

ARTICLE 5 To see if the Town will vote to continue the following Revolving Funds for certain Town departments under the Massachusetts General Laws or regulations cited for the fiscal year beginning July 1, 2012 or take any other action thereto.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY2013 Spending Limit
Conservation Commission	Conservation Commission	Fees for review of permits, postage and advertising	Consulting Services, postage and ads	\$20,000
Board of Health Consulting	Board of Health	Fees for review of permits	Consulting services	\$30,000
Recycling bins	Highway Surveyor	Fees for purchase of bins	Purchase of bins	\$5,000
Earth Removal Review	Board of Selectmen	Fees for review of permits	Consulting services	\$15,000
Planning Board Consulting	Planning Board	Fees for review of permits	Consulting services	\$50,000
Building Inspector Consulting	Building Inspector	Fees for review of permits	Consulting services	\$15,000
Youth & Recreation Programs	Youth and Recreation	Fees for Programs	Youth and Recreation Programs	\$80,000
CPR Classes	Fire Chief	Fees for Classes	CPR instructors and materials	\$5,000
ZBA Consulting	Zoning Board of Appeals	Fees for review of permits, postage and advertising	Consulting services, postage, legal ads	\$15,000
Library Computer and printers	Library Trustees	Computer/printer fees	Computer/printer supplies	\$5,000
Selectmen Legal Advertising	Board of Selectmen	Payments for Legal ads	Legal ads	\$1,500
COA Elderbus	Council on Aging	Transportation fees & donations	Elderbus operation including wages	\$8,000
Inspector Wages	Building Inspector	Fees for permits	80% for plumbing, gas and wiring inspectors wages; remainder to general fund	\$30,000
Concession Stand	Board of Selectmen	Use, lease and utility payments	Maintenance, repairs, replacement	\$10,000

In all cases, all the revolving funds are authorized under MGL Chapter 44, Section 53E-1/2.

Proposed by the Finance Committee

**Finance Committee Recommendation at Town Meeting**

ARTICLE 6 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$75,000.00 to the Reserve Fund to cover extraordinary or unforeseen expenditures during Fiscal Year 2013 in accordance with Chapter 40, Section 6 of the Massachusetts General Laws, and to transfer from available funds the sum of \$25,000.00 to the Water Department Reserve Fund or take any action thereon.

Proposed by the Finance Committee

**Finance Committee Recommendation at Town Meeting**

ARTICLE 7 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement between AFSCME AFL-CIO Union Council 93, Local 1700 (Dispatchers) and the Town of Halifax or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 8 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement between AFSCME AFL-CIO Union Council 93, Local 1700 (Highway/Cemetery) and the Town of Halifax or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 9 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement between IBPO, Local 309 (Sergeants) and the Town of Halifax or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 10 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement between IAFF, Local 3159 (Firefighters) and the Town of Halifax or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 11 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement between the Halifax Association of Police Patrolmen and the Town of Halifax or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 12 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement between the Police Chief and the Town of Halifax or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 13 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of the collective bargaining agreement between the Fire Chief and the Town of Halifax or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 14 To see if the Town will vote that beginning Fiscal 2013, the Wage and Personnel employees of the Town of Halifax shall receive, at minimum, a general wage increase to an average of the increases received by Town of Halifax employees represented by any bargaining unit of the Town of Halifax or take any action thereon.

Proposed by Thomas Millias, et al.

**Finance Committee Recommendation at Town Meeting**

ARTICLE 15 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$ 0 to meet the Town's share and to appropriate the sum of \$257,861.00 from available funds under Chapter \_\_\_\_\_ of the Acts of 2012 as the State's share of the cost of work under Chapter 90, Section 34(2)(a) of the General Laws, for the purposes as set forth in the memorandum of agreement with the Massachusetts Highway Department including maintaining, repairing, improving, and constructing town and county ways and bridges, sidewalks adjacent to said ways and bridges, bike ways and other projects eligible for funding as a "transportation enhancement project" as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds, public use off-street parking facilities related to mass transportation, for engineering services and expenses related to highway transportation enhancement and mass transportation purposes, for care, repair, storage, purchase, and long-term leasing of road building machinery, equipment and tools, and for the erection and maintenance of direction signs and warning signs or take any action thereon.

