

ANNUAL TOWN MEETING
JUNE 2, 2014
COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS.

To either of the Constables of the Town of Dighton in the County of Bristol,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are directed to notify and warn the inhabitants of the Town of Dighton qualified to vote in elections and Town Affairs to meet in the Dighton Rehoboth Regional High School Auditorium on Monday, the second day of June 2014, at 7:00 P.M.; then and there to act on the following articles, viz:

ARTICLE 1. To hear reports of the Town Officials and act thereon.

ARTICLE 2. To appoint all necessary Town Officials and act thereon.

ARTICLE 3. To hear the report of the Five-Year Capital Outlay Committee.

ARTICLE 4. To act relative to establishing the salaries of elected Town Officials or act thereon, in accordance with Section 108 of Chapter 41, General Laws.

BOARD OF ASSESSORS

Chairman	\$72,471.04	
Members (2)	\$ 4,875.97	
Each	\$ 9,751.94	Total

BOARD OF SELECTMEN

Chairman	\$ 9,131.41	
Member	\$ 9,131.41	
Member		\$ 9,131.41

TREE WARDEN \$ 234.27

MODERATOR \$ 529.98

TOWN CLERK \$67,369.70

TOWN COLLECTOR \$34,337.73

TOWN TREASURER \$34,337.73

PLANNING BOARD

Chairman	\$2,764.44	
Members (4)	\$1,843.68	
Each	\$7,374.72	Total

SEWER COMMISSIONERS

Chairman	\$3242.54	
Members (2)	\$ 2152.24	
Each	\$4304.48	Total

ARTICLE 5. To see if the Town will vote to raise by taxation and/or transfer from available funds the appropriation necessary to defray Town Charges and Assessments as considered by the Finance Committee, or act thereon.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury \$3,028.36 money to pay prior year's bills, or act thereon.

ARTICLE 7. To see if the Town will vote to approve the following sums to be expended under the direction of the Board of Sewer Commissioners for the maintenance of the Sewer Enterprise:

Direct Costs:

Salaries:	\$	98,936.43
Expenses:	\$	185,400.00
Capital Outlay	\$	100,000.00

Indirect Costs:

Indirect Costs Total	\$	43,989.23
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The above appropriations will be funded as follows:

\$285,000.00 through sewer receipts and \$143,325.66 transferred from Sewer Enterprise Retained Earnings totaling \$428,325.66.

ARTICLE 8. To see if the Town will vote to appropriate from available funds from the Massachusetts Department of Public Works for the purpose of expending funds for capital improvements of local roads under the "Transportation Bond Issue" \$287,952.00, or act thereon.

ARTICLE 9. To see if the Town will vote to re-establish a revolving fund into which shall be paid all fees collected by the Dighton Public Library for copying, faxing and printing services; said fees to be expended from said revolving account by the Trustees of the Public Library for purchase of printing/copying supplies, or take any action thereon. Spending shall be capped at \$5,000.00

ARTICLE 10. To see if the Town will vote to re-establish a revolving fund into which shall be paid all overdue fines and monies collected by the Dighton Public Library for overdue, lost, and/or damaged materials; said monies to be expended from said revolving account by the Trustees of the Public Library for the replacement of library materials, library programs or take any action thereon. Spending shall be capped at \$8,000.00.

ARTICLE 11. To see if the Town will vote to make changes in grade, take land by purchase or eminent domain and to settle damages from land taken in conjunction with the Fiscal Year 2015 Highway program under Chapter 90, and the Town road improvement program, or act

thereon.

