCHOOL AUDITORIUM
555 BAKERVILLE ROAD

FALL ANNUALL TOWN MEETING
OCTOBER 20, 2009
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**TOWN OF DARTMOUTH
WARRANT
FALL ANNUAL TOWN MEETING
OCTOBER 20, 2009**

BRISTOL, SS.

To either of the Constables or Police Officers of the Town of Dartmouth in said County of Bristol and Commonwealth of Massachusetts.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Dartmouth qualified to vote in Town affairs to meet in the **Auditorium at the Dartmouth High School, situated at 555 Bakerville Road, Dartmouth, Massachusetts**, on Tuesday, the twentieth day of October next at seven of the clock in the evening, then and there to act on the following articles, viz:

ARTICLE 1: PRIOR YEAR INVOICES

To see if the Town will vote to appropriate \$2,086.28 from Surplus Revenue, for the purpose of paying any outstanding invoices for the previous fiscal year; or to take any action relative thereto.

Sponsor: Director of Budget & Finance/Treasurer

ARTICLE 2: LINE ITEM TRANSFERS/SUPPLEMENT TO SCHEDULE A – FY/2010

To see if the Town will vote to transfer \$98,670.00 from various sources and amend the appropriations and various funding sources as voted at the June 2, 2009, Spring Annual Town Meeting under Article 10, Schedule A Town Charges, by transferring between line items within the various categories and budgets, as voted, all as follows and by further authorizing the Town Accountant to make the necessary changes and disbursements to effectuate said changes:

| FROM: | AMOUNT | TO: | AMOUNT |
|-----------------------|--------------------|------------------|--------------------|
| Library Expense-Books | \$7,670.00 | Library Clerical | \$7,670.00 |
| School Transportation | \$91,000.00 | Public Schools | \$91,000.00 |
| TOTAL | \$98,670.00 | TOTAL | \$98,670.00 |

Or to take any action relative thereto.

Sponsor: Director of Budget & Finance/Treasurer

**ARTICLE 3: COMMUNITY PRESERVATION ACT – MASSACHUSETTS
AUDUBON SOCIETY STONE BARN FARM
PRESERVATION/RESTORATION PROJECT –
786 HORSENECK ROAD - DEVELOPMENT OF PLANS**

To see if the Town will vote to appropriate \$31,000.00 from the Historic Preservation Reserve of the Community Preservation Fund to the Massachusetts Audubon Society for the development of plans for the stabilization, restoration and preservation of the main house and stone barn on this historic Dartmouth farm at 786 Horseneck Road, Dartmouth to meet the evolving needs of the Allens Pond Wildlife Sanctuary, all in accordance with the terms and conditions of the Community Preservation Committee Grant Agreement, and to further authorize a \$3,000.00 appropriation from the Historic Preservation Reserve of the Community Preservation Fund to be used by the Community Preservation Committee to pay its legal fees and costs associated with this Warrant Article and the execution of the Community Preservation Committee Grant Agreement with the Massachusetts Audubon Society, or to take any action relative thereto.

Sponsor: Community Preservation Committee

**ARTICLE 4: COMMUNITY PRESERVATION ACT – THE DARTMOUTH
WATERWAYS PUBLIC ACCESS PROJECT AT CLARKS COVE**

To see if the Town will vote to appropriate \$99,700.00 from the Unreserved Fund Balance of the Community Preservation Fund to the Dartmouth Waterways Commission to clear, grade and cap (pave) contaminated Town-owned land at Rogers Street adjacent to Clarks Cove waterway and install a pedestrian-friendly, fully accessible walkway to a public waterfront access point in accordance with the terms and conditions of the Community Preservation Committee Grant Agreement, and to further authorize a \$3,000.00 appropriation from the Unreserved Fund Balance of the Community Preservation Fund to be used by the Community Preservation Committee to pay its legal fees and costs associated with this Warrant Article and the execution of the Community Preservation Committee Grant Agreement with the Dartmouth Waterways Commission, or to take any action relative thereto.

