

**TOWN OF MATTAPOISETT
ANNUAL TOWN MEETING
MAY 11, 2009**

The Annual Town Meeting was called to order at Old Rochester Regional High School Auditorium at 7:00 pm on May 11, 2009 by the Moderator, John A. Eklund. The Moderator declared that a quorum was present. Town Clerk, Barbara A. Sullivan, read the return of Service.

A motion was made, by Selectman Jordan C. Collyer, "I move that the Moderator is hereby relieved from reading each article in its entirety and is allowed to refer to them by title and number". The motion was seconded and passed.

ARTICLE 1: ELECTED OFFICERS' COMPENSATION:

Voted for the town to fix the salaries of elected officers of the town for Fiscal Year 2010 as follows:

Moderator	\$ 200.00
Board of Selectmen, Chairman	\$ 3,700.00
Board of Selectmen, Members - each	\$ 3,300.00
Assessor - each	\$ 3,300.00
Town Clerk	\$48,110.00
Board of Health - each	\$ 400.00
Highway Surveyor	\$64,380.00
Mattapoisett School Committee - each	\$ 400.00
Water/Sewer Commissioner - each	\$ 400.00
Tree Warden	\$ 7,004.00
Herring Inspector	\$ 730.00

Unanimous Vote

ARTICLE 2: GENERAL OPERATING BUDGET: Voted for the Town to defray general operating expenses of the Town for Fiscal Year 2010, including debt and interest, the money to be raised by taxation, borrowing, or transfer from available funds.

ARTICLE 2: BALANCED BUDGET. Voted for the Town to appropriate the sum of \$20,297,749.00 to defray charges and expenses of the Town for FY 2010 for the purposes and amounts set forth in the General Operating Budget as presented at this meeting in Attachment A, Annual Town Meeting Warrant, and to meet that appropriation the sum of \$19,603,395.00 be raised within the levy limit, the sum of \$210,000.00 be transferred from receipts reserved for appropriation (Ambulance), the sum of \$125,000.00 be transferred from Fund Balance Reserved for Overlay Surplus, the sum of \$55,290.00 be transferred from revenues of the Sanitary Landfill Enterprise Fund, the sum of \$95,297.00 be transferred from revenues of the Sewer Enterprise Fund, the sum of \$147,726.00 be transferred from revenues of the Water Enterprise Fund, the sum of \$53,541.00 be transferred from revenues of the Waterfront Enterprise Fund, and the sum of \$7,500.00 be transferred from the Priscilla Webster Trust.

And further, for Enterprise Funds, I move that the Town vote to appropriate the following sums of money as presented at this meeting for the following:

- 1) Appropriate the sum of \$151,690.00 to defray the expenses of operating the Sanitary Landfill Enterprise for FY 2010, the sum of \$80,000.00 to be provided from Revenues of the Sanitary Landfill Enterprise Fund; \$50,085.00 from Sanitary Landfill Retained Earnings; and the sum of \$21,605.00 to be raised within the levy limit; and
- 2) Appropriate \$1,348,712.00 to defray the expenses of the Water Enterprise Fund, the sum of \$1,272,835.00 to be provided from revenues of the Water Enterprise Fund; and \$75,877.00 to be provided from Water Retained Earnings; and
- 3) Appropriate \$1,441,124.00 to defray expenses of the Sewer Enterprise Fund, the sum of \$1,236,979.00 to be provided from revenues of the Sewer Enterprise Fund; and \$204,145.00 from Sewer Retained Earnings; and
- 4) Appropriate the sum of \$131,400.00 to defray expenses of the Waterfront Enterprise Fund, the sum of \$81,400.00 to be provided from revenues of the Waterfront Enterprise Fund, the sum of \$30,000.00 to be provided by transfer from Waterfront Unreserved Retained Earnings, and the sum of \$20,000.00 to be provided by transfer from the Municipal Waterways Fund.

YES 375 NO 0

A motion was made, seconded and passed at 7:35 pm. to recess the Annual Town Meeting for the purpose of opening and conducting the necessary business of a Special Town Meeting.

