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# **Warrant for the Special Town Meeting**

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**Town of Freetown  
Commonwealth of Massachusetts**

**Monday, October 23, 2023  
7:00 pm**

**Apponequet Regional High School  
Robert C. Falcon Auditorium  
100 Howland Rd., Lakeville, MA**

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BRISTOL, SS:

To either of the Constables of the Town of Freetown, GREETING:  
In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the Town of Freetown who are qualified to vote in the Elections and Town Affairs to meet at Apponequet Regional High School, Robert C. Falcon Auditorium, 100 Howland Road, Lakeville, Massachusetts, on Monday, the 23<sup>rd</sup> day of October 2023 at 7:00 P.M., then and there to act on the following Articles, viz:



**Warrant for the  
Special Town Meeting**

**Monday, October 23, 2023, at 7:00pm**

**Apponequet Regional High School  
Robert C. Falcon Auditorium  
100 Howland Road, Lakeville, MA**

**Article: 1                      Create Opioid Settlement Stabilization Fund**

To see if the Town will vote, pursuant to the provisions of G.L. c. 40, §5B, to create a new special purpose stabilization fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Addiction Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, to transfer from available funds a sum of money received by the Town from opioid litigation settlements resulting from the Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; and/or take any action relative thereto.

Submitted by the Board of Selectmen  
Requires Two-Thirds Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: The creation of a special stabilization fund and the acceptance of the statutory provision allowing dedication of monies to the fund require a two-thirds majority vote pursuant to G.L. c. 40, sec. 5B. The acceptance of the statutory provision would allow future opioid settlement funds to be deposited directly into this special stabilization fund without further action of Town Meeting.*

**Article: 2                      Authorize Board of Health to expend Opioid Settlement Fund**

To see if the Town will vote to transfer from available funds and appropriate the sum of Fifteen Thousand Dollars (\$15,000.00) to be expended in coordination with the Board of Health in accordance with the Massachusetts State-Subdivision for Statewide Opioid Settlement Funds; funds to be used for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Addiction Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds, to supplement and strengthen resources available to

communities and families for substance use disorder prevention, harm reduction, treatment, and recovery; and/or take any action relative thereto.

Submitted by the Board of Selectmen

Requires Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: Approval of this article would allow the Board of Health to expend Fifteen Thousand Dollars (\$15,000.00) of the opioid settlement funds received by the Town for the allowed purposes in the current fiscal year. The Town has received Fifteen Thousand Four Hundred Thirty-Eight Dollars and Twenty-Eight Cents (\$15,438.28) in opioid settlement funds to date.*

**Article: 3      Freetown Police Station – Solar Power Purchase Agreement (PPA)**

To see if the Town will authorize the Board of Selectmen to lease from time to time all or a portion of the roof and a portion of the parking lot of the Police Station located at 15 Memorial Drive, East Freetown, MA 02717, for such terms of years, and on such terms and conditions as are acceptable to the Board of Selectmen, to solar energy providers for the purposes of constructing, maintaining, and operating a solar facility on the property and to enter into a power purchase agreements with the solar energy providers; and further, to authorize the Select Board to grant easements on said property to Eversource, other utility companies and/or providers to install, maintain, operate, repair, reinstall, or replace any utilities required for interconnection to the solar facility project, and/or take any other action in relation thereto.

Submitted by the Board of Selectmen

Requires a Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: This Article authorizes the Board of Selectmen to enter into a lease at the Police Station to authorize the erection of solar arrays on both the roof and a portion of the parking lot. The Town would receive a reduced rate on electricity used at the Police Station.*

**Article: 4      Freetown Elementary School Lease for Solar Power Purchase Agreement**

To see if the Town will authorize the Board of Selectmen to lease from time to time all or a portion of the roof of Freetown Elementary School located at 43 Bullock Road, Freetown, MA 02717, for terms of years and on such terms and conditions as are acceptable to the Board of Selectmen, to solar energy providers for the purposes of constructing, maintaining, and operating a solar facility on the property; and further, to authorize the Select Board to grant easements on said property to Eversource, other utility company and/or the providers to install, maintain, operate, repair, reinstall, or replace any utilities required for interconnection to the solar facility project, and/or take any other action in relation thereto.