Sponsor: Community Preservation Committee

**ARTICLE 5: GENERAL BY-LAW – ADDING OF NEW SECTION – FLAGS,
SECTION 1**

To see if the Town will vote to add the following new By-law entitled "Flags" to the General By-Laws of the Town of Dartmouth as described below:

ADD: FLAGS

Section 1. Any American, Massachusetts, P.O.W. or Town of Dartmouth flag flown on Town-owned property shall be manufactured in the United States of America and proof of country of origin must be provided to the Chief Procurement Officer; or to take any action relative thereto.

Sponsor: Raymond Medeiros, Jr., Chairman of the
Dartmouth Democratic Committee

ARTICLE 6:**ACCEPTANCE OF CAPITAL IMPROVEMENT PLANNING
COMMITTEE REPORT AND FUNDING FY/2010 CAPITAL
PLAN**

To see if the Town will vote to accept the Capital Improvement Planning Committee Report for Capital Needs for FY/2010 and fund from the following: \$1,709,795.00 from Surplus Revenue, \$595,000.00 from Borrowing and \$32,000.00 from Sewer Enterprise Fund. The Treasurer, with the approval of the Select Board, is authorized to borrow \$595,000.00 under and pursuant to Massachusetts General Laws, Chapter 44, Sec.7, or any other enabling authority, and to issue bond or notes of the Town therefore; or to take any action relative thereto.

| Item(s) | COST | Funding Source |
|---------------------------------------------------------------------------------------------|---------------------|------------------------|
| Police Department | | |
| 4 Police Cruisers | \$155,000.00 | Surplus Revenue |
| 2 Ford Taurus Administration Vehicles | \$44,000.00 | Surplus Revenue |
| 1 K-9 Pickup Capped Truck/Cruiser | \$17,000.00 | Surplus Revenue |
| 1 Motor Vehicle Sticker Inspection Machine | \$13,500.00 | Surplus Revenue |
| TOTAL | \$229,500.00 | Surplus Revenue |
| Department of Public Works | | |
| Highway Division | | |
| 2 Snowplows w/frames & sand/salt spreaders | \$75,000.00 | Surplus Revenue |
| Road Maintenance & Improvements | \$185,000.00 | Surplus Revenue |
| Removal of Oil Tank | \$65,000.00 | Surplus Revenue |
| TOTAL | \$325,000.00 | Surplus Revenue |
| Town Government | | |
| Renovation & Rehabilitation of Town Office Bldgs | \$195,000.00 | Borrowing |
| Sprung Building Construction | \$115,000.00 | Surplus Revenue |
| Vehicle Pool (Standardized vehicles for inspectional services) | \$55,000.00 | Surplus Revenue |
| Wellness Center Bldg. Parking Lot & Site Improvements project at the COA and DeMello School | \$175,000.00 | Surplus Revenue |
| Replacement & Installation of outdoor condensing unit | \$67,795.00 | Surplus Revenue |
| TOTAL | \$412,795.00 | Surplus Revenue |
| | \$195,000.00 | Borrowing |

| | | |
|---------------------------------------------------------------------------------------------------------|---------------------|------------------------|
| Libraries | | |
| Southworth Heating, Venting & Air conditioning Engineering Feasibility Study/Smoke Detectors | \$25,000.00 | Surplus Revenue |
| Southworth Parking Lot | \$7,500.00 | Surplus Revenue |
| Engineering and Installation of Fire Alarm System | \$10,000.00 | Surplus Revenue |
| TOTAL | \$42,500.00 | Surplus Revenue |
| SCHOOLS | | |
| Middle School Interior Improvements and Ceiling Replacement, Lighting Replacement and Restroom Upgrades | \$175,000.00 | Borrowing |
| Multiple Schools-Interior & Exterior video security monitoring of all school buildings | \$250,000.00 | Surplus Revenue |
| Technology | \$200,000.00 | Surplus Revenue |
| Elementary Schools Full Day Kindergarten Facility Renovations | \$225,000.00 | Borrowing |
| Floor and Tile Removal and Replacement | \$250,000.00 | Surplus Revenue |
| TOTAL | \$400,000.00 | Borrowing |
| | \$700,000.00 | Surplus Revenue |
| Sewer Enterprise Fund & Water Pollution Control | | |
| Water Pollution Control – Ventilation System Upgrade project | \$32,000.00 | SEF |
| TOTAL | \$32,000.00 | SEF |

KEY:

G.F. = General Fund
 WEF = Water Enterprise Fund
 SEF = Sewer Enterprise Fund
 SWEF = Solid Waste Enterprise Fund
 RE = Retained Earnings

Or to take any action relative thereto.