- ARTICLE 12. To see if the Town will vote to authorize the Board of Selectmen subject to the approval of the Finance Committee, to dispose of used items returned to them, by sale to highest bidder, or act thereon.
- ARTICLE 13. To see if the Town will vote to re-establish a revolving fund into which shall be paid all fees, gifts, and donations received by the Dighton Council on Aging for services rendered by "PRIME TIME" (Adult Day Supportive Care). Said fees to be expended from said revolving account by the Council on Aging Board for the purpose of running the program or take any action thereon. Spending shall be capped at \$138,831.00.
- ARTICLE 14. To see if the Town will vote to transfer from the Ambulance Fund the sum of \$52,636.27 as the sixth (6th) year payment on the Rescue Pumper of a ten (10) year lease program, or act thereon.
- ARTICLE 15. To see if the Town will vote to transfer from the Ambulance Fund the sum of \$52,089.61 as the third (3rd) year payment on the Ambulance of a five (5) year lease program, or act thereon.
- ARTICLE 16. To see if the Town will vote to transfer from the Ambulance Fund the sum of \$14,000.00 to replace the CPR Chest Compression device and equipment relative thereto, or act thereon.
- ARTICLE 17. To see if the Town will raise and appropriate and/or transfer from available funds in the Treasury the amount of \$10,000.00 to replace one (1) thermal imaging camera and equipment relative thereto, or act thereon.
- ARTICLE 18. To see if the town will vote to raise and appropriate and/or transfer from available funds in the Treasury the amount of \$7,500.00 to replace the Heavy Rescue Air Bag Lift Set and equipment relative thereto, or act thereon.
- ARTICLE 19. To see if the Town will vote to re-establish a revolving fund collected by the Dighton Planning Board into which shall be paid all money collected through the sale of subdivision rules and regulation's, zoning by-law booklets and zoning maps. In addition, all fees submitted to the Planning Board accompanied with Form A's, Preliminary Plans, and Definitive Plans established in the Massachusetts General Laws Chapter 41, Town of Dighton Subdivision Rules & Regulations; said monies to be expended from said revolving fund by the Dighton Planning Board for the advertising and certified mailings of Public Hearing notices for proposed subdivisions, engineer's fees, attorney's fees, amendment changes, zoning changes, master plan, long and short term planning purposes and related research, with a cap of \$30,000, or act thereon.
- ARTICLE 20. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury the sum of \$17,500.00 to perform an audit for FY14, or act thereon.
- ARTICLE 21. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury the sum of \$4,030.00 for a purchase order module for the Accounting

Department, or act thereon.

ARTICLE 22. To see if the Town will vote to authorize the Town Treasurer with the approval of the Board of Selectmen to sell at public auction, and further allow the Board of Selectmen to sell through the sealed bid process according to MGL Ch. 30B, Section 16, all properties which the Town has legally acquired by Tax Title, or act thereon.

ARTICLE 23. To see if the Town will vote to amend the Town of Dighton's Zoning By Laws as follows:

Amend **Section 4200** Flood Hazard Overlay District

From

4220. **Location.** The FHOD is delineated on the Bristol Country Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, and includes all special flood hazard areas within the Town of Dighton designated as Zone A and AE. The map panels of the Bristol Country FIRM that are wholly or partially within the Town of Dighton are panel numbers 25005C0139F, 25005C0143F, 25005C0227F, 25005C0229F, 25005C0231F, 25005C0232F, 25005C0234F, 25005C0241F, 25005C0242F, 25005C0251F, 25005C0253F, 25005C0261D dated July 7, 2009. The precise boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the flood profiles contained in the Bristol Country Flood Insurance Study (FIS) report dated July 7, 2009

To

4200 Location. The FHOD is delineated on the Bristol Country Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, and includes all special flood hazard areas within the Town of Dighton designated as Zone A, AE and VE. The map panels of the Bristol Country FIRM that are wholly or partially within the Town of Dighton are panel numbers 25005C0139F, 25005C0143F, 25005 C0227F, 25005C0229F, 25005C0231F, 25005C0232F, 25005C0241F, 25005C0251F, 25005C0234G, 25005C0242G, 25005C0253G and 25005C0261G dated Jul 7,2009 and July 16,2014. The precise boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the flood profiles contained in the Bristol Country Flood Insurance Study (FIS) report dated July 16, 2014.

Amend **Section 4221**

From

Section 4221

The floodway boundaries are delineated on the map panels that are wholly or partially within the Town of Dighton, listed in Section 4220, dated July 7, 2009 and further defined by the Floodway Data Tables contained in the Bristol County Flood Insurance Study.

To

Section 4221

The floodway boundaries are delineated on the map panels that are wholly or partially within the Town of Dighton, listed in Section 4220, dated July 16, 2014 and further defined by the Floodway Data Tables contained in the Bristol County Flood Insurance Study.

