



## Town of Dartmouth

400 Slocum Road  
Dartmouth, MA 02747

### Board of Selectmen

#### Select Board Members Present:

Michael P. Watson-Chairman  
Lara H. Stone-Vice-Chairwoman  
William J. Trimble-Late

Joseph Michaud-Late  
Shawn McDonald

---

The Chairman called the meeting to order at 6:30 p.m. on May 9, 2011 in room 304.

Board members signed the **warrant(s)** for the following bills from various departments in the amounts of:

\$866,597.04	PR44	\$1,355,060.31	PD1145	\$219,454.92	S1146
\$888,518.74	T1146				

#### **6:30/Appointment to the Youth Commission.**

Michael McHenry was present for his appointment.

*After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to appoint Michael McHenry to the Youth Commission.*

#### **6:35/Presentation of DNRT Citation.**

Dexter Mead was present for his Citation.

The Select Board presented the Citation to DNRT in recognition of forty years of service.

## **New Business:**

### **Resolution in Support of Updating the Massachusetts Bottle Bill.**

*After a motion was made by Selectman William Trimble and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to support this resolution.*

### **Memorandum of Understanding between Park Board and Cemetery Commission.**

The Chairman read this document into the record.

#### **Cemetery Commission – Park Board Memorandum of Understanding**

The Select Board attempted to mediate a framework for the successful cooperation between the Town's Park and Cemetery Commissions on March 24, 2011 under its charter authority after a review of cemetery commission documents gave the appearance of impropriety and clearly demonstrated the operation lacked the efficiency demanded by the tax paying public. At the conclusion of the meeting each board appointed an individual to work towards drafting a Memorandum of Understanding to ensure the cemetery operation was being managed appropriately, operating professionally, and in compliance with all state and local laws. The park board approved this memorandum on April 25<sup>th</sup>, 2011. To date, the cemetery commission has refused to ratify the document.

Prior to 2010, the cemetery commissioners had hired one of their own to maintain grounds, install headstone foundations, and open graves. Allowing individual cemetery commissioners the authority to hire themselves, or individual family members, and receive payment is a clear violation of the state ethics law. This practice was ended in 2010 leaving a void in cemetery operations which last summer was filled by the Parks department acting through its Superintendent and staff.

In 2011, numerous improprieties have been discovered relating to Cemetery Commission business. The Select Board has not criticized individual commissioners, as there has been turnover in the commission and the irregular practices have undoubtedly been done for some time. For example, record keeping in the cemetery log book at Town Hall is incomplete and does not accurately reflect all deaths. Two cemetery commission books exist. One is kept in the Town Clerk's office. The second is kept at the residence of a cemetery commissioner who regularly fields calls at home from funeral homes to conduct business. Having town business conducted in a private residence as the primary point of contact is completely unacceptable. It is easy to see how mistakes can occur. If the primary point of cemetery commission business is at a primary residence, errors in translating data and information to Town Hall are likely to occur. A town of 35, 000 people must have its professional functions done within town hall. The mentioned MOU would have made the Park Superintendent the point of contact for all business and charged that office with directing calls to the proper

individuals. In addition, that office would perform all maintenance of the cemetery grounds and coordinate with local funeral homes for arrangements of opening graves and installing headstone foundations.

A further review uncovered additional financial irregularities which are more severe. It would appear that burials have occurred in the town in which no burial fees were deposited in the town coffers. It may be that when private contractors have been used; revenues collected were directly paid to vendors. This is the only sensible possibility as certainly revenues for services were collected. These revenues have never been submitted to the Town. This is a clear violation of Massachusetts General Law which requires all funds to be deposited into Town accounts and vendors paid through expense vouchers signed by the Board of Selectman and town officials.

A review of the town's annual reports conducted in the last weeks confirms these improprieties. Of the nine burials reported in the town's annual report of 2009, the revenue has only been located from four. To underscore the magnitude of these problems- Of the remaining deceased, three did not have any notation of death in the log book held at town hall, one shows the date of death- but does not show if they were charged any fee, and one could not be even identified as having a grave in the log book.

The problem continued in 2010. Of the three burials reported in the annual report of 2010, the burial revenue was traced for only two of the deceased. The third not only lacks revenue collection, but lacks any notation of death at all in the log book.