The second session of the Annual Town Meeting was called to order at 7:56pm.

ARTICLE 3: CAPITAL IMPROVEMENT PLAN: Voted for the Town to receive the Five Year Capital Improvement Plan as presented by the Capital Planning Committee.

The recommended Capital Plan is shown in Attachment B.

YES 375 NO 0

ARTICLE 4: CAPITAL PLAN: Voted for the Town to appropriate the following sums of money for the purpose of replacing aging and obsolete vehicles and equipment as described below.

a.	Fire Department – Brush Truck	\$40,000.00
b.	Town Hall – Replace Emergency Generator	\$37,500.00
c.	Police Department - Replace Cruiser	\$30,000.00
d.	Fire Department – Replace Doors and Windows	\$25,000.00
	TOTAL	\$132,500.00

and to meet these appropriations, the following sums to be transferred from balances remaining in the following articles;

ARTICLE	TOWN MEETING DATE	PURPOSE	AMOUNT TO TRANSFER
	Capital Stabilization Fund		\$102,820.00
	FY 2009 Free Cash		\$ 24,407.26
16	STM October 2004	Fire Department Vehicle	\$ 1,823.52
5	STM March 2005	Fire Department Building Design	\$ 2,950.00
4	ATM May 2007	Fire Department Vehicle	\$ 499.22

YES 375 NO 0

ARTICLE 5: CAPITAL PLAN - WATER MAIN REPLACEMENT AT BAYSIDE MEADOWS:

Voted for the Town to appropriate \$100,000.00 to replace a portion of water main at Bayside Meadows. The sum of \$100,000.00 to be transferred from Water Sewer retained earnings.

YES 370 NO 0

ARTICLE 6: CAPITAL PLAN – PURCHASE LAND: Voted for the Town to authorize the Board of Water and Sewer Commissioners to acquire by purchase, for passive recreation, conservation and water supply protection purposes, the fee simple interest in 29.75 acres of land, more or less, located east of Long Plain Road and shown as Lot 1 on Assessor's Map 24, for the sum of \$460,000.00, that the Commissioners shall hold such land for water protection purposes, pursuant to the provisions of G.L. c.40, §41, but such land shall be made available to the public for passive recreational use that is consistent with protection of the water supply and the provisions of 310 C.M.R. 22.00, and shall expressly be considered conservation land protected by Article 97 of the Amendments of the Constitution of the Commonwealth, and that the Water and Sewer Commissioners and the Board of Selectmen, and each of them be and hereby are authorized to enter into any and all agreements and execution of such instruments in the name of the Town as may be necessary to effect such purpose, and the sum of \$460,000.00 be and hereby is appropriated for such purpose, including legal and other transfer expenses, of which \$230,312.00 shall be funded by a grant from the Commonwealth as the Drinking Water Supply protection Grant, and the balance of \$229,688.00 shall be funded by a grant from the Mattapoissett River Valley Advisory Committee. The sum of \$460,000.00 shall be funded by grants.

YES 368 NO 2

ARTICLE 7: CAPITAL PLAN – SEWER EXTENSION PROJECT:

I move that the Town vote to appropriate \$4,200,000.00, for the purpose of financing the construction of a Sewer Extension Construction project (project is defined to provide and make available connections for sewer service on all or parts of the following streets: Antassawamock Road, Sagamore Road, Mattakiset Road, Nashawena Road, Anawan Road, Massasoit, Camanset Road, Shawmut Road, Samoset Road, King Philip Road, Quansett East, Seaconet Road, Shoreview Avenue, Port Way, Leeward Way, Windward Way, Starboard Way, and Marshmere) including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow a sum of money and issue bonds or notes therefore under Chapter 44, Sections 7 or 8 of the General Laws or Chapter 29C of the General Laws or any other enabling authority and that such bonds or notes shall be general obligations of the Town; betterments shall be assessed using the uniform unit method so as to provide sufficient funds to ensure that the entire project cost, including principal and interest payable on any borrowing associated with this project, will be assessed to all properties having frontage upon the streets within the project area listed above, or otherwise benefiting from the Sewer Extension Project, regardless of whether or when the connection to the said Extension Project is made; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid (by loan, grant or other means) available for the project or the financing thereof; the Board of Water/Sewer Commissioners is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and take any other action necessary to carry out the project .