Submitted by the Board of Selectmen  
Requires a Majority Vote  
Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: This article authorizes the Select Board to enter into a lease at Freetown Elementary School to authorize the erection of solar arrays on the roof. The Freetown Lakeville Regional School District would separately enter into a power purchase agreement with the solar energy provider and would receive a reduced rate on electricity used at Freetown Elementary School.*

**Article: 5                      Establish a Commission on Disabilities**

To see if the Town will vote to accept Massachusetts General Law, Chapter 40, Section 8J, establishing a Commission on Disability, whose members shall be appointed by the Board of Selectmen, and/or take any action relative thereto.

Submitted by the Board of Selectmen  
Requires Majority Vote  
Recommended by the Board of Selectmen. Finance Committee Takes No Position

*Explanation of Article: This statute establishes a Commission on Disabilities which consists of at least five but not more than nine members as appointed by the Board of Selectmen to address federal and state disability laws.*

**Article: 6                      Authorize Board of Assessors to enter into PILOT Agreement**

To see if the Town will vote to authorize the Board of Assessors to enter into an agreement for Payments-In-Lieu-Of-Taxes ("PILOT"), pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 45th, as amended by Section 61 of Chapter 8 of the Acts of 2021, on such terms and conditions and for a term of years as the Board of Assessors deems in the best interest of the Town for taxes attributable to a solar facility owned and operated by:

- 1) Navisun, LLC or its affiliates, successors or assigns, on land located at Austin Bog/Adj. Land (off Dr. Braley Road), Assessors' Map 243, Lot 24
- 2) DH-MA Solar Owner 1, LLC or its affiliates, successors or assigns, on land located at 1 Nick Drive, East Freetown, Assessors' Map 241, Lot 26.11

and further, to authorize the Board of Assessors to take any such action as may be necessary or convenient to carry out the vote taken hereunder, and/or take any action relative thereto.

Submitted by the Board of Assessors  
Requires Majority Vote  
Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: This article would authorize the Board of Assessors to enter into payment-in-lieu-of-tax agreements with solar companies operating at the above locations. The Board of Assessors believes that these agreements are in the Town's best financial interests.*

**Article: 7 Amend Protective By-Laws to Insert a Section on Stormwater Management**

To see if the Town will vote to amend the Town of Freetown Protective By-laws, Article 11, Zoning By-laws to insert therein Section 11.34, Stormwater Management, the text of which is on file in the Office of the Town Clerk and the Planning Board; further, to amend the Town of Freetown Protective By-laws, Article 11, Zoning By-laws Outline, to include this section; and further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format; and/or take any action relative thereto.

Submitted by the Planning Board  
Requires Two-Thirds Vote

Recommended by the Board of Selectmen. Finance Committee Takes No Position

*Explanation of Article: The EPA has issued a new requirement as part of the Municipal Separate Storm Sewer System (MS4) General Permit to adopt a Stormwater Management By-law. The Town must amend its by-laws to include a Stormwater Management By-law in accordance with the MS4 permit in order for the Town to avoid being audited and fined by the EPA. See Attachment A at end of warrant for requested changes.*

**Article: 8 Amend General By-Laws Tax Collector Denial, Suspension, Revocation**

To see if the Town will vote to amend the General By-Laws, Article 3, Powers & Duties of Town Officers, Section, 3.5 Tax Collector Denial, Suspension, or Revocation as follows:

a) Delete the current paragraph (a) and insert in place thereof the following new paragraph (a) "The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for a period of not less than thirty days, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board."

b) Delete, in paragraph (e), the words "bicycle permit" (c. 85 §11A);".

and/or take any action relative thereto.

Submitted by the Treasurer/Tax Collector  
Requires Majority Vote

Recommended by the Board of Selectmen. Finance Committee Takes No Position



*Explanation of Article: The timeline for withholding permits, licenses, etc., was reduced by the Municipal Modernization Act. Also, the law allowing the issuance of bicycle permits was repealed in 2008.*

**Article: 9                      Increase Estate Allowance for Real Estate Exemption**

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To see if the Town will vote in accordance with M.G.L. Ch. 59, §5, cl. 41C, to increase the whole estate allowance for applicants for real estate tax exemption under said Clause 41C from \$30,000.00 to \$40,000.00 for a single person and from \$35,000.00 to \$55,000.00 for a married couple, to take effect with the fiscal year beginning July 1, 2023 and/or take any action relative thereto.

Submitted by the Board of Assessors  
Requires Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: Homeowners 65 and older can qualify for a reduction in property tax by meeting certain income and asset requirements. While the Town already provides the maximum income allowance, which is itself quite low, there is room to adjust the asset allowance, which was last adjusted in 2021. The current proposal would increase the asset allowances to the maximum amounts allowed by state statute.*

**Article: 10    Annual Increase to the Estate Limit Allowed for Real Estate Tax Exemption**

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To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 59, Section 5, Clause 17E, which will allow an annual increase to the Whole Estate Limit qualification for exemption from real estate taxes under Clause 17D, to take effect with the fiscal year beginning July 1, 2023 and/or take any action relative thereto.