Finally, a review of cemetery commission minutes reveals that on at least one occasion, the fee charged did not reflect the fee schedule outlined in the cemetery commission rules and regulations. The legal authority of the commission to alter the fees is also in question. Town Council believes fee changes require town meeting authorization prior to their acceptance. This has never been granted.

This cannot be allowed to continue. Governments have a responsibility to promote transparency and openness in their operations. The MOU, which the cemetery commission refuses to sign, addresses these concerns by moving the functionality of this department into a professionally run town department operated by paid town employees and supervised by professional administrators. Leaving the daily task management to unpaid elected members who are busy with their own lives and cannot regularly be at town hall does not serve the town's interests in the most efficient manner.

Mrs. Kathy Costa stated to the Board that she feels that she has made improvements to the Cemetery Commission. She mentioned that she hoped to have a good relationship with the Park Department. Mrs. Costa stated the book is not always available to be updated. Mrs. Costa stated that her book is updated and she would like to move forward.

Vice-Chairwoman Lara Stone stated respectfully, the books are not complete there are inaccuracies.

Scott Lake, Chairman of the Cemetery Commission, stated to the Board that he signed the first MOU, however, after signing this document two items were omitted.

Mr. Cressman stated the changes were as follows: "Executive Administrator" was added and "directed to the Park Department"

Mr. Lake has not signed the revised copy.

Kevin Melo, Cemetery Commission, mentioned that Mr. Lake signed the first copy but after the revised changes it has not been re-signed. Mr. Melo stated Mr. Lake opposed signing the corrected MOU.

Vice-Chairwoman Stone stated that she hopes that Chairman Lake will sign the MOU at tomorrow's meeting.

#### **Letter from UMass RE: 7 Stoneledge Road.**

Letter from the Associate Vice Chancellor for Student Affairs notifying the Board that the hearings on the seven UMass Dartmouth students were concluded and all seven of the students were found responsible for one or both of the violations and sanctions have been imposed by the Coordinator.

#### **Letter from Director of Public Health RE: Bike Path Committee.**

A letter from the Director of Public Health requesting that the Board seek applicants to form a Dartmouth Bicycle Path Committee. Anyone interested can submit letters of interest to the Dartmouth Select Board.

*After a motion was made by Selectman William Trimble and seconded by Selectman Shawn McDonald, it was voted unanimously to form a Dartmouth Bicycle Committee consisting of nine members; (3) for a one year term, (3) for a two year term and (3) three for a three year term.*

#### **FY12 Budget.**

The Executive Administrator updated the Board on the FY 12 Budget. One half of the \$154,100 will go into the Snow and Ice Fund and the other one half will go into the reserve fund. Mr. Cressman stated that we have a new contract that could save the Town about \$100,000.

The Executive Administrator noted that \$57,000 will be moved into the reserve fund for Fuel/Contingency/Management Improvements.

*After a motion was made by Selectman William Trimble and seconded by Selectman Joseph Michaud, it was voted unanimously to remove the funds and put them into the reserve fund, it was voted (2) two in favor Selectmen Trimble and Michaud and (3) three opposed Chairman Watson, Vice-Chairwoman Stone and Selectman McDonald budget stays as presented.*

### **Bristol County Emergency Alert/Notification System.**

A letter from the Plymouth County Sheriff's Department pertaining to not funding the operation of the Plymouth Bristol Emergency Alert/Notification System due to budget gaps.

### **Liquor License Application-Supplemental Statement.**

*After a motion was made by Selectman William Trimble and seconded by Selectman Shawn McDonald, it was voted unanimously to adopt a policy requiring the Supplemental Statement as part of all liquor license applications as well as renewals.*

Vice-Chairwoman Lara Stone read a letter commending the Board on being Pro-Active on the Sweepstakes Gambling.

### **South Coast Energy Challenge Dartmouth Initiative.**

Mercy Cover briefed the Board on the South Coast Energy Challenge.