Sponsors: Various Town Departments
 Director of Budget & Finance/Treasurer
 Capital Improvement Committee
 Executive Administrator

**ARTICLE 7: APPROPRIATION TO STABILIZATION FUND --
CHAPTER 40 SEC. 5B**

To see if the Town will appropriate \$1,955,000.00 from surplus revenues to the Stabilization Fund under and pursuant to M.G.L. Chapter 40 Sec. 5B, or take any action relative thereto.

Sponsor: Select Board
Director of Budget & Finance/Treasurer
Executive Administrator

ARTICLE 8: BUDGET SUPPLEMENTS FY/2010

To see if the Town will vote to appropriate \$55,000.00 from Surplus Revenue, \$371,120.85 from the Tax Levy, or other available revenues for the purpose of supplementing various FY/2010 Annual Operational Budgets as voted at the June 2, 2009 Spring Annual Town Meeting under Article 10 in the following categories:

| FROM | TO | Requested Amount | FY2010/Fall ATM Proposed |
|-----------------|------------------------------|-------------------------|---------------------------------|
| Tax Levy | Youth Commission Expense | \$1,500.00 | \$1,500.00 |
| Tax Levy | Reserve Fund | \$35,000.00 | \$35,000.00 |
| Tax Levy | Manpower Expense | \$20,000.00 | \$20,000.00 |
| Tax Levy | Public Schools | \$57,000.00 | \$57,000.00 |
| Tax Levy | Select Board Clerical | \$8,120.85 | \$8,120.85 |
| Tax Levy | Training | \$14,500.00 | \$14,500.00 |
| Tax Levy | Budget Reserve (FY2010) | \$230,000.00 | \$230,000.00 |
| Tax Levy | Nurses Contract Expense | \$5,000.00 | \$5,000.00 |
| | Tax Levy Total | \$371,120.85 | \$371,120.85 |
| Surplus Revenue | Wind Turbines | \$15,000.00 | \$15,000.00 |
| Surplus Revenue | Special Election | \$40,000.00 | \$40,000.00 |
| | Surplus Revenue Total | 55,000.00 | 55,000.00 |
| | GRAND TOTAL | \$426,120.85 | \$426,120.85 |

Sponsor: Director of Budget & Finance/Treasurer
Select Board
Executive Administrator

**ARTICLE 9: BUDGET SUPPLEMENT FY/2010 -
 WATERWAYS MANAGEMENT ENTERPRISE FUND**

To see if the Town will vote to appropriate \$49,000.00 from the Waterways Management Enterprise Fund Retained Earnings to supplement the FY/2010 Waterways Management Enterprise Fund Operating Budget, or to take any action relative thereto.

Sponsor: Director of Budget & Finance/Treasurer
 Waterways Management Commission

ARTICLE 10: STREET ACCEPTANCE - BLOSSOM COURT

To see if the Town will vote to accept all of Blossom Court, consisting of a forty foot (40') wide right-of-way from Old Westport Road to and including a cul-de-sac, all as shown on a plan entitled "Sub-division Plan of 'Dartmouth Preserve' – an Open Space Residential Development (OSRD)" located in Dartmouth, MA, prepared by Prime Engineering, Inc. for Robert F. Long, dated June 5, 2006, amended August 10, 2006 and September 27, 2006, and recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 160, Page 52 (2 sheets), and on file with the Town Clerk; or to take any action relative thereto.

Sponsors: Various Petitioners

ARTICLE 11: STREET ACCEPTANCE – MASTHEAD LANE

To see if the Town will vote to accept all of Masthead Lane, consisting of a road that is 1,050 feet in length ending in a cul-de-sac off of Gulf Road, all as shown on a Definitive Subdivision Plan prepared for Peter Jenkins, dated May 17, 2001, as amended, approved by the Dartmouth Planning Board and recorded with the Bristol County (S.D.) Registry of Deeds in Plan Book 150, Page 38 along with Performance Covenants which are recorded in said Registry in Book 5747, Page 118. Said Definitive Plan is filed with the Dartmouth Assessors Office, Map #35-14 and is on file with the Town Clerk; or to take any action relative thereto.