Add the following to Section 4222

Base flood elevation is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

Add the following to Section 4200

4224. In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th floor
Boston, MA 02110

4225. All subdivision proposals must be designed to assure that:

- a) Such proposals minimize flood damage;
- b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) Adequate drainage is provided to reduce exposure to flood hazards.

4226.

1. Man-made alteration of sand dunes within Zones V1-30, VE, and V which would increase potential flood damage are prohibited
2. All new construction within Zones V1-30, VE, and V must be located landward of the reach of mean high tide.

Or act thereon.

ARTICLE 24. To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for the committee administrative expenses, community preservation projects and other expenses in fiscal year 2015, with each item to be considered a separate appropriation:

Appropriations:

From FY 2015 estimated revenues for Committee Administrative expenses \$5000.00

Reserves:

From FY 2015 estimated revenues for Historic Resources Reserve: \$12,000.00

From FY 2015 estimated revenues for Community Housing Reserve: \$12,000.00

From FY 2015 estimated revenues for Open Space Reserve: \$12,000.00

From FY 2015 estimated revenues for Budgeted Reserve: \$59,000.00

Or take any other action thereon.

- ARTICLE 25. To see if the Town will vote to appropriate \$25,000.00 from the Community Preservation Open Space Reserve and \$54,200.00 from the Community Preservation FY 2015 Budgeted Reserve for the rehabilitation of the Dighton Parks and Recreation Tennis/Basketball facility located on 1551 Somerset Avenue Dighton, including the removal of existing surface, replacing the existing subsurface, paving and sealing a new surface, replacing defective wiring and lighting fixtures, removing old and replacing with new perimeter fencing and permanent affixed tennis and basketball accessories; said funds to be expended under the direction of the Dighton Parks and Recreation Commission and the Dighton Community Preservation Committee, or act thereon.
- ARTICLE 26. To see if the Town will vote to grant to the Board of Selectmen the authority to obtain whatever parcels or easements as necessary, to make changes in grade, take land by purchase or eminent domain and to settle damages from land taken in conjunction with highway maintenance or road or bridge reconstruction projects, or act thereon.
- ARTICLE 27. To see if the Town will vote to raise and appropriate and/or transfer from free cash available in the Treasury \$16,000.00 to install an emergency electrical power generator at the town hall, or act thereon.
- ARTICLE 28. To see if the Town will raise and appropriate and/or transfer from available funds in the Treasury the sum of \$27,408.18 as the (2nd) year payment of a three (3) year lease program for two (2) 2014 Ford Interceptor Utility AWD Police Package or act thereon.
- ARTICLE 29. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury \$11,328.86 for the purchase of nine Tasers and power magazine for the Police Department, or act thereon.
- ARTICLE 30. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury \$3500.00 for ARCGIS Software: ArcGIS is the industry

standard geography platform for planning and development, enabling you to create, organize, portray, and share geographic information and tools. This data and mapping platform are invaluable to the everyday work of town planning. Said funds to be expended under the direction of Planning Board or act thereon.

ARTICLE 31. To see if the Town will vote to repeal General By-Laws Article XXXIII adopted at a special town meeting on November 2012, "Soliciting", or act thereon.

ARTICLE 32. To see if the Town will vote to accept the provisions of the Massachusetts General Laws Chapter 41, Section 100 G1/4, and henceforth accordingly pay the reasonable expense, not exceeding \$15,000, of the funeral and burial of any firefighter, who while in the performance of his duty and as a result of an accident while responding to or returning from an alarm or fire or any emergency or as the result of an accident involving fire department vehicle, which the firefighter is operating or in which he is riding or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or any police officer who while in the performance of his duty and as the result of an assault on his person, or a result of an accident while responding to an emergency while in the performance of his official duty or as a result of an accident involving a police department vehicle which he is operating or in which he is riding is killed or sustains injuries which result in his death, upon receipt by the town of adequate documentation that such expense has actually been incurred, or act thereon.

ARTICLE 33. To see if the Town will vote to authorize the Board of Selectmen under Chapter 8 to petition the General Court of the Commonwealth of Massachusetts, through its local representation, for the passage of the following proposed act authorizing the Town of Dighton to recall elected officials.