The Executive Administrator mentioned that SEEAL approached Roger Race of the Alternative Energy Committee within the past few weeks concerning doing a Dartmouth Initiative as part of their South Coast Energy Challenge and he asked Ms. Wender and me to meet with them. As a result of several meetings, SEEAL, Ms. Wender and I developed the attached program which calls for Dartmouth to make an in-kind contribution of office space and related equipment-we plan to use the office next to the Employee Lounge-and a small monetary contribution. SEEAL has achieved commitments from NStar and Alteris to participate in this program. Since the Alternative Energy Committee is not meeting until later this month, I wanted to bring this before you to seek your input and support as SEEAL would like to initiate this program in June, 2011.

Based on a review of this program, this will be an excellent opportunity to provide our residents with opportunities to achieve energy conservation from existing energy resources through both energy conservation improvements or the installation of solar systems on homes in Dartmouth. Furthermore, this would be the first effort at implementing this program on the South Coast and is modeled on a program done in the Town of Winchester.

*A motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, to support the Dartmouth Initiative.*

*Selectman Trimble amended this motion contingent on the positive endorsement of the Finance Committee for the \$4,900.00*

*Selectman Trimble withdrew his motion.*

The Select Board will address this issue again next week after the Finance Committee has reviewed it.

**Spring Annual and Special Town Meeting Warrants.**

**ARTICLE 7: ACCEPTANCE OF CAPITAL PLANNING COMMITTEE REPORT AND FUNDING OF FY 2012 CAPITAL PLAN**

To see if the Town will vote to accept the Capital Planning Committee Report for Capital Needs for FY 2012 and fund from the following: \$55,000.00 from Surplus Revenue; \$955,925.51 from Sewer Enterprise Borrowing; \$25,000.00 from Sewer Enterprise Retained Earnings; \$94,074.49 from appropriations made for Birchfield Farm Sewer under Article 7 of the October 16, 2007 Town Meeting; \$978,655.10 from Water Enterprise Borrowing; \$38,000.00 from Water Enterprise Retained Earnings; and \$116,344.90 from appropriations made for Well Construction under Article 22 of the September 9, 1981 Town Meeting, Article 23 of the January 15, 1991 Town Meeting, Article 46 of the May 7, 1991 Town Meeting, and Article 30 of the October 30, 1992 Town Meeting. The Treasurer, with the approval of the Select Board, is authorized to borrow \$1,934,580.61 pursuant to Massachusetts General Laws, Chapter 44, Section 7, or any other enabling authority and to issue bond or notes of the Town therefor; or take any action relative thereto.

ITEM(S)	COST	FUNDING SOURCE
<b>POLICE DEPARTMENT</b>		
(55) Bulletproof Vests	\$45,000.00	Surplus Revenue
TOTAL	\$45,000.00	
<b>LIBRARIES</b>		
Engineering/Architectural/Hazardous Waste Assessment for Window & Flooring Replacement at Southworth Library	\$10,000.00	Surplus Revenue
TOTAL	\$10,000.00	
<b>DPW – SEWER ENTERPRISE FUND</b>		
CWMP Engineering Design Phase & WPC Facility Upgrade	\$600,000.00	S.E.F. Borrowing

Inflow & Infiltration Remediation Engineering & Construction	\$355,925.51	S.E.F. Borrowing
Pickup Truck	\$94,074.49	S.E.F. Excess Bond Proceeds
	\$25,000.00	S.E.F. Retained Earnings
TOTAL	\$1,075,000.00	

<b>DPW – WATER ENTERPRISE FUND</b>		
Elm Street/Wilson Street Water Main Upgrade Project & Road Reconstruction	\$880,000.00	W.E.F. Borrowing
Old Fall River Road Tank External Repairs to Concrete Tank	\$33,655.10	W.E.F. Borrowing
	\$116,344.90	W.E.F. Excess Bond Proceeds
Treatment Upgrade & Engineering for Smith Neck Water Tank	\$65,000.00	W.E.F. Borrowing
Unidirectional Flushing Model	\$20,000.00	W.E.F. Retained Earnings
6,800 2WD Pick-Up Truck	\$18,000.00	W.E.F. Retained Earnings
TOTAL	\$1,133,000.00	

**KEY:**

G.F. = General Fund  
W.E.F = Water Enterprise Fund  
S.E.F. - Sewer Enterprise Fund  
R.E. = Retained Earnings

Sponsor: Various Town Departments  
Director of Budget & Finance/Treasurer  
Capital Planning Committee

*After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman William Trimble, it was voted unanimously to recommend Article 7.*