Submitted by the Board of Assessors  
Requires a Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: Clause 17E allows the Town to consider higher asset limits in determining qualification for exemption under Clause 17D. The amount of the annual increase will be equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, as reported by the Massachusetts Department of Revenue.*

**Article: 11 Allow increase in Gross Receipts Limit and Whole Estate Limit Qualifications**

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To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 59, Section 5, Clause 41D, which will allow an annual increase to both the Gross Receipts Limit and the Whole Estate Limit qualifications for exemption from real estate taxes under Clause 41C, to take effect with the fiscal year beginning July 1, 2023, and/or take any action relative thereto.

Submitted by the Board of Assessors  
Requires a Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: Clause 41D allows the Town to consider higher income and asset limits in determining qualification for exemption under Clause 41C. The amount of the annual increase will be equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, as reported by the Massachusetts Department of Revenue.*

**Article: 12 Allow Annual Increase in Exemption from Real Estate Taxes**

To see if the Town will vote to accept the provisions of Mass. General Laws Chapter 59, Section 5, Clause 17F, which will allow an annual increase to the amount of the exemption from real estate taxes granted under Clause 17D, to take effect with the fiscal year beginning July 1, 2023, and/or take any action relative thereto.

Submitted by the Board of Assessors  
Requires Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: The amount of tax forgiven under Clause 17D is \$175.00 per year. Clause 17F would apply a cost-of-living adjustment to this amount annually, providing additional help to residents who have already been determined to need help. The amount of the annual increase will be equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, as reported by the Massachusetts Department of Revenue.*

**Article: 13 Designate the Selectmen as appointing authority for By-Law Review Committee**

To see if the Town will vote to amend the vote taken under Article 26 of the Special Town Meeting held on October 18, 2021, by designating the Board of Selectmen as the appointing authority for the three resident positions on the By-Law Review committee, and/or take any action relative thereto.

Submitted by the Moderator  
Requires Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: Members of most other boards and committees that are not elected are appointed by the Board of Selectmen.*

**Article:14 Change By-Law Article 3 make up & appointments of By-Law Review Committee**

To see if the Town will vote to amend Article 3 of the General By-Laws, Powers & Duties of Town Officers, by inserting the following new section at the end thereof, the section number to be determined by the Town Clerk, and/or take any action relative thereto.

**By-Law Review Committee**

There shall be a By-Law Review Committee consisting of the Town Clerk (or designee), a member of the Board of Selectmen chosen by that board, a member of the Finance Committee chosen by that committee, a member of the Planning Board or their designee

chosen by that board, and one resident from each precinct to be appointed by the Board of Selectmen, all for terms of one year running concurrent with the fiscal year. Said committee shall be charged with conducting periodic reviews of the Town's by-laws no less than every five years, or more frequently as may be requested by Town Meeting, and shall make recommendations to Town Meeting for additions, deletions, or amendments thereto as may from time to time seem advisable to it.

Submitted by the Moderator  
Requires Majority Vote

Recommended by the Board of Selectmen. Finance Committee Takes No Position

*Explanation of Article: This article would codify the existence and purpose of the By-Law Review Committee for easier reference in understanding its purpose and composition.*

**Article: 15 Increase Funds in Council on Aging Department Personnel Budget**

To see if the town will vote to raise and appropriate and/or transfer from available funds, the sum of Ten Thousand Five Hundred and Six Dollars (\$10,506.00) to supplement the budget of the Council on Aging for the purpose of adding additional hours for the part-time senior clerk for the Council on Aging, and/or take any action relative thereto.

Submitted by the Council on Aging Director  
Requires Majority Vote

Recommended by Board the of Selectmen and Finance Committee

*Explanation of Article: Approval of this article would fund additional hours for the position of senior clerk for Council on Aging to assist in day to day administrative and programmatic tasks.*

**Article: 16 Purchase and Equip new UTV Rescue Trailer and Associated Items**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eighty-Thousand Dollars (\$80,000.00) to purchase and equip a new Utility Rescue Trailer (UTV), and associated equipment for the Fire Department, including any costs incidental and related thereto, and/or take any action relative thereto.