Proposed by the Highway Surveyor

**Finance Committee Recommendation at Town Meeting**

ARTICLE 16 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150,000.00 for the maintenance of Town roads or take any action thereon.

Proposed by the Highway Surveyor

**Finance Committee Recommendation at Town Meeting**

ARTICLE 17 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$170,000.00 to purchase and equip a new Volvo loader or equivalent and trade or sell the 1996 L70 Volvo Loader or take any action thereon.

Proposed by the Highway Surveyor

**Finance Committee Recommendation at Town Meeting**

ARTICLE 18 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,100,000.00 to pay costs of repairing, repainting and renovating the Halifax Water Department water tower located at 499 Plymouth Street, including the payment of any related engineering services and any other costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise or take any action thereon.

Proposed by the Board of Water Commissioners

**Finance Committee Recommendation at Town Meeting**

ARTICLE 19 To see if the Town will vote to rescind, effective July 1, 2012, that portion of Article 37 of the Annual Town Meeting of May 12, 1997 specifying that any revenues derived from leases by the Board of Water Commissioners of a portion of the property on or around the Water Tower at 499 Plymouth Street for wireless communications be shared equally between the Water Revenue account and the General Revenue account and that effective July 1, 2012, that any revenues derived from leases by the Board of Water Commissioners of a portion of the property on or around the Water Tower at 499 Plymouth Street for wireless communications be deposited in the Water Revenue account or take any action thereon.

Proposed by the Board of Water Commissioners

**Finance Committee Recommendation at Town Meeting**

ARTICLE 20 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$85,000.00 to pay the costs of renovating the water system connection/water supply meter pit on Route 36/Holmes Street between the Town of Halifax Water Department and the City of Brockton Water Department including the payment of any related engineering services and any other costs incidental and related thereto or take any action thereon.

Proposed by the Board of Water Commissioners

**Finance Committee Recommendation at Town Meeting**

ARTICLE 21 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$2,534.00 to increase the hours of the COA receptionist from 16 hours per week to 19.5 hours per week for Fiscal Year 2013 or take any action thereon.

Proposed by the Council on Aging

**Finance Committee Recommendation at Town Meeting**

ARTICLE 22 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,822.00 to fund the Town's share (5%) for the Assistance to Firefighters Grant for new hose, fittings, and nozzles, and to install a vehicle exhaust fume removal system in the Halifax Fire Station or take any action thereon.

Proposed by the Fire Chief

**Finance Committee Recommendation at Town Meeting**

ARTICLE 23 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$210,000.00 to purchase and equip an ambulance for the Fire Department or take any action thereon.

Proposed by the Fire Chief

**Finance Committee Recommendation at Town Meeting**

ARTICLE 24 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$110,000.00 to purchase and equip with miscellaneous police equipment two (2) new marked police vehicles to be used for patrol and one (1) new unmarked police vehicle to be used by the Operations Sergeant or take any action thereon.

Proposed by the Police Chief

**Finance Committee Recommendation at Town Meeting**

ARTICLE 25 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$3,000.00 to be added to the Assessors' Triennial Revaluation Account for assistance in the revaluations and related costs or take any action thereon.

Proposed by the Board of Assessors

**Finance Committee Recommendation at Town Meeting**  
ARTICLE 26 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$3,000.00 to purchase bullet resistant vests for the officers of the Police Department, said appropriation to be used with any grants available or take any action thereon.  
  
(Note: A Federal grant is available which may reimburse the Town 50%; this grant will not be awarded until later in the budget year. The Police Department will apply for this grant and any other grants for vests.)

Proposed by the Police Chief

**Finance Committee Recommendation at Town Meeting**

ARTICLE 27 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$5,000.00 to replace the carpeting in the Library or take any action thereon.

Proposed by the Municipal and School Building Committee

**Finance Committee Recommendation at Town Meeting**

ARTICLE 28 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$8,000.00 to repair the ceiling in the Library or take any action thereon.

Proposed by the Municipal and School Building Committee

**Finance Committee Recommendation at Town Meeting**

ARTICLE 29 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$2,800.00 to install water alarms in the Police Station or take any action thereon.