**ARTICLE 8: RESCIND AND CREATE RECREATION REVOLVING FUND**

To see if the Town will vote to create a Recreation Revolving Fund for fiscal year 2012 pursuant to Massachusetts General Laws, Chapter 44, Section 53E½, to which will be credited all revenues that are collected from any Town recreation programs, said revenues to be used solely for general operating costs and capital expenditures with respect to Town recreation programs as authorized by the Recreation Commission, and provided that the total revenues that are utilized in said manner during fiscal year 2012 shall not exceed sixty-five thousand dollars (\$65,000.00);

And concurrently, to rescind its acceptance of Massachusetts General Laws, Chapter 44, Section 53D, and dissolve the Recreation Revolving Fund that had been established pursuant thereto;

And concurrently, to transfer any monies remaining in the Section 53D Recreation Revolving Fund at dissolution to the Recreation Revolving Fund established pursuant to Section 53E½;

Or take any action relative thereto.

Sponsor: Recreation Commission  
Select Board

*After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted (4) four in favor and (1) one opposed (Selectman Trimble) to recommend Article 8.*

**ARTICLE 9: RESCIND ACCEPTANCE OF PARKING REGULATIONS IN ACCORDANCE WITH M.G.L. CHAPTER 90, SECTION 20A AND ACCEPT PARKING REGULATIONS IN ACCORDANCE WITH M.G.L. CHAPTER 90, SECTION 20A½**

To see if the Town will vote to rescind its acceptance of Massachusetts General Laws Chapter 90, Section 20A, as was voted at the Town Meeting of September 28, 1982, and accept the provisions of Massachusetts General Law Chapter 90, Section 20A½; both statutes set forth regulations related to parking enforcement and violations but Massachusetts General Laws, Chapter 90,

Section 20A½ allows the Town to levy certain parking fines at a higher maximum level than is provided for in Massachusetts General Laws, Chapter 90, Section 20A; or take any action relative thereto.

Sponsor: Parking Clerk  
Executive Administrator  
Police Department

*After a motion was made by Selectman William Trimble and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to recommend Article 9.*

**ARTICLE 10: SALARIES OF ELECTED OFFICIALS**

To see if the Town will vote to fix the salaries and compensation of the following elected officers of the Town as provided in Massachusetts General Laws, Chapter 41 Section 108 and any and all Acts in Amendment thereof:

		FY 2011	FY 2012
Town Moderator	1@	\$ 0	\$ 0
Select Board	5@	\$ 0	\$ 0
Town Clerk	1@	\$ 65,373.00	\$ 67,007.32
Town Assessors	3@	\$ 0	\$ 0
Planning Board	5@	\$ 0	\$ 0
Board of Health	3@	\$ 0	\$ 0
Town Agent	1@	\$ 0	\$ 0

Or take any action relative thereto.

Sponsor: Various Elected Officials  
Executive Administrator

*After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman William Trimble, it was voted (4) four in favor and (1) one opposed (Selectman Michaud) to recommend Article 10.*

**ARTICLE 12: FUNDING WATER DEPARTMENT ENTERPRISE FUND**

To see if the Town will vote to appropriate \$3,483,729.10, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 39K and Chapter 44, Section 53F½, Enterprise Fund – Water Department, for the purpose of funding the FY 2012 Water Operating Budget as follows:

FY 2011 Budget	Estimated Water Expenses	FY 2012 Recommend
\$ 2,345,728.57	Water Division	\$ 2,393,315.54
\$ 139,374.00	*Administrative Costs	\$ 153,395.00
\$ 91,537.00	*Construction Division	\$ 93,619.00
\$ 84,542.00	*Engineering Costs	\$ 71,204.00
\$ 464,092.00	*Town Overhead	\$ 447,031.00
\$ 1,042,024.14	Debt Service (Principal & Interest)	\$ 1,090,413.56
\$ 45,000.00	Debt Service (Int./Short-term)	\$
\$ 4,212,297.71	TOTALS	\$ 4,248,978.10

FY 2011 Budget	Estimated Water Revenues	FY 2012 Recommend
\$ 75,000.00	System Development Charge	\$ 60,000.00
\$ 90,000.00	Other Departmental Revenue	\$ 105,000.00



\$ 10,000.00	Interest/Demands	\$ 10,000.00
\$ 20,000.00	Investment Income	\$ 12,000.00
\$ 1,500.00	Insurance Recover	\$ -
\$ -	Prior Year Refund	\$ -
\$ 4,015,797.71	Water Rates	\$ 4,061,978.10
\$ 4,212,297.71	TOTALS	\$ 4,248,978.10

\*NOTE: \$765,249.00 of cost has already been included for appropriation in the General Fund Operating Budget.

