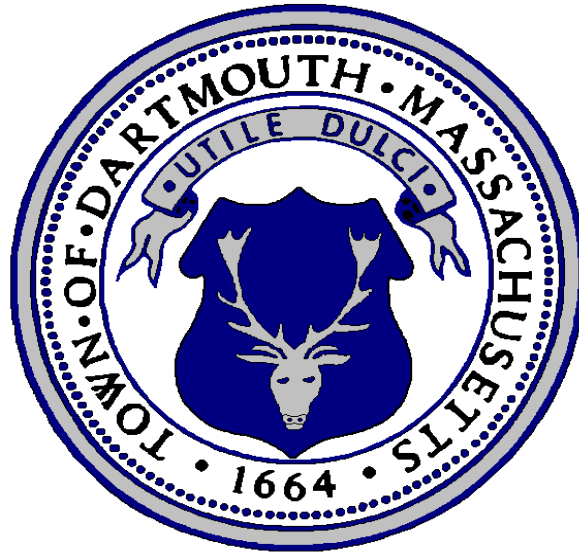


# TOWN OF DARTMOUTH



## MINUTES

FALL ANNUAL  
TOWN MEETING  
TUESDAY, OCTOBER 20, 2009

**FALL ANNUALL TOWN MEETING**  
OCTOBER 20, 2009  
INDEX

| ART # | PAGE | SUBJECT  | Appropriations  | Source of Funding  |
|-------|------|--|---|--|
| 1     | 1    | Prior Year Invoices  | \$2,086.28  | Surplus Revenue  |
| 2     | 1    | Line Item Transfers/Supplement to Schedule A – FY/2010   |   |  |
| 3     | 2    | Community Preservation Act – Massachusetts Audubon Society Stone Barn Farm Preservation/Restoration Project – 786 Horseneck Road – Development of Plan                 | \$34,000.00   | CPA-Hist. Reserve  |
| 4     | 2    | Community Preservation Act – The Dartmouth Waterways Public Access Project at Clarks Cove  | \$102,700.00  | CPA-URFB   |
| 5     | 2    | General By-Law – Adding of New Section – Flags, Section 1  |   |  |
| 6     | 3    | Acceptance of Capital Improvement Planning Committee Report and Funding FY/2010 Capital Plan   | \$229,500 Police<br>\$325,000 DPW<br>\$412,795 Town Govt.<br>\$195,000 Town Govt.<br>\$42,500 Libraries<br>\$700,000 Schools<br>\$400,000 Schools<br>\$32,000 DPW/Water | Surplus Revenue<br>Surplus Revenue<br>Surplus Revenue<br>Borrowing<br>Surplus Revenue<br>Surplus Revenue<br>Borrowing<br>SEF R/E |
| 7     | 5    | Appropriation to Stabilization Fund – Chapter 40 Sec. 5B   | \$1,955,000   | Surplus Revenue  |
| 8     | 5    | Budget Supplements FY/2010   | \$371,120.85<br>\$55,000.00   | Tax Levy<br>Surplus Revenue  |
| 9     | 6    | Budget Supplement FY/2010 – Waterways Management Enterprise Fund   | \$49,000  | WMEF   |
| 10    | 6    | Street Acceptance – Blossom Court  |   |  |
| 11    | 6    | Street Acceptance – Masthead Lane  |   |  |
| 12    | 6    | 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” |   |  |

**FALL ANNUAL TOWN MEETING  
OCTOBER 20, 2009**

Pursuant to a warrant duly issued the Fall Annual Town Meeting of the inhabitants of the Town of Dartmouth, represented by their duly elected and qualified Town Meeting Members, was held in the auditorium of the Dartmouth High School on Tuesday, October 20, 2009.

The meeting was called to order at 7:01 o'clock in the evening by the Moderator, Steve Sharek.