A motion was made by Richard Mitchell to the amend the motion by adding (on line 15 after the word made;)A provision will be made to allow certain property owners within the defined project area to opt out of the project. This provision shall apply to properties with TitleV compliance sewage disposal systems and sufficient, suitable land to expand said systems in the future. Amendment failed, 322 NO to 28 YES.

Article failed 2/3 vote
YES 166 NO 102

ARTICLE 8: SEWER ENVIRONMENTAL IMPACT STUDY: Voted for the Town to appropriate the sum of \$150,000.00 for the purpose of paying the cost of conducting a sewer environmental impact study as required by the Massachusetts Department of Environmental Protection (DEP) and the Massachusetts Environmental Policy Act Office (MEPA). The sum of \$150,000.00 be transferred from retained earnings of the Sewer Enterprise Fund.

YES 149 NO 1

ARTICLE 9: DINGHY DOCK AND SLIP SPACE EXPANSION PROJECT: Voted for the Town to appropriate \$250,000.00 for the purpose of designing, permitting and constructing a dinghy dock at Mello Wharf, and for that purpose the sum of \$20,000.00 be transferred from the Municipal Waterways Fund, and further to meet the balance of this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow a sum of money and issue bonds or notes therefore under Chapter 44, Section 7 of the General Laws or any other enabling authority and that such bonds or notes shall be general obligations of the Town with debt service to be paid from the Waterfront Enterprise. The sum of \$20,000.00 to be transferred from the Municipal Waterways Fund.

YES 145 NO 1

ARTICLE 10: MAINTAIN WHARVES AND FLOATS: Voted for the Town to appropriate the sum of \$20,000.00 for the purpose of maintaining wharves, floats and related facilities, The sum of \$20,000.00 be transferred from Retained Earnings of the Waterfront Enterprise.

YES 140 NO 0

Town meeting recessed at 10:20PM.

Second night of Town Meeting resumed at 7:05 PM with a quorum present.

ARTICLE 11: ASSESSOR'S REVALUATION AND CYCLICAL INSPECTION: Voted for the Town to appropriate from available funds the sum of \$35,000.00 for the purpose of paying the cost of cyclical inspections and revaluation. The sum of \$35,000 to be transferred from Overlay Reserve.

YES 96 NO 4

ARTICLE 12: ACCRUED EMPLOYEE BENEFITS: Voted for the Town to appropriate the sum of \$10,000.00 for the purpose of paying the cost of retirement/post retirement benefits to eligible employees. The sum of \$10,000 to be transferred from FY 2009 Free Cash.

YES 102 NO 0

ARTICLE 13: ENGINEERING, MATTAPOISETT BIKE PATH PHASE 1B: Voted for the Town to appropriate from available funds the sum of \$40,000.00 for the purpose of paying the cost of engineering, design, permitting and/or related expenses for the Mattapoisett Bike Path Phase 1B, extending from Mattapoisett Neck Road to Depot Street, generally following the former New York New Haven Railroad Right of Way and Railroad Avenue. The sum of \$40,000 to be transferred from FY 2009 Free Cash.

YES 133 NO 1

ARTICLE 14: BUZZARDS BAY ACTION COMMITTEE (BBAC) ASSESSMENT: Voted for the Town to appropriate the sum of \$620.00 for the purpose of paying the cost of the BBAC assessment for FY 2010. The sum of \$620.00 to be transferred from FY 2009 Free Cash.