Or take any action relative thereto.

Sponsor: Executive Administrator  
Board of Public Works

*After a motion was made by Selectman William Trimble and seconded by Selectman Shawn McDonald, it was voted unanimously to recommend Article 12.*

**ARTICLE 13: FUNDING SEWER DEPARTMENT ENTERPRISE FUND**

To see if the Town will vote to appropriate \$2,963,411.07, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 39K and Chapter 44, Section 53F½, Enterprise Fund – Sewer Department, for the purpose of funding the FY 2012 Sewer Operating Budget as follows:

FY 2011 Budget	Estimated Sewer Expenses	FY 2012 Recommend
\$ 599,882.22	Sewer Division	\$ 597,255.51
\$ 1,852,764.53	Water Pollution Control	\$ 1,920,224.55
\$ 54,538.00	*Administrative Costs	\$ 60,024.00
\$ 58,129.00	*Construction Division	\$ 59,576.00
\$ 70,451.00	*Engineering Costs	\$ 59,337.00
\$ 66,420.00	*Engineering Costs I/I	\$ 67,756.00
\$ 492,814.00	*Town Overhead	\$ 531,342.00
\$ 462,616.57	Debt Service (Principal & Interest)	\$ 445,931.01
\$ 30,000.00	Debt Service (Int./Short-term )	\$ -
\$3,687,615.32	TOTALS	\$3,741,446.07

FY 2011 Budget	Estimated Sewer Revenues	FY 2012 Recommend
\$ 35,000.00	System Development Charge	\$ 35,000.00
\$ 85,000.00	Other Departmental Revenue	\$ 100,000.00
\$ 50,000.00	Infiltration/Inflow	\$ 50,000.00
\$ 5,000.00	Interest/Demands	\$ 5,000.00
\$ 10,000.00	Investment Income	\$ 4,000.00
\$ -	Sewer Bettements	\$ -
\$ -	Surplus	\$ -
\$ -	State Revenue	\$ -

\$ 3,502,615.32	Sewer Rates	\$ 3,547,446.07
\$3,687,615.32	TOTALS	\$ 3,741,446.07

\*NOTE: \$778,035.00 of cost has already been included for appropriation in the General Fund Operating Budget.

Or take any action relative thereto.

Sponsor: Executive Administrator  
Board of Public Works

*After a motion was made by Selectman William Trimble and seconded by Selectman Shawn McDonald, it was voted unanimously to recommend Article 13.*

**ARTICLE 14: FUNDING WATERWAYS MANAGEMENT ENTERPRISE FUND**

To see if the Town will vote to appropriate \$226,470.76 from Waterways Receipts for the purpose of funding the Waterways Management Department for FY 2012 as follows:

FY 2011 Budget	Estimated Waterways Expenses	FY 2012 Recommend
\$ 137,399.27	Salaries	\$ 140,285.01
\$ 66,034.13	Expenses	\$ 62,285.75
\$ 30,076.00	Town Overhead*	\$ 29,774.00
\$ 23,600.00	Debt Service (Principal & Interest)	\$ 23,900.00
\$ 257,109.40	TOTALS	\$ 256,244.76

FY 2011 Budget	Estimated Waterways Revenues	FY 2012 Recommend
\$ 137,970.40	Waterway Usage Fee	\$ 137,970.40
\$ 57,375.00	Mooring Fees	\$ 57,825.00
\$ 17,825.00	Licenses & Permits – Boat Launch	\$ 17,825.00
\$ 2,500.00	Parking Ticket Revenues	\$ 0.00
\$ 41,439.00	50% Boat Excise Tax	\$ 42,624.36
\$ 257,109.40	TOTALS	\$ 256,244.76

\*NOTE: \$29,774.00 of cost has already been included for appropriation in the General Fund Operating Budget.