Submitted by the Fire Chief  
Requires Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: The Fire Department has identified a need for a vehicle to provide means to access remote emergency scenes with manpower and equipment. With the impending arrival of high-speed commuter trains and recent training the Department has identified issues getting equipment and first responders to the scenes of these emergencies. This UTV, Rescue Trailer and Equipment will better equip the Fire Department to deal with this anticipated difficulty.*



**Article: 17****Purchase Firefighting Foam**

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To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Three Thousand Dollars (\$3,000.00) to purchase firefighting foam for the Fire Department, including any costs incidental and related thereto, and/or take any action relative thereto.

Submitted by the Fire Chief

Requires a Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: The Fire Department was previously equipped with firefighting foam called AFFF which contains PFAS (a known carcinogen). The Department avoided the costly disposal costs by petitioning DEP to include the Town in a program that funded the disposal of the 1200 gallons of this foam that the Department had on hand. The Fire Department currently has no foam on hand. Approval of this article will allow the Department to purchase a reasonable quantity of new environmentally safe foam to use on flammable liquid fires.*

**Article: 18 Purchase of Extrication and Rescue Equipment for Fire Department**

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To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) to purchase Extrication and Rescue Equipment for the Fire Department, including any costs incidental and related thereto, and/or take any action relative thereto.

Submitted by Fire Chief

Requires Majority Vote

Recommended by Board of Selectmen and Finance Committee

*Explanation of Article: The Fire Department's current extrication equipment (Jaws of Life) is obsolete. The Department's tools are hydraulic and run off a "gasoline powerhead" that is very heavy and labor intensive to move and operate. The Department is limited by the length of the hoses and location of the powerhead. Modern tools are battery powered, more lightweight, faster and more powerful than the equipment that the Department currently has. The new tools would be much more versatile, especially at remote incidents such as railway emergencies. This funding would also allow for the purchase of an airbag lifting system, as the Department's previous airbags were taken out of service due to age and safety concerns.*

**Article: 19****Adding Funds to the Conservation Land Fund**

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To see if the Town will vote to transfer from available funds the sum of Sixteen Thousand Nine Hundred Ninety-Five Dollars and Forty-Eight Cents (\$16,995.48) to be added to the Conservation Land Fund established under M.G.L. Chapter 40, Section 8C, and/or take any action relative thereto.

Submitted by the Conservation Commission

Requires Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: Implementation of rollback taxes generally suggests open land being slated for development, and a well-funded Land Fund would allow the future purchase of open land to protect it from development. These funds represent the amount assessed and collected for rollback taxes in Fiscal Year 2023.*

**Article: 20                      Funding OPEB (Other Post-Employment Benefits)**

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To see if the Town will vote to appropriate and transfer from available funds the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) to supplement funding in the OPEB (Other Post-Employment Benefits) fund; and/or take any action relative thereto.

Submitted by the Board of Selectmen  
Requires a Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: Approval of this article would transfer Two Hundred Fifty Thousand Dollars (\$250,000.00) from free cash to supplement funding in the OPEB (Other Post-Employment Benefits) fund.*

**Article: 21                      Capital Projects to Fund from Free Cash**

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To see if the Town will vote to appropriate and transfer from available funds the sum of money as specified herein for the following Capital Projects, including any costs incidental and related thereto, and/or take any action relative thereto.

Project Name	\$ Amount
Pickup truck or SUV for Building Department	\$50,000.00
Pickup truck or SUV for Facilities Department	\$50,000.00

Submitted by the Building Commissioner  
Requires Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: This article will authorize the Board of Selectmen to purchase a pickup truck or SUV for the Building Commissioner to replace the current 2009 Toyota Camry and the purchase of a pickup truck or SUV for the Facilities Department to replace the current 2014 Ford F150 Pickup truck.*

**Article: 22                      Repair and Maintenance on Town Ways**

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To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of Five Hundred Thousand Dollars (\$500,000.00) for roadway improvements, including any costs incidental and related thereto, and/or take any action relative thereto:

Submitted by Highway Surveyor  
Requires Majority Vote  
Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: The Town is allotted approximately \$400,000 each year from the state's Chapter 90 program for roadway maintenance and repairs. While helpful, Chapter 90 funding has not kept pace with inflation and is not adequate for the Town to keep pace with its road repair needs, particularly as a number of subdivision roads begin to show their age. This article will provide Five Hundred Thousand Dollars (\$500,000.00) to address many of these road issues.*

**Article: 23      Supplementing Police, Fire and Communications IT Budget**

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To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seventeen Thousand Dollars (\$17,000.00) for the purpose of supplementing the Town's Management Information Systems (Dept. No. 151) budget, and/or take any action relative thereto.