Sponsor: Various Petitioners

**ARTICLE 12: ZONING BY-LAWS – AMENDMENT TO SECTION 2 and
 SECTION 19 – FLOODPLAIN DISTRICT BOUNDARIES and
 DESIGN STANDARDS AND ACCEPTANCE OF REVISED "FEMA
 FLOOD HAZARD ZONING MAPS"**

To see if the Town will vote to amend the Dartmouth Zoning By-Laws in the following manner:

Section 2 (Explanation and Purpose of the Zoning Bylaw), Subsection 2.303 by deleting "March 23, 1999" and inserting in its place "October 20, 2009".

Section 19 (Floodplain District), Subsection 19.200 by deleting the existing language and inserting the following language in its place:

The Floodplain District is superimposed as an overlay district over any other district established by the Zoning Bylaws. The Floodplain District includes the flood hazard areas shown on a map entitled "Dartmouth Zoning Map – Flood Hazard Areas" dated October 20, 2009. A copy is on file with the Town Clerk. Said map is a compilation of the Bristol County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program and includes all special flood hazard areas within the Town of Dartmouth designated as Zone A, AE, AH, AO, A99, V, or VE. The map panels of the Bristol County FIRMs that are wholly or partially within the Town of Dartmouth are panel numbers 25005C0354F, 25005C0358F, 25005C0359F, 25005C0366F, 25005C0367F, 25005C0368F, 25005C0369F, 25005C0376F, 25005C0377F, 25005C0378F, 25005C0379F, 25005C0386F, 25005C0388F, 25005C0389F, 25005C0456F, 25005C0457F, 25005C0458F, 25005C0459F, 25005C0466F, 25005C0467F, 25005C0468F, 25005C0469F, 25005C0476F, 25005C0477F, 25005C0478F, 25005C0479F, 25005C0481F, 25005C0483F, 25005C0486F, 25005C0487F, 25005C0488F, 25005C0489F, 25005C0491F all dated July 7, 2009. The exact boundaries of the Floodplain District may be defined by the 100-year base flood elevations shown on the Bristol County FIRMs and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The Bristol County FIRMs and FIS report are incorporated herein by reference and are on file with the Town Clerk.

Section 19, Subsection 19.402 by deleting "100 year flood level and V-Zone elevations" and inserting the following language in its place: "established base flood elevations."

Section 19, Subsection 19.404 by deleting the existing language and inserting the following language in its place:

In Zone AE and along watercourses that have a regulatory floodway designed within the Town of Dartmouth on the Bristol County FIRMs, encroachments in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge are prohibited.

Section 19, Subsection 19.405 by deleting "V1-30."

Section 19, Subsection 19.408 by deleting "V1-30."

Section 19, Subsection 19.409 by deleting "V1-30."

Section 19, Subsection 19.410D by inserting "50 lots or" between the words "than five" and by adding the following language at the end of the sentence: ", whichever is the lesser, within unnumbered A zones."

Section 19, by adding a new Subsection 19.411 and inserting the following language:

In a riverine situation, the Environmental Affairs Coordinator for the Dartmouth Conservation Commission shall notify the following persons and entities of any alteration or relocation of a watercourse:

- a. Adjacent communities;
- b. National Flood Insurance Program State Coordinator, Massachusetts Department of Conservation and Recreation; and
- c. National Flood Insurance Program Specialist, Federal Emergency Management Agency, Region 1.

Or to take any other action relative thereto.

Sponsor: Dartmouth Planning Board

And you are hereby directed to serve this Warrant by posting an attested copy of the same in the Town Office Building not less than seven days before the day appointed to said meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hands at said Dartmouth this 5th. day of October in the year of our Lord two thousand nine.

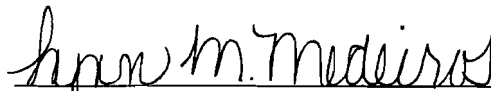
SELECT BOARD OF THE TOWN OF DARTMOUTH:

Joseph L. Michaud/s
Nathalie L. Dias/s
William J. Trimble/s
Lara H. Stone/s
Michael P. Watson/s

October 5, 2009

A true copy.

Attest:


Lynn M. Medeiros, Town Clerk