;and that the Town appropriate the sum of \$6,000.00 from the tax levy to the Waterways Management Enterprise Fund as compensation for parking fines issued by the Waterways staff at Waterways landings, but for which the General Fund is the chief beneficiary; or take any action relative thereto.

Sponsor: Executive Administrator  
Waterways Commission

*After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairwoman Lara Stone, it was voted unanimously to recommend Article 14.*

**ARTICLE 15: FUNDING DARTMOUTH SENIOR SOCIAL DAY PROGRAM**

To see if the Town will vote to appropriate \$134,024.51 from Social Day Receipts for the purpose of funding the Dartmouth Senior Social Day Program for FY 2012 as follows:

FY 2011 Budget	Estimated Senior Social Day Expenses	FY 2012 Recommend
\$ 89,426.50	Salaries	\$ 77,140.51
\$ 58,122.00	Expenses	\$ 56,884.00
\$ 15,665.00	Town Overhead*	\$ 25,115.00
\$ 163,213.50	TOTALS	\$ 159,139.51

FY 2011 Budget	Estimated Senior Social Day Revenues	FY 2012 Recommend
\$ 163,213.50	Various Sources	\$ 159,139.51
\$ 163,213.50	TOTALS	\$ 159,139.51

\*NOTE: \$25,115.00 of cost has already been included for appropriation in the General Fund Operating Budget.

Or take any action relative thereto.

Sponsor: Executive Administrator  
Dartmouth Council on Aging

**ARTICLE 16: FUNDING SOLID WASTE ENTERPRISE FUND**

To see if the Town will vote to appropriate \$1,077,685.14, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53F½, Enterprise Fund – Solid Waste Department, for the purpose of funding the FY 2012 Solid Waste Operating Budget as follows:

FY 2011 Budget	Estimated SWEF Expenses	FY 2012 Recommend
\$ 452,071.63	Salaries	\$ 441,491.14
\$ 436,825.00	Expenses	\$ 431,925.00
\$ -	Capital Outlay	\$ -
\$ 50,000.00	Emergency Reserve	\$ 50,000.00
\$ 87,007.00	Crapo Hill Assessment	\$ 83,079.00
\$ 22,920.00	Debt Service	\$ 71,190.00
\$ 18,425.00	*Administrative Cost	\$ 20,375.00
\$ 89,374.00	*Highway Division Cost	\$ 91,876.00
\$ 251,111.00	*Town Overhead	\$ 259,009.00
\$ 1,407,733.63	TOTALS	\$ 1,448,945.14

FY 2011 Budget	Estimated SWEF Revenues	FY 2012 Recommend
\$ 750,000.00	Solid Waste Base Rate/Misc.	\$ 750,000.00
\$ 602,733.63	PAYT Bag Fee	\$ 625,000.00
\$ 55,000.00	Transfer Station	\$ 73,945.14
\$ 1,407,733.63	TOTALS	\$ 1,448,945.14

\*NOTE: \$371,260.00 of cost has already been included for appropriation in the General Fund Operating Budget.

Or take any action relative thereto.

Sponsor: Executive Administrator  
Board of Public Works

**After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman William Trimble , it was voted unanimously to recommend Article 16.**

**ARTICLE 17: SCHOFIELD FARM**

To see if the Town will vote to approve the June 29, 2006 purchase by the Select Board, using funds from the Community Preservation Fund that were appropriated by bond issuance pursuant to Article 12 of the June 6, 2006 Spring Annual Town Meeting, of the property that is commonly known as Schofield Farm, and which is more fully shown as Lots 1 & 2 on a certain plan of land entitled "Approval not Required Plan Drawn for the Town of Dartmouth" dated December 5, 2007 and recorded in Bristol County (S.D.) Registry of Deeds in Plan Book 162, Page 57, said purchase being recorded by deed in the Bristol County (S.D.) Registry of Deeds in Book 8224, Page 23.