Proposed by the Municipal and School Building Committee

**Finance Committee Recommendation at Town Meeting**

ARTICLE 30 To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to replace the virtual signs or take any action thereon.

Proposed by the Municipal and School Building Committee

**Finance Committee Recommendation at Town Meeting**

ARTICLE 31 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$11,500.00 to paint the ceiling, walls and trim in the Great Hall or take any action thereon.

Proposed by the Municipal and School Building Committee

**Finance Committee Recommendation at Town Meeting**

ARTICLE 32 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$35,000.00 to the "Other Post Employment Benefits Liabilities Trust Fund" or take any action thereon.

Proposed by the Finance Committee

**Finance Committee Recommendation at Town Meeting**

ARTICLE 33 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of money to purchase three (3) new chairs for the Selectmen's Meeting Room at Town Hall or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 34 To see if the Town will vote to raise and appropriate or transfer from available funds \$750.00 to purchase flag holders for patriotic celebrations or take any action thereon.

Proposed by the Holidays in Halifax

**Finance Committee Recommendation at Town Meeting**

ARTICLE 35 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$150.00 for the use of the Trustees for County Cooperative Extension Service and authorize the Selectmen to appoint a Town Director within fifteen days as provided in revised Chapter 128, Section 41 of the Massachusetts General Laws or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**



ARTICLE 36 To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$3,500.00 to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents or take any action thereon.

Proposed by Kristin True, et al.

**Finance Committee Recommendation at Town Meeting**

ARTICLE 37 To see if the Town of Halifax will vote to raise and appropriate or transfer from available funds the sum of \$3,500.00 to support South Coastal Counties Legal Services, Inc.'s continued free legal services in civil matters to elders, low-income families and their children or take any action thereon.

Proposed by Joy Marble, et al.

**Finance Committee Recommendation at Town Meeting**

ARTICLE 38 To see if the Town will vote to transfer a sum of money from the MTBE/Monponsett Pond/Water Protection Stabilization Fund to perform algae testing on Monponsett Pond or take any action thereon.

Proposed by Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 39 To see if the Town will vote to transfer a sum of money from available funds for the purpose of reducing the tax rate for the fiscal year beginning July 1, 2012 or take any action thereon.

Proposed by Gordon C. Andrews, et al.

**Finance Committee Recommendation at Town Meeting**

ARTICLE 40 To see if the Town will vote to accept Kenzies Path as a public way, as laid out by the Board of Selectmen and shown on a plan on file with the Town Clerk or take any action thereon.

Proposed by Richard Springer, Developer

**Finance Committee Recommendation at Town Meeting**

ARTICLE 41 To see if the Town will vote to accept Lamppost Drive as a public way, as laid out by the Board of Selectmen and shown on a plan on file with the Town Clerk or take any action thereon.

Proposed by Michael Peterson, Developer

**Finance Committee Recommendation at Town Meeting**

ARTICLE 42 To see if the Town will vote to accept Autumn Lane as a public way, as laid out by the Board of Selectmen and shown on a plan on file with the Town Clerk or take any action thereon.

Proposed by Barbara Howard, et al.

**Finance Committee Recommendation at Town Meeting**

ARTICLE 43 To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000.00 to complete work on the layout of Autumn Lane including, but not limited to, work on storm sewers, catch basins, drainage systems including, but not limited to, drainage systems contained in drainage easements, paving, and other work necessary to bring the layout to the standards which the Town of Halifax uses when normally accepting streets and street layouts or take any action thereon.

Proposed by Barbara Howard, et al.

**Finance Committee Recommendation at Town Meeting**

ARTICLE 44 To see if the Town will vote to accept a donation of land shown on Assessors' Map 31, Lot 253, 5,000 square feet in size on Chestnut Road, from Marie J. Valle or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 45 To see if the Town will vote to accept a donation of land, labelled as Parcel 7 on a plan entitled "Conceptual Plan of Land on Franklin Street in Halifax, Massachusetts" dated December 19, 2011, containing 24.45 acres of land off Franklin Street, from Paul Turner or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 46 To see if the Town will vote to amend the requirements of Chapter 13, Article IV, § 13-16 of the Code of the Town of Halifax or take any action thereon.