Submitted by Police Chief  
Requires Majority Vote  
Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: This article seeks funding to include maintenance and licensing of fire department, communications center, and police department computer information systems. At the time the management information system budget was drafted, it did not include these departments.*

**Article: 24      Codification of Town's General & Zoning By-Laws**

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To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ten Thousand Dollars (\$10,000.00) for Codification of the Town's General & Zoning By-Laws by the Office of the Town Clerk, and/or take any action relative thereto.

Submitted by Town Clerk  
Requires a Majority Vote  
Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: The article would allow the Town to begin the process of codification of the Town's General & Zoning By-Laws, a process that will help keep the by-laws up-to-date and in a far more easily understandable and accessible format. If approved, it is estimated that the codification process will be completed by the end of 2024*

**Article: 25      Unpaid bills from Fiscal Year 2021**

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To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Thousand Ten Dollars (\$1,010.00) to pay an unpaid bill of a prior fiscal year to

Heath Chace from Fiscal Year 2021, and/or take any action relative thereto.

Submitted by the Cemetery Commission

Requires a 9/10<sup>th</sup>s Vote

Recommended by Finance Committee & the Board of Selectmen

*Explanation of Article: Vendor brought to Cemetery's attention that an invoice from fiscal year 2021 was inadvertently not paid in the amount of One Thousand Ten Dollars (1,010.00). This article will allow payment of this invoice.*

**Article: 26**                      **Unpaid bills from Fiscal Year 2023**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Six Thousand Four Hundred Sixty-Four Dollars and Fifty Cents (\$6,464.50) to pay unpaid bills of a prior fiscal year to:

<u>Vendor</u>	<u>\$ Amount</u>	<u>Submitted by</u>
Oliveira Brothers Materials	\$226.26	Highway Surveyor
Total Welding Supply	\$123.24	Highway Surveyor
Salem Alzaibak	\$2,376.00	Highway Surveyor
ATG Group, Inc.	\$155.00	Building Commissioner
Guardian Pest Control	\$289.00	Facilities
Precision Window & Kitchen Inc.	\$3,295.00	Facilities
Total	\$6,464.50	

from Fiscal Year 2023, and/or take any action relative thereto.

Requires a 9/10<sup>th</sup>s Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: Vendor brought these invoices from fiscal year 2023 were inadvertently not paid in the amount of Six Thousand Four Hundred Sixty-Four Dollars and Fifty Cents (\$6,464.50). This article will allow payment of these invoices.*

**Article: 27**                      **Fund Purchase of Roll Off Containers for Transfer Station**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fourteen Thousand Dollars (\$14,000.00) to purchase two roll off containers for the Transfer Station, and/or take any action relative thereto.

Submitted by the Transfer Station Supervisor

Requires Majority Vote

Recommended by the Board of Selectmen and Finance Committee

*Explanation of Article: This article will allow the purchase of two (2) new thirty (30) yard roll off containers to replace two (2) that are no longer safe to continue using/transporting. These*

*containers have had repaired multiple times previously and on the recommendation of the hauler need to be replaced.*

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**Article: 28                      Fund the Purchase of Electronic Voting Equipment**

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To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Sixteen Thousand Dollars (\$16,000.00) for purchase, installation, setup, and maintenance of Electronic Voting equipment for use at Town Meeting, including any costs incidental and related thereto, and/or take any action relative thereto.

Submitted by The Town Clerk & Board of Selectmen  
Requires Majority Vote

Recommend by the Board of Selectmen and Finance Committee

*Explanation of Article: The article would allow the Town to purchase hand-held voting devices for use at Town Meeting. These devices would count votes, providing faster and more accurate results than hand, voice & paper voting.*

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**Article: 29                      Funding the Stabilization Fund**

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To see if the Town will vote to transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000.00) for the purpose of supplementing the Stabilization Fund, and/or take any action relative thereto.

Submitted by the Board of Selectmen  
Requires Majority Vote

Recommended by Board of Selectmen. Finance Committee Recommends One Hundred Thousand Dollars (\$100,000.00)

*Explanation of Article: This appropriation would add funds to the Stabilization Fund to be used for any lawful purpose. The Stabilization Fund is a "rainy day fund" or reserve to support the Town during times of financial stress. Any proposed use of the fund would require a 2/3 vote of Town Meeting.*

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**Article: 30                      Funding the Capital Stabilization Fund**

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To see if the Town will vote to transfer from available funds the sum of One Million Dollars (\$1,000,000.00) for the purpose of supplementing the Capital Stabilization Fund, and/or take any action relative thereto.