And concurrently, to stipulate that the purpose for which the Town now authorizes and approves this purchase pursuant to Chapter 44B, Section 12(a) and Chapter 184, Section 31 of the Massachusetts General Laws, is agricultural preservation;

And concurrently, to rescind Article 13 of the June 6, 2006 Spring Annual Town Meeting;

And concurrently, to rescind so much of Article 12 of the June 6, 2006 Spring Annual Town Meeting as evinced an intention that only a portion of Schofield Farm should be subject to agricultural preservation;

And concurrently, to stipulate that the Select Board shall ensure that a State-approved Agricultural Preservation Restriction is recorded with respect to the entirety of Schofield Farm as described above;

And concurrently, to confirm its approval of the use of funds from the Community Preservation Fund, pursuant to Article 9 of the June 10, 2008 Spring Annual Town Meeting, for the replacement of the septic system of Schofield Farm, as part of the rehabilitation of that historic property, said rehabilitation being to the benefit of the public through preserving the agricultural heritage of the Town.

And concurrently, to authorize the Select Board, with the advice of the Agricultural Preservation Trust Council, to enter into a lease or management agreement with respect to Schofield Farm, or otherwise sell Schofield Farm; provided that any of these actions must be with respect to the entirety of Schofield Farm as described above; and further provided that, prior to any such action transpiring, the Select Board ensure that the above State-approved Agricultural Preservation Restriction has been duly recorded. If the Select Board exercises its delegated authority to sell Schofield Farm, then the proceeds from said sale shall be deposited into the Community Preservation Fund for the Town of Dartmouth, in accordance with Massachusetts General Laws, Chapter 44B, Section 7;

Or to take any action relative thereto.

Sponsor: Community Preservation Committee  
Executive Administrator

**After a motion was made by Selectman William Trimble and seconded by Vice-Chairwoman Lara Stone , it was voted unanimously to recommend Article 17.**

**ARTICLE 18: SOUZA LAGASSE FARM**

To see if the Town will vote to authorize the Select Board, if it deems it to be appropriate and necessary, to file with the General Court of the Commonwealth a Home Rule Petition to effectuate the adoption of legislation precisely as follows:

"Notwithstanding the provisions of any general or special law to the contrary, the language of "Exhibit A" to the Agricultural Preservation Restriction with Option to purchase at Agricultural Value" (hereinafter "the APR") on the Souza Lagasse Farm granted to the Commonwealth of Massachusetts, by the Town of Dartmouth on December 27, 2006 and recorded with the Bristol County (S.D.) Registry of Deeds on May 7, 2007 in Book 8638, Page 153 is hereby stricken and replaced with the following: "Lot 1 of Parcel One as more fully shown on a plan of land entitled "Plan of Land in Dartmouth, MA, Assessors Map 61, Lot 42 for Theresa B. Lagasse" dated October 21, 2003 and recorded with Bristol County (S.D.) Registry of Deeds in Plan Book 152, Page 71. Containing 74.69 acres, more or less. For the title of the Town of Dartmouth see deed of Theresa B. Lagasse, f/k/a Theresa B. Souza dated October 30, 2003 and recorded with said Registry in Book 6633, Page 275."

And further, notwithstanding the provisions of any general or special law to the contrary, the Town of Dartmouth is hereby authorized to convey said Lot 1 of Parcel One to a successful bidder pursuant to a process that complies with G.L. Chapter 30B, subject to the provisions of the APR."

The General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves substantive amendments to the bill before enactment by the General Court. The Select Board is hereby authorized to approve such substantive amendments, provided that they are within the scope of the general public objectives of this petition.

Or take any other action relative thereto.

Sponsor: Agricultural Preservation Trust Council  
Community Preservation Committee

*After a motion was made by Selectman William Trimble and seconded by Selectman Shawn McDonald, it was voted unanimously to recommend Article 18.*

**ARTICLE 19: ZONING BY-LAWS – ADD SECTION – PARKING FACILITY SIGNS**

To see if the Town will vote to add Section 11.510 to the Dartmouth Zoning By-Laws, to read as follows:

11.510 Parking facility signs that provide directions to roads or businesses, or that provide traffic directions, but not that merely provide business advertising, must be approved by the Planning Board as part of an Off-Street Parking Plan pursuant to the procedures of Section 16 of these Zoning By-Laws. Should such signage be subsequently desired for a parking facility for which an Off-Street Parking Plan has previously been approved by the Planning Board, then an amendment to that Plan indicating such signage must be filed and approved in the same manner. The limitations of subsection 16.102 shall apply to such signage. When applying for an amendment seeking directional signage approval only, Planning Board review is limited to the sign approval and such an application does not trigger a full parking facility review.