Replace the following:

There is established a Holidays in Halifax Committee consisting of three (3) members to promote the holiday spirit through the cooperation of town departments and town offices for the enjoyment of the Town of Halifax. One (1) member shall be the Fire Chief or the Chief's designee. The other two (2) members shall be appointed by the Board of Selectmen for a term of one (1) year from July 1 to June 30.

With the following:

There is established a Holidays in Halifax Committee consisting of five (5) members to promote the holiday spirit through the cooperation of town departments and town offices for the enjoyment of the Town of Halifax. The members shall be appointed by the Board of Selectmen for a term of one (1) year from July 1 to June 30.

Proposed by the Fire Chief

**Finance Committee Recommendation at Town Meeting**

ARTICLE 47 To see whether the Town will vote, as authorized by chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as chapter 6, section 172 B ½, to create the following by-law enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Pawn Dealers, and Hackney Drivers, to adopt appropriate policies and procedures to effectuate the purposes of this by-law, or take any action thereon:

Chapter 112, Section 8 – Materials and Audit Sheets

All materials taken in will be held for a minimum of thirty (30) days before resale, trade, melting, changing of appearance or other means of disposal occur.

Audit sheets shall be submitted to the Chief of Police on a weekly basis with record of all transactions, including date of sale, amount, seller's name and address, date of birth, driver's license and state of issue, itemized list and description of article. Each licensee shall also take a color photograph of each item purchased and a color photograph of each person selling items. All audit sheets are to be legible and written in English. The required reports and photographs may be stored and transmitted electronically if the format is approved by the Chief of Police.

#### Criminal History Check Authorization

The Police Department may conduct State and Federal Fingerprint Based Criminal History check for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Pawn Dealers and Hackney Drivers.

An applicant, employee or volunteer seeking to engage in the above employment shall submit, if required by the licensing authority, fingerprints taken by the Police Department along with a fee of \$100.00 (One Hundred Dollars).

Upon receipt of the fingerprints and the appropriate fee, the Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Board (CHSB). The State Police will compare the subject's fingerprints against its criminal file and then submit the fingerprints to the Federal Bureau of Investigation (FBI) for a comparison with national records. The results of the FBI check will be returned to the State Police, which will then disseminate the state and national results back to the Police Department.

In rendering a fitness determination, the Police Department will decide whether the record subject has been convicted of (or is under pending indictment for) a crime, which bears

upon his/her ability or fitness to serve in that capacity, any felony or a misdemeanor, which involved force or treat of force, controlled substances, or was a sex-related offense.

A record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must contact CHSB for a state record or the FBI for records from other jurisdictions maintained in its file.

Police Department shall establish, by rule or regulation, a civilian fingerprinting system for the purpose of conducting state and national criminal history records checks of persons applying for certain licensures within the Town. Any person applying for a license for the following activities within the Town is required to submit with the application a full set of fingerprints taken by the Boston Police Department within 6 months prior to the date of application:

- Hawking and Peddling or other Door-to-Door Salespeople;
- Pawn Dealers; and,
- Hackney Drivers.

A person applying for a license and who is required to submit a full set of fingerprints to the licensing authority, pursuant to paragraph (a) of this section, may request and receive a copy of his criminal history records from the Police Department. Should the license applicant seek to amend or correct his record, he must contact the CHSB, or its successor, for a state record or the FBI for records from other jurisdictions maintained in its file.

The fee charged to the applicant by the Police Department for the purpose of enforcing this section shall be \$100.00 (One Hundred Dollars) for each application. A portion of the fee, as specified in Chapter 172B of the Massachusetts General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund and the remainder of the fee may be retained by the Police Department for costs associated with the administration of the fingerprinting system.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, or to revoke or suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

Proposed by the Police Chief

**Finance Committee Recommendation at Town Meeting**

ARTICLE 48 To see if the Town will vote to amend the Code of the Town of Halifax by adding the following:

**Municipal Charges Lien**

1 Authority. This by-law is adopted pursuant to the authority of Massachusetts General Laws, c. 40, § 21 and c. 40, § 58 and any other relevant statutes and regulations.