AN ACT AUTHORIZING THE TOWN OF DIGHTON TO RECALL ELECTED OFFICIALS

Be it enacted, etc., as follows:

Section 1. Any holder of an elective office in the Town of Dighton may be recalled and removed therefrom by the qualified voters of said Town as herein provided.

Section 2. Any qualified voter of the Town of Dighton may file with the Town Clerk of said town an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said Town Clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of printed recall petition blanks, a supply of which shall be kept on hand. The petition blanks shall be issued by the Town Clerk with his/her signature and official seal attached thereto: They shall be dated and addressed to the selectmen of said town, they shall contain the name of the person sought to be recalled and the office held by such person, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. The affidavit shall be kept in a record book to be kept in the office of the Town Clerk.

The recall petition(s) shall be returned and filed with the Town Clerk not later than

three o'clock p.m. on the twentieth day following the filing of the affidavit and shall be signed by a minimum of fifteen percent of the registered voters of each precinct in the Town of Dighton, registered as of the date of the most recent Town Election, and to every signature shall be added the place of residence of the signer, including the street, number and precinct. The person to whom the petition forms were issued shall make an affidavit on each page that the statements therein contained are true and that each signature appended to the petition is the genuine signature of the person whose name it purports to be. The Town Clerk shall, within one workday following the day of such filing in the office of the Town Clerk, submit the signed petitions to the Board of Registrars which shall, within five working days, certify in writing thereon the number of signatures on said petition in each precinct which are names of qualified voters as of the date of the most recent Town Election. Signatures of persons who registered to vote after the date of the most recent Town Election shall not be certified. The certified petitions shall be returned to the Town Clerk by the Board of Registrars as soon as completed, but no later than three o'clock in the afternoon of the fifth working day following receipt of the petitions.

Section 3. If the Town Clerk determines that the certified petitions meet the requirements as described in the previous sections, he/she shall immediately give notice, in writing, to the elected officer whose recall is being sought, by sending a certified mail to said officer a copy of the affidavit and the recall petition form together with a certification as to the number of signatures certified on the petitions.

If the officer sought to be removed does not resign within five days thereafter, the Town Clerk shall notify the Board of Selectmen without delay, and said Board of Selectmen shall, within seven working days order an election to be held not less than fifty days nor more than eighty days after receipt of the Town Clerk's notification, provided, however, that if any other town election is to occur within sixty days after the date of said notice from the Town Clerk said Selectmen may, in their discretion, postpone the holding of said election to the date of such other election.

If a vacancy occurs in the office for any reason after a recall election has been ordered by the Board of Selectmen, the recall election shall nevertheless proceed as provided for herein, but only the ballots for candidates need to be counted.

Section 4. An officer whose recall is sought may be a candidate to succeed himself/herself and, unless he requests otherwise in writing to the Town Clerk, said Town Clerk shall place his name on the official ballot without nomination. The nomination of other candidates, publication of the warrant for the recall election and conduct of same, shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

Section 5. The incumbent shall continue to perform the duties of his office until the recall election. If then re-elected he shall continue in office for the remainder of his/her unexpired term, subject to recall as before, except as provided in section seven. If not re-elected in the recall election, he/she shall be deemed removed upon the qualification of his/her successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within seven days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed

and the office vacant.

Section 6. Ballots used in a recall election in said town shall submit the following proposition in the order indicated:

For the recall (name of officer and office held)

Against the recall (name of officer and office held)

Under the proposition shall appear the word "Candidates" and directions to voters as required by the General Laws regulation elections. Beneath the word "Candidates" shall be the names of candidates nominated in accordance with the provisions of law relating to elections. Ballots shall be prepared in the same manner as those provided for Town Elections.

Section 7. No recall petition shall be filed against an officer of the town six months after he/she take office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after the recall elections.

Section 8. No person who has been recalled from an office in said town, or who has resigned from office while recall proceedings were pending against him/her, shall be appointed to any office within two years such removal by recall or resignation.

Section 9. This act shall take effect upon its passage.