YES 134 NO 0

ARTICLE 15: WOMENS' CENTER: Voted for the Town to appropriate the sum of \$2,000.00 for the purpose of funding domestic violence and sexual assault programs pursuant to a grant agreement between the Town of Mattapoisett and the New Bedford Women's Center for FY 2010. The sum of \$2,000.00 to be transferred from FY 2009 Free Cash.

YES 134 NO 0

ARTICLE 16: COMMUNITY PRESERVATION FUND: Voted for the Town to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for administrative expenses, community preservation projects and other expenses in fiscal year 2010, with each item to be considered a separate appropriation:

Appropriations:

From FY 2010 estimated revenues for Committee administrative expense \$1,000.00

Reserves:

From FY 2010 estimated revenues for Historic Resources Reserve \$12,825.82

From FY 2010 estimated revenues for Community Housing Reserve \$12,825.82

From FY 2010 estimated revenues for Open Space Reserve \$12,825.82

From FY 2010 estimated revenues for Budgeted Reserve \$88,780.79

YES 140 NO 0

ARTICLE 17: COMMUNITY PRESERVATION PROJECT: Voted for the Town to transfer from available funds, including the Community Preservation Fund, the sum of \$10,000.00 for the purpose of paying the cost of preserving historic Town Records in the custody of the Town Clerk. The sum of \$10,000.00 to be transferred from Community Preservation Fund Historic Resources Reserve.

YES 140 NO 0

ARTICLE 18: COMMUNITY PRESERVATION PROJECT: Voted for the Town to appropriate the sum of \$35,000.00 for the purpose of paying the cost of engineering, design, permitting and/or related expenses for the creation of the Mattapoisett Bike Path Phase 1B, extending from Mattapoisett Neck Road to Depot Street, generally following the former New York New Haven Railroad Right of Way and Railroad Avenue. The sum of \$35,000.00 be transferred from Community Preservation Funds Budgeted Reserve.

YES 138 NO 2

ARTICLE 19: COMMUNITY PRESERVATION ACT: Voted for the Town to amend its acceptance of the Community Preservation Act , MGL Chapter 44B, sections 3-7 inclusive, by accepting provisions of MGL Chapter 44B, Section 3 (e) (1) to exempt from the Community Preservation Act Surcharge property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town, provided, however, that such change shall not take effect until approved by the voters at the 2010 Annual Town Election.

YES 138 NO 2

ARTICLE 20: COMMUNITY PRESERVATION BY-LAW: Voted for the Town to amend the Community Preservation By-law by increasing the voting membership of the Community Preservation Committee from seven members to nine members, and by increasing the number of elected members from two members to four members, provided, however, that initially, one new member shall be elected for a one-year term, and one for a two-year term, as follows (with underlined text to be inserted and strikethrough text to be deleted):

Chapter 1: Establishment - There is hereby established a Community Preservation Committee, consisting of ~~seven (7)~~ nine (9) voting members pursuant to MGL Chapter 44B (the "Act"). The composition of the committee, the appointment authority and the term of office or the committee members shall be as follows:

One member of the Mattapoisett Conservation Commission as designated by that Commission, one member of the Mattapoisett Historical Commission as designated by that Commission, one member of the Mattapoisett Planning Board as designated by that Board, one member of the Mattapoisett Recreation Committee as designated by that Committee, one member of the Mattapoisett Housing Authority as designated by the Authority and ~~two-four~~ two members to be elected at large from the registered voters from the Town of Mattapoisett. The members appointed by the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee and the Housing Authority shall be appointed annually for a term of one year. ~~The two persons initially elected shall be elected for terms of two and one year respectively. Thereafter, elected members shall be elected for two-year terms, with two members elected each year.~~ After the initial appointment or election of the members of the committee, any vacancy occurring in the committee from any cause may be filled for the remainder of the unexpired term by the omission, board or authority, as the case may be, which made the initial appointment, or the Board of Selectmen, for the remainder of the unexpired term. Such appointment shall be made not less than seven days following notice of intent to fill vacancy."