The Moderator declared that their being 184 Town Meeting Members present out of a total of 367 and 184 being a quorum, a quorum was present. Additional members checked in after the meeting was called to order.

| Precinct | Membership | Attended   | Absent     |
|----------|------------|------------|------------|
| 1        | 39         | 17         | 22         |
| 2        | 38         | 28         | 10         |
| 3        | 21         | 7          | 14         |
| 4        | 38         | 27         | 11         |
| 5        | 39         | 27         | 12         |
| 6        | 39         | 20         | 19         |
| 7        | 39         | 29         | 10         |
| 8        | 38         | 24         | 14         |
| 9        | 37         | 30         | 7          |
| 10       | 39         | 30         | 9          |
| TOTAL    | 100%       | 239<br>65% | 128<br>35% |

The Moderator asked for a moment of silence in remembrance of– **Elizabeth Barrow** – former cafeteria worker. **Sue Beth Fair**, former Town Meeting Member and mother of Town Meeting Member Kathleen Fair. **Walter P. Faria** – Father of former Select Board Member Walter P. Faria. **Beatrice George** – Mother of Former Select Board Member John George, Jr. **Jeffrey C. Gulbranson** – Former Fire Chief District #1 **Everett A. McConnell** – Town Meeting Member, lifetime honorary member of the Dartmouth Police Department and Member of the Dartmouth Special Police Department. **Eva B. Rogers** – Former custodian for the school department. **Virginia A. Rosinha** – Former Town Assessor for 30 years and sister of former Assistant Town Clerk – Rosamond Bennett. **Walter J. Tomkiewicz** – Former teacher for Dartmouth Public Schools/Owner of City View Golfland and Snack Shack on Faunce Corner Road.

**MODERATOR:** Appoints two good tellers – Michelle DeFranco and Lynne A. White

MOVED and duly seconded:

That the meeting note the correct call of the Warrant and the lawful posting and return of service thereon.

UNANIMOUSLY. 7:10 P.M.

MOVED and duly seconded:

That the Moderator is hereby relieved from reading each article in its entirety and is allowed to refer to them by title and number.

UNANIMOUSLY. 7:10 P.M.

MOVED and duly seconded;

That the Moderator is hereby allowed to take up action on any of the several articles out of numerical sequence as he may determine.

UNANIMOUSLY. 7:10 P.M.

**ARTICLE 1: PRIOR YEAR INVOICES**

MOVED and duly seconded:

That the Town appropriate \$2,086.28 from Surplus Revenue, for the purpose of paying any outstanding invoices for the previous fiscal year.

UNANIMOUSLY VOTED. 7:11 PM

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

MOVED and duly seconded:

That the Town 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:

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

SO VOTED. YES 183 NO 1 7:13 PM

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

MOVED and duly seconded:

That the Town 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.

UNANIMOUSLY VOTED. 7:15 PM

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

MOVED and duly seconded:

That the Town 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.

UNANIMOUSLY VOTED. 7:18 PM

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

MOVED and duly seconded:

That the Town 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.

SO VOTED. YES 128 NO 83 8:29 PM

**ARTICLE 6: ACCEPTANCE OF CAPITAL IMPROVEMENT PLANNING**

**COMMITTEE REPORT AND FUNDING FY/2010 CAPITAL PLAN**

MOVED and duly seconded:

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.

| <b>Item(s)</b>  | <b>COST</b>         | <b>Funding Source</b>  |
|---|---------------------|------------------------|
| <b>Police Department</b>  |                     |                        |
| 4 Police Cruisers   | \$155,000.00        | Surplus Revenue        |
| 2 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        |
| <b>TOTAL</b>  | <b>\$229,500.00</b> | <b>Surplus Revenue</b> |
| <b>Department of Public Works</b>   |                     |                        |
| <b>Highway Division</b>   |                     |                        |
| 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        |
| <b>TOTAL</b>  | <b>\$325,000.00</b> | <b>Surplus Revenue</b> |
| <b>Town Government</b>  |                     |                        |
| 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        |
| <b>TOTAL</b>  | <b>\$412,795.00</b> | <b>Surplus Revenue</b> |
|   | <b>\$195,000.00</b> | <b>Borrowing</b>       |

|   |                     |                        |
|---|---------------------|------------------------|
| <b>Libraries</b>  |                     |                        |
| 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        |
| <b>TOTAL</b>  | <b>\$42,500.00</b>  | <b>Surplus Revenue</b> |
| <b>SCHOOLS</b>  |                     |                        |
| 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        |
| <b>TOTAL</b>  | <b>\$400,000.00</b> | <b>Borrowing</b>       |
|   | <b>\$700,000.00</b> | <b>Surplus Revenue</b> |
| <b>Sewer Enterprise Fund &amp; Water Pollution Control</b>  |                     |                        |
| Water Pollution Control – Ventilation System Upgrade project  | \$32,000.00         | SEF                    |
| <b>TOTAL</b>  | <b>\$32,000.00</b>  | <b>SEF</b>             |

**KEY:**

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

SO VOTED.            YES    203    NO    11                    8:02 P.M.