ARTICLE 34. To see if the Town will vote to approve the establishment of a Stabilization Fund according to Massachusetts General Law c.71, Sec. 16 G1/2 for the Bristol-Plymouth Regional Technical School District or take any other action in relation thereto.

ARTICLE 35. To see if the Town will accept a donation of a parcel of land located on the easterly side of Oak Street, designated on Town Assessors Map 7 as Lot 91, consisting of approximately 13,068 square feet more or less, to be conveyed to the Town as a gift of no consideration.

Said parcel of land is more particularly described as follows:

The land situated on the easterly side of Oak Street in Dighton, Bristol County Massachusetts shown as land of the "Raymond C. Marble Estate" on a plan of land entitled "Lots Owned by Alan C. & Kathleen G. Bright In Dighton, Massachusetts", prepared by E. Otis Dyer, R.L.S., dated September 13, 1988, and recorded with the Bristol County Northern District Registry of Deeds in Plan Book 297, Page 53.

Said parcel is more particularly bounded and described as follows:

Beginning at a point on the easterly side of Oak Street, said point being at the southwesterly corner of the parcel hereby conveyed, thence running northeasterly by Oak Street 60.27 feet to a point for a corner;

Thence running S. 63 ° 38' 20" E. by land now or formally owned by Aldrich 241.75 feet to a point for a corner;

Thence running S. 63° 36' 15" W. by land now or formally owned by the Town of Dighton 60.79 feet to a point for a corner;

Thence running N. 63° 34' W. by land owned now or formally by Eckerson 247.16 feet to the point of the beginning; containing approximately 13,068 square feet, more or less.

Or act thereon.

ARTICLE 36. Upon a request of the Council on Aging , to see if the Town will vote to reduce the number of members of the Council on Aging from nine (9) to five (5), by voting to adopt the following amendments to supersede Section A and B of Article XX of the General By-Laws:

“A. The Town shall have a Council on Aging consisting of five (5) voters of the Town appointed by the Selectmen. The first five (5) members of the Council on Aging following the effective date of this provision shall be appointed by the Selectmen for staggered terms of from one (1) to (5) years.

B. The Selectmen shall thereafter appoint one (1) member of the Council on Aging annually for a term of five (5) years. “,

Or act thereon.

ARTICLE 37. To see if the town will establish the position of Town Administrator.

The responsibilities will include the oversight of daily operations of Town Departments, under the Board of Selectmen, annual fiscal analysis and budget preparation, daily personnel management, oversight of insurance policies and practices, serve as town procurement officer, serve as the liaison and/or representative of the BOS with both residents of the town and outside agencies. Appointment of this position will be by the BOS. Candidate review and recommendation of three (3) finalists will be made by a committee set up by the BOS consisting of the following Members: One (1) member of BOS, One (1) member of the Finance Committee, One (1) Town Employee, and Two (2) At large Residents, or act thereon.

ARTICLE 38. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury \$20,000.00 to repair the roof of the Prime Time building, or act thereon.

ARTICLE 39. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury \$30,000.00 to repair the roof of the salt shed at the Maintenance Facility, or act thereon.

ARTICLE 40. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury \$68,625.00 to repair the roof of the Fire Department Station 1, or act thereon.

ARTICLE 41. To see if the Town will vote to raise and appropriate and/or transfer from free cash available in the Treasury the sum of \$625.00 for intern reimbursement for fiscal year 2015, or act thereon.

ARTICLE 42. To see if the Town will vote to raise and appropriate and/or transfer from available funds in the Treasury \$61,000.00 to purchase one (1) one-ton truck with all necessary attachments for the Highway Department, to replace a 1979 truck, or act thereon.

ARTICLE 43. To act upon any other business that lawfully may be introduced at said meeting.

And you are directed to serve this warrant by posting attested copies thereof at each of the post offices, at the Town Hall and at the main Fire Station, all in said Dighton, seven days at least before the time of holding 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 meeting as aforesaid.

Given under our hands this _____ day of _____ in the year of our Lord Two Thousand and Fourteen.

BOARD OF SELECTMEN

Dean V. Cronin, Chairman

Thomas J. Pires

Patrick W. Menges

A true copy

Attest: _____
TOWN CLERK

Posted as directed: _____
CONSTABLE

Date: _____