Submitted by the Board of Selectmen  
Requires Majority Vote

Recommended by the Board of Selectmen. Finance Committee Does Not Recommend

*Explanation of Article: This appropriation would add funds to the Capital Stabilization Fund to be used for purchasing capital assets or payment of related debt service on capital assets. Any proposed use of the fund would require a 2/3 vote of Town Meeting.*

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And you are hereby directed to serve this Warrant by posting attested copies thereof at the following places: the Assonet Post Office, the East Freetown Post Office, Junior's Convenience Store in Assonet, the Freetown Town Hall, Freetown Communications Center, and Freetown Fire-Rescue Station #3. Hereof, fail not and make return of the original Warrant with your doings thereon immediately after making service thereof to the Town Clerk of the Town of Freetown, Massachusetts. Given under our hands and seal of the Town of Freetown, this 18<sup>th</sup> day of September, Anno Domini, Two Thousand and Twenty-Three.

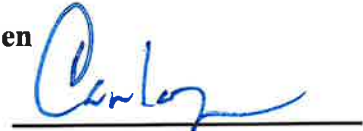
**The Town of Freetown Board of Selectmen**



Trevor R. Matthews



Jared C. Zager



Carlos A. Lopes

**Attachment A (STM Article #7)**  
**Article 11.34: Stormwater Management**

**Section 1 Purpose.**

- A. Increased and contaminated stormwater runoff associated with developed land uses and the impacts of soil erosion and sedimentation are known to cause:
- Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
  - Contamination of drinking water supplies;
  - Erosion of stream channels;
  - Alteration and destruction of aquatic and wildlife habitat;
  - Flooding; and
  - Overloading or clogging of municipal storm drain systems.
- B. The objectives of this bylaw are to require practices to control the flow of stormwater from new and redeveloped sites into the Freetown storm sewer system in order to:
1. Prevent pollutants from entering and discharging from the Freetown municipal separate storm sewer system (MS4);
  2. Require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
  3. Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process;
  4. Prevent flooding;
  5. Promote infiltration and recharge of groundwater;
  6. Encourage the use of low impact development planning techniques such as reducing impervious cover and the preservation of green space and other natural areas;
  7. Require the implementation of site specific low impact development stormwater best management practices in new and redevelopment projects;
  8. Protect groundwater and surface water from degradation;
  9. Control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at a construction site;
  10. Ensure adequate operation and maintenance of structural stormwater best management practices so they work as designed, both long-term and during construction;
  11. Comply with state and federal statutes and regulations relating to stormwater discharges; and
  12. Establish Freetown's legal authority to ensure compliance with the provisions of this bylaw through plan review, approval, inspection, monitoring, and enforcement.

## **Section 2. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this bylaw:

**Alter** shall mean any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

**Approval Not Required (ANR)** shall mean a plan of land that does not require approval under the Subdivision Control Law of Massachusetts (Massachusetts General Laws, chapter 41, sections 81K through 81GG).

**Board** shall mean the Freetown Planning Board.

**Commission** shall mean the Town of Freetown Conservation Commission.

**Conveyance** shall mean any natural or human-made structure or device, including pipes, drains, culverts, curb breaks, paved swales or vegetated swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

**Grading** shall mean changing the level or shape of the ground surface.

**Erosion Control** shall mean the prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

**Land Disturbance** shall mean any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material. See also ALTER.

**Low Impact Development (LID) Techniques** shall mean stormwater management practices that are modeled after natural hydrologic features. Low impact development techniques manage rainfall at the source using uniformly distributed decentralized micro-scale controls. Low impact development techniques use small cost-effective landscape features located at the lot level. Refer to the most recent version of MassDEP Stormwater Regulations for specific LID BMPs.

**Massachusetts Stormwater Management Standards** shall mean the requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants) and water quantity (flooding, low base flow and recharge) by establishing standards that require the implementation of a wide variety of stormwater management strategies. These strategies include environmentally sensitive site design and Low Impact Development techniques to minimize impervious surface and land disturbance, source control and pollution prevention, structural Best Management Practices, construction period erosion and sedimentation control, and the long term operation and maintenance of stormwater management systems. The Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6) (k) and the Water Quality Certification Regulations, 314 CMR 9.06(6) (a).

**Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System or Municipal Storm Sewer System** shall mean a conveyance or system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, municipal street, catch basins, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, ditch, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Freetown.