Each sign shall not exceed sixteen (16) square feet in area. Text may be present on both sides of any such sign. The Planning Board shall not approve any sign that it determines will cause a safety risk. All signs shall comply with all other applicable by-laws, as well as all applicable statutes and regulations of the Commonwealth of Massachusetts.

No sign that is approved pursuant to this subsection may be altered in any fashion without filing an amendment to the Off-Street Parking Plan with the Planning Board, and receiving approval for the same, save only that the any business names on directional signage may be adjusted to reflect any changes thereto.

Nothing in this subsection shall be construed to infringe upon the right to install entrance or egress signs pursuant to subsection 11.506 of these Zoning By-Laws. Such signs do not need to be submitted to the Planning Board as part of an Off-Street Parking Plan or amendment thereto.

Or to take any action relative thereto.

Sponsor: Executive Administrator

*After a motion was made by Vice-Chairwoman Lara Stone and seconded by Selectman Shawn McDonald, it was voted unanimously to recommend Article 19.*

**ARTICLE 20: MUNICIPAL FACILITIES STUDY COMMITTEE**

To see if the Town will vote to disband the School Building and Renovation Committee established by Town Meeting in 2006 and vote to authorize the establishment and appointment of a Municipal Facilities Study Committee with a broader charge. The new nine-member Committee will be made up of the Finance Committee chair or Finance Committee member designated by the chair; School Committee chair or School Committee member designated by the chair; Select Board chair or Select Board member designated by the chair; Planning Board chair or Planning Board Member designated by the chair; three (3) town residents appointed by the Moderator; and two (2) parents from a School Council or Parent Teacher Organization (PTO), with the parents to be chosen by the Moderator from a list of at least five (5) nominees provided by the School Committee. Members will serve three-year terms, starting July 1, 2011.

The Superintendent of Schools, School Business Administrator, the Executive Administrator, and the Director of Budget & Finance/Treasurer shall serve as ex-officio members of the Committee with no voting powers.

The purpose of this Committee will be to investigate and make recommendations to Town Meeting and the respective town departments on the highest and best uses for municipal buildings, including but not limited to, the following: Gidley School, former Smith Neck School, Potter School, DeMello School, School Administration Building, Town Hall, former Russells Mills Library, North Dartmouth Library and Department of Public Works facilities. The Committee will report to Town Meeting at least once per year. The Committee will remain active until disbanded by vote of Town Meeting; or take any other action relative thereto.

Sponsor: Moderator

Select Board Meeting

Executive Administrator

*After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairwoman Lara Stone , it was voted unanimously to recommend Article 20.*

**ARTICLE 21: PERSONNEL BY-LAW – NEW TITLE/POSITION – CHIEF OPERATOR WATER POLLUTION CONTROL DIVISION AND CHIEF WATER OPERATOR**

To see if the Town will vote to amend, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21, and Chapter 41, Sections 180A and 108C, the Dartmouth Personnel By-Law, Section 9, Schedule A, by adding the following positions to the Water Pollution Control Group:

Title: Chief Operator Water Pollution Control Division  
Compensation Grade or Schedule: DPW – 9B (\$26.42 - \$32.45)

Title: Chief Water Operator  
Compensation Grade or Schedule: DPW – 9B (\$26.42 - \$32.45)

Or take any action relative thereto.

Sponsor: Board of Public Works  
Executive Administrator

*After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairwoman Lara Stone , it was voted unanimously to recommend Article 21.*

## **Minutes:**

### **May 2, 2011.**

*After a motion was made by Selectman Shawn McDonald and seconded by Vice-Chairwoman Lara Stone, it was voted (3) three in favor and (2) two abstained to approve the minutes of May 2, 2011.*

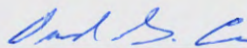
### **Executive Session Minutes of March 24, 2011.**

*After a motion was made by Selectman William Trimble and seconded by Selectman Shawn McDonald, it was voted unanimously to approve the minutes of March 24, 2011.*

## **Announcements:**

With no further business to be discussed the Chairman declared the regular meeting adjourned.

Attest:



David G. Cressman, Executive Administrator

Transcribed by: Linda Torres