1. Purpose. The purpose of the establishment of a Municipal Charges Lien is to provide a cost effective method of collecting a charge and/or fine assessed against an owner of real property in the Town who fails and/or refuses to pay said charge and/or fee when due, by placing a lien upon real estate owned by the property owner.

Charges and/or Fees. The Municipal Charges Lien shall apply to the following municipal charges and/or fees:

- (a) Charges or penalties for violations of the water use restriction by-law and regulations including interest and all costs to record said lien(s) in the Plymouth County Registry of Deeds.
- (b) Charges or penalties for violations of the zoning by-laws including interest and costs to record said liens in the Plymouth County Registry of Deeds.
- (c) Charges or penalties for violation of orders of the Building Department, including for violations of the

building code, including interest and all costs to record said lien in the Plymouth County Registry of Deeds.

- (d) Charges or penalties for violation of the rules and regulations of the Board of Health and the State Sanitation Code including interest and all costs to record said lien in the Plymouth County Registry of Deeds.
  - (e) Charges or penalties for violation of the Code of the Town of Halifax, including interest and all costs to record said lien in the Plymouth County Registry of Deeds.
  - (f) Charges or penalties for violations of the illicit discharge by-law, including interest and costs to record said lien in the Plymouth County Registry of Deeds.
  - (g) Charges and penalties for violations of the Rules and Regulations adopted pursuant to Code of the Town of Halifax, Chapter 88, Article III, (Fees) including interest and all costs to record said liens in the Plymouth County Registry of Deeds.
2. The Municipal Charges Lien will take effect upon the recording of a statement of unpaid municipal charges and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.
3. Collection of Lien
- (a) The Town Treasurer-Collector shall be in charge of collecting the lien.
  - (b) The Town Treasurer-Collector shall notify the Assessors of all unpaid tickets that have not been paid or appealed to the court at the end of each month.
  - (c) The Assessor shall prepare a statement of Municipal Charges Lien for each person from the list(s) received from the Town Treasurer-Collector or person responsible for collecting the charge or penalty and shall forward said statement of lien to the Town Treasurer-

Collector who shall cause said statement(s) to be recorded in the Plymouth County Registry of Deeds.

4. Unpaid Municipal Charges Liens

- (a) If a charge or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Town Treasurer-Collector shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the Town Treasurer-Collector as part of the tax.
  - (b) If the property to which the charge or fee relates is tax exempt, the charge or fee shall be committed as a tax on said property.
5. Release of Lien. The Municipal Charge Lien may be discharged by filing a certificate from the Town Treasurer-Collector that all municipal charges or fees constituting a lien, together with any interests and costs have been paid or legally abated.
6. Abatement. The Assessor, prior to a charge or fee being certified to the Assessors by the Town Treasurer-Collector under Section 6, may abate any charge or fee for justifiable cause which shall be effective upon the issuing of a written statement setting forth said cause, and filing of said statement with the Town Treasurer-Collector.

Or take any action thereon.

Proposed by the Board of Health

**Finance Committee Recommendation at Town Meeting**

ARTICLE 49 To see if the Town will vote to adopt new Flood Insurance Rate maps issued by FEMA by amending the requirements of Chapter 167, Article V, § 167-15 of the Code of the Town of Halifax or take any action thereon.

Replace the following:



§ 167-15. Floodplain District Regulations.

A. Floodplain District. The Floodplain District is herein established as an overlay district. The underlying permitted uses are allowed, provided that they meet the following additional requirements, as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District includes all special flood hazard areas designated as Zone A, A1 to A30, on the Town of Halifax Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps, dated July 5, 1982, on file with the Town Clerk, Planning Board and Building Inspector. These maps, as well as the accompanying Town of Halifax Flood Insurance Study, are incorporated herein by reference. The Floodplain District is shown as an overlay district on the Town of Halifax Zoning Map.

Development regulations. The following requirements apply in the Floodplain District:

(1) Within Zone A, where the base flood elevation is not provided on the **FIRM** the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.

(2) In the floodway, designated on the Flood Boundary and Flood Map, the following provisions shall apply:

(a) All encroachments including fill, new construction, substantial improvements to existing structures and other development, are prohibited unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

(b) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.

With the following:

§ 167-15. Floodplain District Regulations.