**ARTICLE 7:                    APPROPRIATION TO STABILIZATION FUND --**

**CHAPTER 40 SEC. 5B**

MOVED and duly seconded:

That the Town appropriate \$1,955,000.00 from surplus revenues to the Stabilization Fund under and pursuant to M.G.L. Chapter 40 Sec. 5B.

UNANIMOUSLY VOTED.

8:04 PM

**ARTICLE 8: BUDGET SUPPLEMENTS FY/2010**

MOVED and duly seconded:

That the Town 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:

| <b>FROM</b>     | <b>TO</b>                    | <b>Requested Amount</b> | <b>FY2010/Fall ATM Proposed</b> |
|-----------------|------------------------------|-------------------------|---------------------------------|
| 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                      |
|                 | <b>Tax Levy Total</b>        | <b>\$371,120.85</b>     | <b>\$371,120.85</b>             |
| Surplus Revenue | Wind Turbines                | \$15,000.00             | \$15,000.00                     |
| Surplus Revenue | Special Election             | \$40,000.00             | \$40,000.00                     |
|                 | <b>Surplus Revenue Total</b> | <b>55,000.00</b>        | <b>55,000.00</b>                |
|                 | <b>GRAND TOTAL</b>           | <b>\$426,120.85</b>     | <b>\$426,120.85</b>             |

SO VOTED.

YES 213

NO 1

8:10 PM

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

MOVED and duly seconded:

That the Town appropriate \$49,000.00 from the Waterways Management Enterprise Fund Retained Earnings to supplement the FY/2010 Waterways Management Enterprise Fund Operating Budget.

UNANIMOUSLY VOTED. 8:11 PM

**ARTICLE 10: STREET ACCEPTANCE- BLOSSOM COURT**

MOVED and duly seconded:

That the Town accept as a public way 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; Subject, however, to the following conditions to be fulfilled by developer at its cost and expense:

1. A Grant of Easement, by gift, to the Town of Dartmouth, in recordable form acceptable to Town Counsel;
2. fee ownership in the way is conveyed, subject to said Grant of Easement, to each of the individual landowners to the centerline or to the Dartmouth Preserve Homeowners' Association Trust by Deed in recordable form acceptable to Town Counsel; and
3. prior payment by developer of any and all costs and recording fees.

Moved and duly seconded:

Motion to postpone to Spring Annual Town Meeting.

MOTION FAILS. 8:50 PM

Now comes the vote on the main motion.

SO VOTED. YES 156 NO 52 9:03 PM

**ARTICLE 10: STREET ACCEPTANCE- BLOSSOM COURT**

MOVED and duly seconded:

That the Town accept as a public way 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; Subject, however, to the following conditions to be fulfilled by developer at its cost and expense:

4. A Grant of Easement, by gift, to the Town of Dartmouth, in recordable form acceptable to Town Counsel;
5. fee ownership in the way is conveyed, subject to said Grant of Easement, to each of the individual landowners to the centerline or to the Dartmouth Preserve Homeowners' Association Trust by Deed in recordable form acceptable to Town Counsel; and
6. prior payment by developer of any and all costs and recording fees.

Moved and duly seconded:

Motion to postpone to Spring Annual Town Meeting.

MOTION FAILS. 8:50 PM

Now comes the vote on the main motion.

SO VOTED. YES 156 NO 52 9:03 PM

**ARTICLE 11: STREET ACCEPTANCE- MASTHEAD LANE**

MOVED and duly seconded:

That the Town accept as a public way 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; and authorize the Select Board to acquire by eminent domain or otherwise such rights, titles and easements as may be necessary to accomplish such purposes, subject, however, to the following conditions to be fulfilled by Petitioners at their cost and expense:

- 7. A Title Certification signed by an attorney licensed to practice law in the Commonwealth of Massachusetts certifying good and clear title to the land to be accepted as a street and the names of each property owner and mortgagee having rights or interests in such land, all in a form acceptable to Town Counsel;
- 8. A full Release to the Town by all landowners of record of any claims relating to the taking and any claims to damages; and
- 9. prior payment by all landowners of record of any and all costs and recording fees.

SO VOTED. YES 139 NO 52 9:12 PM

**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”**

MOVED and duly seconded:

That the Town 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.

SO VOTED.            YES    189            NO    2            9:15 PM

ATTEST:

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Lynn M. Medeiros, Town Clerk