**Nonpoint Source** shall mean any source from which pollution is discharged which is not identified as a point source, including, but not limited to urban, agricultural, or silvicultural runoff.

**Owner** shall mean a person with a legal or equitable interest in a property.

**Point Source** means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete, fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

**Redevelopment** shall mean the development, replacement, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. Standards for Redevelopment only apply to those portions of the parcel that currently contain alteration by human activities. Redevelopment is further defined by Massachusetts Stormwater Management Standard 7.

**Stormwater Authority** shall mean the Town of Freetown's Planning Board. Under the Planning Board, the Town Planner/designee is appointed as their Agent and is responsible for coordinating the review, approval and permit process as defined in this bylaw. Other boards and/or departments participate in the review process as defined in Section 4 of this bylaw. In the event a project is seeking approvals from the Freetown Conservation Commission only, and is not subject to review by the Planning Board, the Commission will act as the Stormwater Authority for that project. The Town Planner/designee will be the Agent for all Stormwater Permits issued by the Commission.

**Stormwater Permit** shall mean a permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater run-off

**Stormwater Best Management Practice (BMP)** shall mean a structural or nonstructural technique for managing stormwater to prevent or reduce nonpoint source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, biofilter or other stormwater treatment practice or measure either alone or in combination including without limitation any discharge pipe, overflow pipe, conduit, weir control structure that: (a) is not naturally occurring; (b) is not designed as a wetland replication area; and (c) has been designed, constructed, and installed

for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater. Nonstructural stormwater best management practices include source control and pollution prevention measures.

**Stormwater Management** shall mean the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

Additional terms that apply to issuance of a Stormwater Management Permit established by this by-law shall be defined and included as part of the regulations promulgated and, from time to time, amended under section 5.B of this bylaw, a copy of which is available at the Board and the office of the Town Clerk. Terms not defined in said regulations or pertinent statutes shall be construed according to their customary and usual meaning.

### **Section 3. Authority.**

The Stormwater Management bylaw is hereby established in the Town of Freetown, Massachusetts. This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the rules and regulations of the federal Clean Water Act found at 40 CFR 122.34.

This bylaw shall take effect upon its approval by the Attorney General and publications as provided by Massachusetts General Laws chapter 40, section 32, provided however, that any continuous legally permitted activities in operation on that day may continue.

### **Section 4. Scope and Applicability.**

A. This bylaw shall be applicable to the following activities:

1. Any discharges to the municipal storm drain system, including all flows entering the municipally owned storm drainage system and surface waters
2. Any Subdivision as defined in the Massachusetts Subdivision Control Law (Massachusetts General Laws, chapter 41, sections 81K – 81GG) requiring a Definitive Plan;
3. Any activities that result in a land disturbance of one acre or greater within the Town of Freetown; and
4. Any activities that result in a land disturbance less than one acre if the project is part of a larger common plan of development which will disturb one acre or more within the Town of Freetown. Plans that do not require approval under the Subdivision Control Law, hereafter referred to as “Approval Not Required or ANR lots”, and meet one or more of the applicability criteria described herein are subject to the provisions of this bylaw and shall obtain a Stormwater Management Permit.

B. Prohibited Activities:



1. Pet waste. Freetown is subject to a Fecal Coliform Total Maximum Daily Load, and because dog feces are a major component of stormwater pollution, it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a helping dog or other helping animal registered as such. Persons walking dogs must carry with them a device designed to properly dispose of dog feces including, but not limited to, a bag or “pooper scooper.”

C. Exemptions:

1. No person who meets the applicability of this bylaw shall alter land within the Town of Freetown without having obtained a Stormwater Permit with the following exceptions:
  - Ground disturbances in the course of customary cemetery use and regular maintenance,
  - Maintenance of landscaping, gardens or lawn areas,
  - Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act 310 CMR 10.04 and Massachusetts General Laws chapter 40A, section 3.
  - Any work or projects for which the required permit applications have been submitted to the Planning Board, Board of Selectmen, Zoning Board of Appeals, and Conservation Commission before the effective date of this bylaw. For proposed Subdivisions, a Definitive Plan must have been submitted to be considered exempt from this bylaw.
  - Emergency repairs to any stormwater management facility or practice, such that the original design location, size, and technology remain the same, that poses a threat to public health or safety, or as deemed necessary by the Board or its authorized agent.
  - Municipal roadway maintenance when conducted in accordance with an approved Stormwater Pollution Prevention Plan, prepared in accordance with the Stormwater Management regulations promulgated under Section 5.B of this bylaw, on file with the Board.