A. Floodplain District. The Floodplain District is herein established as an overlay district. The underlying permitted uses are allowed, provided that they meet the following additional requirements, as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District includes all special flood hazard areas within the Town of Halifax designated as Zone A and A1 to A30 AE, on the Town of Halifax, Plymouth County Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Halifax are panel numbers 25023C0194J, 25023C0213J, 25023C0214J, 25023C0218J, 25023C0306J, 25023C0307J, 25023C0308J, 25023C0309J, 25023C0326J, 25023C0327J and 25023C0328J, dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report, dated July 17, 2012, on file with the Town Clerk, Planning Board and Building Inspector. These maps, as well as the accompanying Town of Halifax Plymouth County Flood Insurance Study, are incorporated herein by reference. The Floodplain District is shown as an overlay district on the Town of Halifax Zoning Map.

B. Development regulations. The following requirements apply in the Floodplain District:

- (1) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or

floodproofing requirements, as appropriate, of the State Building Code.

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

(3) In the floodway, designated on the Flood Boundary and Flood Insurance Rate Map, the following provisions shall apply:

- (a) All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.
- (b) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.

(4) 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.

#### C. Notification of Watercourse Alteration

In a riverine situation, the Town of Halifax shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities;

- NFIP 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 I, 99 High Street, 6<sup>th</sup> Floor, Boston, MA 02110;  
Use Regulations. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR);
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

E. Permitted Uses. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- (1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- (2) Forestry and nursery uses.
- (3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- (4) Conservation of water, plants, wildlife.
- (5) Wildlife management areas, foot, bicycle and/or horse paths.

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- (6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
- (7) Buildings lawfully existing prior to the adoption of these provisions.

F. Definitions. The following definitions are limited in meaning to Chapter 167-15 of the Code of the Town of Halifax and are referenced in the National Floodplain Insurance Program regulations and the Massachusetts State Building Code.

AREA OF SPECIAL FLOOD HAZARD - Is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A or AE.

BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT - Means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) - Means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - Means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water

surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

**FLOODWAY** - Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

**LOWEST FLOOR** - Means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

**NEW CONSTRUCTION** - Means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

**ONE-HUNDRED-YEAR FLOOD** - See BASE FLOOD.

**REGULATORY FLOODWAY** - See FLOODWAY

**SPECIAL FLOOD HAZARD AREA** - Means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A or AE.

**STRUCTURE** - Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE - Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A - Means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) - Means the 100-year floodplain where the base flood elevation has been determined.

ZONE X - Are areas identified in the community Flood Insurance Study as areas of moderate or

minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

Proposed by the Planning Board

**Finance Committee Recommendation at Town Meeting**

ARTICLE 50 To see if the Town will vote to provide the authority for the Board of Selectmen (or their designee, The Board of Assessors) to negotiate the proposed Solar Energy PILOT Agreement on behalf of the Town or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 51 To see if the Town will vote to transfer from available funds the sum of \$238.97 to pay a Fiscal Year 2010 bill to Plymouth Bay Orthopedic Associates for the deductible portion of a 111F claim or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 52 To see if the Town will vote to transfer from available funds the sum of \$101.86 to pay a Fiscal Year 2011 bill to Margret Logan for costs not reimbursed under a 111F claim or take any action thereon.

Proposed by the Board of Selectmen

**Finance Committee Recommendation at Town Meeting**

ARTICLE 53 To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund in accordance with Chapter 40, Section 5B of the Massachusetts General Laws or take any action thereon.

Proposed by the Finance Committee

**Finance Committee Recommendation at Town Meeting**



**And on Saturday, May 19, 2012 from 10:00 a.m. to 6:00 p.m. to meet at the Halifax Elementary School:**

ARTICLE 54 To see if the Town will vote to elect one Assessor for three years, one Board of Health member for three years, two Halifax Elementary School Committee members for three years, two Holmes Public Library Trustees for three years, one Moderator for three years, one Park Commissioner for three years, one Planning Board member for one year, one Planning Board member for five years, one Selectman for three years, one Silver Lake School Committee member for three years, one Town Clerk for three years, one Treasurer/Collector for three years and one Water Commissioner for three years.

Yes \_\_\_\_\_ No \_\_\_\_\_