YES 140 NO 0

ARTICLE 21: CAPITAL STABILIZATION FUND: Voted for the Town to appropriate the sum of \$103,698.74 for appropriation to the Capital Stabilization Fund, The sum of \$103,698.74 be transferred from FY 2009 Free Cash.

YES 140 NO 0

ARTICLE 22: ESTABLISH DEPARTMENTAL RESERVE- WATER ENTERPRISE: Voted for the Town to appropriate the sum of ten thousand dollars (\$10,000.00) to the FY 2010 Water Enterprise Reserve Fund. The sum of \$10,000.00 to be transferred from Water Enterprise Retained Earnings.

YES 140 NO 0

ARTICLE 23: ESTABLISH DEPARTMENTAL RESERVE - SEWER ENTERPRISE: Voted for the Town to appropriate the sum of ten thousand dollars (\$10,000.00) to the FY 2010 Sewer Enterprise Reserve Fund. The sum of \$10,000.00 to be transferred from Sewer Enterprise Retained Earnings.

YES 140 NO 0

ARTICLE 24: ESTABLISH REVOLVING FUND – TRANSFER STATION: Voted for the Town to establish a Wood Waste Recycling Revolving Account pursuant to MGL c44 §53 ½ entitled "Wood Waste Recycling" for the purpose of receiving payments of tipping fees generated from wood waste, with a Thirty thousand dollar (\$30,000.00) spending limit, said funds to be expended by the Board of Health to cover the cost of contractual services related to wood waste recycling.

YES 140 NO 0

ARTICLE 25: STREET ACCEPTANCE – HITCHING POST ROAD: Voted for the Town vote to accept Hitching Post Road, as laid out by the Board of Selectmen, as a public way, and authorize the Board of Selectmen to acquire by gift, purchase or eminent domain land or rights in land within said way as so laid out for all purposes for which public ways are used in the Town of Mattapoisett.

YES 139 NO 1

ARTICLE 26: HOME RULE PETITION: Voted for the Town to authorize the Board of Selectmen to file a home rule petition with the General Court in the form set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill enactment by the General Court; and further, to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

AN ACT RELATIVE TO THE INTEREST RATE TO BE CHARGED UPON
APPORTIONED BETTERMENT ASSESSMENTS FOR WATER AND
SEWER PROJECTS IN THE TOWN OF MATTAPOISETT

Section 1: Notwithstanding the provisions of any general or special law to the Contrary, the town of Mattapoisett shall assess interest on apportionments of Sewer and water betterment assessments at the actual rate of interest chargeable to the Town for the betterment project to which said assessment relates.

Section 2: If upon the effective date of this act assessments have already been Apportioned for Mattapoisett River Basin Sewer Project and the Buzzards Bay Sewer Extension Project Phases 1 and II, Route Six, Brandt Beach and one or more portions with interest at the rates allowed under section 13 of chapter 80 of the general laws have been added to the annual tax assessed with respect to the assessed properties, then from the first day of October after the effective date of this act, such apportioned assessments shall bear interest at the rate authorized by Section 1 of this act.

Section 3: This act shall take effect upon its passage.

YES 140 NO 0

ARTICLE 27: – PERSONNEL BY-LAW – Amendment: Voted for the Town to amend the Personnel By-law by exempting the positions of Building Inspector and Library Director from the Wage and Salary schedule.

YES 140 NO 0

ARTICLE 28: DEMAND FEES: Voted for the Town to increase from \$5.00 to not more than \$15.00 the Demand Fee charged for each written demand issued by the Collector of Taxes for unpaid and/or delinquent taxes to be added to and collected as part of the tax, as authorized by MGL Chapter 60, Section 15, effective as of July 1, 2009.

A motion was made by Dan Goodman- I move that the Town vote to decrease from \$5.00 to zero the Demand Fee.
Motion failed. Yes 2 No 130

Main motion passed YES 120 NO 5

A motion was made, seconded and passed to adjourn at 8:55 PM.

CERTIFIED TO BE A TRUE RECORD:

ATTEST:

Barbara A. Sullivan CMC/CMMC
Mattapoisett Town Clerk