D. Coordination with Other Town Permits.

1. No Town Soil Removal Permit from the Soil Conservation Board, Order of Conditions from the Conservation Commission, Site Plan approval from the Planning Board, Building Permit, Subdivision approval, Special Permit, variance or finding shall constitute compliance with this bylaw, unless issuance of such permit included review by the Planning Department or Town Consultants on behalf of the Planning Board relative to the Stormwater Management Bylaw. For a project or activity that meets the Scope and Applicability of this bylaw, no work may commence until the site owner or his agent submits a complete Stormwater Permit application, the Board issues a Stormwater Permit, and the site owner and responsible parties sign and certify that all land clearing, construction, and development will be done pursuant to the approved Plans and Permit.
2. In the event a project is only required to obtain approvals from the Town of Freetown Conservation Commission and no approvals are required from the Planning Board, the Commission will be the issuing Authority under this Bylaw. The Commission, and/or their agent, will issue the Stormwater Permit.
3. This bylaw is not intended to interfere with, abrogate, or annul any other bylaw, rule or regulation, statute, or other provision of law, including Article 27 – Non-Stormwater Discharges to the Municipal Storm Drainage System of the Town of Freetown. The requirements of this by- law should be considered minimum requirements, and where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.
4. In case of conflicting requirements, the more restrictive or more protective of human health and the environment shall take precedence over the Freetown Stormwater Management bylaw and the regulations promulgated thereunder. These state statutes and regulations include, but are not limited to, the following documents: the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, and the Massachusetts Stormwater Management Standards, as amended.

## **Section 5. Administration.**

- A. Stormwater Authority. The Planning Board is hereby designated as the Stormwater Authority, with the Town Planner or the Boards designee appointed as their Agent. The Board, or its agent, shall administer, implement and enforce this bylaw. The Board may appoint the Conservation Agent, Highway Surveyor, or qualified professional to act as its authorized agent for site inspections and to advise the Board. In the event a project does not require any approvals from the Planning Board, but requires approvals from the Freetown Conservation Commission, and

meets the thresholds described in Section 4.A, the Commission will serve as the Stormwater Authority.

- B. **Stormwater Regulations.** The Planning Board may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, and/or consultant fees), procedures and administration of this Stormwater Management bylaw after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least fourteen (14) days prior to the hearing date. After public notice and public hearing, the Board may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure of the Board to promulgate such rules and regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

- C. Stormwater Management Manual. The Board will utilize the most current versions of the Massachusetts Stormwater Management Handbook and the Massachusetts MS4 permit, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this bylaw. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically altered in this Stormwater Management bylaw and regulations, stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management Standards and design and sizing criteria in the Stormwater Management Handbook shall be presumed by the Board to be protective of Massachusetts water quality standards. The Board will also utilize the performance standards described in the most current version of the MS4 permit.
- D. Actions by the Board. The Board may take any of the following actions as a result of an application for a Stormwater Permit as more specifically defined as part of the regulations promulgated as part of this bylaw: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- E. Appeals of Action by the Board. The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

#### **Section 6. Permit Procedures.**

Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the regulations promulgated under section 5.B of this bylaw.

#### **Section 7. Performance Standards.**

Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the regulations promulgated under section 5.C of this bylaw.

#### **Section 8. Waivers.**

- A. The Board may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Town of Freetown Stormwater Management bylaw or the regulations promulgated hereunder, where it makes a written finding that such action is:
  - 1. Allowed by federal, state and local statutes and/or regulations;
  - 2. In the public interest; and
  - 3. Consistent with the purpose and intent of the Town of Freetown's Stormwater Management bylaw and its regulations.

- B. Criteria for granting a waiver shall be defined and included as part of the regulations promulgated under section 5.B of this bylaw.

### **Section 9. Enforcement.**

The Board or its authorized agent/designee shall enforce this bylaw and resulting regulations, orders, violation notices, and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Board. As an alternative to criminal prosecution or civil action, the Board may elect to utilize the non-criminal disposition procedure set forth in Massachusetts General Laws Ch. 40, §21D and the Town of Freetown's General and Zoning By-laws Article 25 – Prosecutions and Penalties in which case the Board shall be the enforcing person.

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board's agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary to determine compliance with a permit issued under this bylaw. Enforcement shall be further defined and included as part of the regulations promulgated under section 5.B of this bylaw.

### **Section 10. Severability.**

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.